



R E S U L T S

98th CONFERENCE  
AND RELATED MEETINGS

OF THE

INTER-PARLIAMENTARY UNION

*CAIRO (EGYPT)*

*7 - 16 SEPTEMBER 1997*

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## A. 98th INTER-PARLIAMENTARY CONFERENCE<sup>1</sup>

The 98th Inter-Parliamentary Conference began its work in the Cairo International Conference Centre on the afternoon of 11 September by **electing by acclamation Mr. A.F. Sorour, Speaker of the Egyptian People's Assembly, as its President.**

On the afternoon of 14 September, the Conference heard a statement by **Mr. A. Moussa, Minister of Foreign Affairs of the Arab Republic of Egypt**, who informed delegates of his country's foreign policy on the major issues on the international agenda, with special reference of the Middle East peace process.

### 1. INAUGURAL CEREMONY

The 98th Inter-Parliamentary Conference was inaugurated at a ceremony held in the Cairo International Conference Centre, in the presence of **H.E. Mr. Mohamed Hosni Mubarak, President of the Arab Republic of Egypt**. During the ceremony, which was opened at 11.30 a.m., the delegates heard statements from Mr. A.F. Sorour, in his capacity as Speaker of the People's Assembly of Egypt and separately as President of the Inter-Parliamentary Council; Mr. V. Petrovsky, Under-Secretary-General of the United Nations and Director General of the United Nations Office in Geneva, who delivered the message of the UN Secretary-General, Mr. K. Annan. The ceremony concluded with an important speech by H.E. Mr. Mohamed Hosni Mubarak.

Extracts from the speeches delivered on that occasion will be published in the Inter-Parliamentary Bulletin (N° 2, 1997).

### 2. PARTICIPATION

The **Parliaments** of the following 128 countries took part in the work of the Conference<sup>2</sup>: Albania, Algeria, Andorra, Angola, Argentina, Armenia, Australia, Austria, Azerbaijan, Bangladesh, Belarus, Belgium, Benin, Bolivia, Botswana, Brazil, Bulgaria, Burkina Faso, Cambodia, Cameroon, Canada, Cape Verde, Chile, China, Colombia, Costa Rica, Croatia, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Denmark, Djibouti, Ecuador, Egypt, El Salvador, Estonia, Ethiopia, Fiji, Finland, France, Gabon, Georgia, Germany, Ghana, Greece, Guatemala, Guinea, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Israel, Italy, Japan, Jordan, Kazakstan, Kuwait, Kyrgyzstan, Latvia, Lebanon, Libyan Arab Jamahiriya, Lithuania, Luxembourg, Malawi, Malaysia, Mali, Malta, Mauritania, Mauritius, Mexico, Monaco, Mongolia, Morocco, Mozambique, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Norway, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Rwanda, San Marino, Senegal, Singapore, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Sudan, Suriname, Sweden, Switzerland, Syrian Arab Republic, Tajikistan, Thailand, The former Yugoslav Republic of Macedonia, Togo, Tunisia, Turkey, Uganda, United Kingdom, United Republic of Tanzania, Uruguay, Uzbekistan, Venezuela, Viet Nam, Yemen, Yugoslavia, Zambia, Zimbabwe.

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

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

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

The **observers** included representatives of: (i) Palestine, (ii) The United Nations Organization - United Nations, Joint United Nations Programme on HIV/AIDS, United Nations Children's Fund (UNICEF) - as well as the International Labour Organisation (ILO), the Food and Agriculture Organization of the United Nations (FAO), the United Nations Educational, Scientific and Cultural Organization (UNESCO), the World Health Organization, the World Bank, the International Fund for Agricultural Development (IFAD), and the United Nations Conference on Trade and Development (UNCTAD), (iii) the International Organization for Migration (IOM), and the League of Arab States, (iv) the Amazonian Parliament, the Arab Inter-Parliamentary Union, the Association of European Parliamentarians for (Southern) Africa (AWEPA), the Central American Parliament, the European Parliament, the International Assembly of French-Speaking Parliamentarians, the Inter-Parliamentary Assembly of the Commonwealth of Independent States (CIS), the Inter-Parliamentary Council against Antisemitism, the Nordic Council, the Parliamentary Assembly for Black Sea Economic Co-operation (PABSEC), Parliamentary Assembly of the OSCE, the Parliamentary Association for Euro-Arab Co-operation (PAEAC) and the Union of African Parliaments (UAP), and (v) Amnesty International, the International Committee of the Red Cross (ICRC), and the International Federation of Red Cross and Red Crescent Societies.

Representatives of the Parliament of Haiti attended the Conference as observers. Secretaries General of the Parliaments of Lesotho and the United Arab Emirates also attended the session.

There was a total of 1,224 delegates, including 683 parliamentarians and 69 delegates attending as observers.

### 3. SELECTION OF A SUPPLEMENTARY ITEM

When this question was taken up on the afternoon of 11 September, the Conference had before it **ten requests for the inclusion of a supplementary**. The Conference first heard statements from the sponsors of the items. During these presentations, six Groups withdrew their requests as follows: the Group of Kuwait withdrew its request concerning *«The role of parliamentarians in keeping the world in general and the Middle East in particular free from nuclear and other weapons of mass destruction on the eve of the 21<sup>st</sup> century»* in favour of the item proposed by the Group of Lebanon; the Groups of Hungary and Belgium withdrew their proposal for an item on *«Contribution of Parliaments: 1. To the prevention of conflicts in pluri-ethnic countries; 2. To the restoration of peace and confidence between the different ethnic groups in countries emerging from civil war (for example, former Yugoslavia and the Great Lakes region in Africa), to the return of refugees to their countries of origin, to the strengthening of democratic processes and the hastening of reconstruction»* in favour of the Australian Group's proposal; the Group of the Libyan Arab Jamahiriya withdrew its request concerning *«The need to lift the air embargo and other measures imposed on the Libyan Arab Jamahiriya»* in favour of the item proposed by the Group of Lebanon; the Group of Iraq withdrew its proposal concerning *«The responsibility of the United Nations for safeguarding Iraq's unity and sovereignty»* in favour of the item proposed by the Group of Lebanon; the Group of Germany withdrew its request for an item on *«Surplus weapons disposal and international ecological security»* in favour of the subject proposed by the Australian Group; and the Group of the Islamic Republic of Iran withdrew its request concerning *«The need for worldwide pressure to halt all Jewish settlement activities in the Holy City of Al-Qods and other occupied Palestinian territories»* in favour of the item proposed by the Group of Lebanon.

The Conference therefore had before it four requests and proceeded to vote on them by means of a single roll-call with the following results:

- The item proposed by the Group of **Guatemala** concerning « *The worldwide socio-economic impact of HIV/AIDS and action by parliaments* » received 996 votes to 129, with 372 abstentions (see details of the vote in Annex II-A);

- The item proposed by the Group of **Australia** on « *The need to eliminate all commercial and other forms of sexual exploitation of children and for the establishment of uniform laws to prohibit this indefensible violation of human rights of children* » received 1,179 votes to 106, with 182 abstentions (see details of the vote in Annex II-B);

- The item proposed by the Group of the **United Kingdom** concerning « *Climate change - The need for urgent action to avoid catastrophic climate change which is recognised as one of the greatest environmental threats to mankind and could have far-reaching disruptive effects on human society, the global economy, human health and the natural environment* » received 993 votes to 121, with 353 abstentions (see details of the vote in Annex II-C);

- The subject proposed by the Group of **Lebanon** concerning « *Support for Lebanon in its continuous effort to implement UN Security Council resolution 425 adopted in March 1978* » received 679 votes to 219 with 569 abstentions (see details of the vote in Annex II-D).

**The request from the Australian Group having received not only the necessary two-thirds majority but also the highest number of positive votes was added to the agenda as item 7 (see paragraph 4(d) below).**

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

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

The General Debate on the political, economic and social situation in the world was held throughout Friday 12 September, from 4 p.m. to 6 p.m. on Saturday 13 September and on the morning and afternoon of Sunday 14 September. A total of 134 speakers from 109 delegations took part in the debate.

##### **(b) Ensuring lasting democracy by forging close links between parliament and the people** (Item 4)

This item was considered on 12 and 14 September by the **IInd Committee** (on Parliamentary, Juridical and Human Rights Questions) which met under the chairmanship of Mr. J. T. Nonô (Brazil). The Committee had before it **11 memoranda** presented by the Groups of Burkina Faso, Canada, Costa Rica, Egypt, India, Iraq, Morocco, Russian Federation, Switzerland, Tunisia and the Parliamentary Assembly of the Council of Europe; and **12 draft resolutions** submitted by the Groups of Canada, Cuba, Egypt, France, Germany, India, Indonesia, Iraq, Kuwait, Russian Federation, Senegal and Switzerland as well as a proposal presented by the Group of Sweden for inclusion in the final draft resolution.

A total of 52 speakers took part in the debate which was held throughout 12 September. The sitting ended with the appointment of a **drafting committee** composed of delegates from the Groups of Australia, Burkina Faso, Egypt, Finland, Indonesia, New Zealand, Russian Federation, South Africa, Switzerland, Uruguay and Venezuela. This drafting committee began its proceedings on 13 September with the election of **Mr. I. Sinclair (Australia)** as its **President** and **Mrs. D. Awatare Huata (New Zealand)** as **Rapporteur**. It took the draft resolution submitted by the German Group as a working basis. It then drew extensively from the other texts notably from those of Canada and France. Several contributions from members of the committee

were also taken on board. At the end of its deliberations, the committee adopted the final text unanimously.

On the morning of 14 September, the IInd Committee heard the report of the drafting committee and then examined each of the paragraphs of the proposed text. Several amendments were adopted while two new paragraphs were included in the preambular and operative parts of the final draft which was then **adopted without a vote by the entire Committee**. The Committee then held the statutory election of its officers (see section E.6).

On the afternoon of 15 September, Mrs. D. Awatare Huata submitted the IInd Committee's draft to the Conference, which **adopted the resolution without a vote** (see text of resolution in Annex III).

(c) **Employment in a globalising world** (Item 5)

This item was considered on 13 and 15 September by the **IIIrd Committee** (on Economic and Social Questions) which met under the presidency of Mr. H. Kemppainen (Finland). The Committee had before it **16 memoranda**, presented by the Groups of the following countries, two individual MPs and one associate member: Argentina, Burkina Faso, Canada, Chile, Costa Rica, Egypt, France, Hungary, Iraq, Japan, Morocco, Tunisia and Venezuela, by Mr. C. Becerra (Argentina), Mr. L.A. Leon (Argentina) and by the Parliamentary Assembly of the Council of Europe; **two information documents** presented by the International Labour Office and the Department of Economic and Social Affairs of the United Nations; as well as **15 draft resolutions** presented by the Groups of Argentina, Canada, Chile, Denmark, Egypt, France, Germany, Indonesia, Iraq, Kuwait, Netherlands, Russian Federation, Senegal, United Kingdom and Venezuela.

A total of 67 speakers took part in the debate which was held on the morning and afternoon of 13 September and was introduced by Mr. J. Langmore, Director of the Division for Social Policy and Development of the United Nations. Before the lunch break, the Committee appointed a **drafting committee** composed of representatives of the Groups of the following 11 countries: Algeria, Argentina, Australia, Brazil, Canada, Egypt, Finland, Indonesia, Kazakstan, Netherlands and Uganda. The drafting committee met throughout 14 September and elected **Ms. F. De Poole (Netherlands)** as its **President** and **Mr. C. Hubbard (Canada)** as its **Rapporteur**. The drafting committee took the draft of the Group of Egypt as the basis for its deliberations but also drew extensively on many of the other texts which were before it. The resulting consolidated draft was adopted without a vote.

At its sitting on the morning of 15 September, the IIIrd Committee considered the text presented by the drafting committee. During the meeting, the Committee dealt with a number of amendments, the fate of eight of which was decided through votes (two were carried and six defeated). The text as a whole was then **adopted by 57 votes** with **2 abstentions**. Thereafter, the Committee held the statutory election of its officers (see section E.6).

On the afternoon of 15 September, **Mr. C. Hubbard** presented the IIIrd Committee's draft resolution to the Conference, which **adopted it without a vote** (see text of the resolution in Annex IV). The delegation of Belgium thereafter took the floor to explain its vote and outline reservations on operative paragraphs 9 and 12 of the resolution.



(d) **The need to eliminate all commercial and other forms of sexual exploitation of children and for the establishment of uniform laws to prohibit this indefensible violation of human rights of children** (Item 7)

Having decided to add this item to its agenda, the Conference referred it to the **IInd Committee** (on Parliamentary, Juridical and Human Rights Questions). The Committee examined the item on 13 and 15 September under the chairmanship of its President, Mr. J.T. Nonô (Brazil). It had before it **one draft resolution** submitted by the Group of Australia.

On the morning of 13 September, the Committee held a debate on the subject, in which 22 speakers participated. At the close of the discussion, it designated a **drafting committee** composed of representatives of the Groups of the following seven countries: Australia, Belgium, Guatemala, India, Sweden, Tunisia and United Kingdom. This committee, joined by a representative of UNICEF in an observer capacity, met on the morning of 14 September and started its sitting by electing **Mr. B. Halverson (Australia)** as **President** and **Mr. G. Versnick (Belgium)** as **Rapporteur**. It examined the Australian draft paragraph by paragraph and adopted a number of amendments tabled by the participants, including two new operative paragraphs authored by the Belgian and Guatemalan delegations.

On the morning of 15 September, the IInd Committee, after having heard the report by the Rapporteur on the work of the drafting committee, proceeded to examine the consolidated text in detailed fashion. One amendment put forward by the Finnish delegation was approved without dissent. This entailed the insertion of the sixth preambular paragraph referring to the Parliamentary Assembly of the Council of Europe. Thereafter, the draft resolution as a whole was **unanimously adopted**.

Mr. Versnick presented the draft text to the Conference for approval at its last plenary sitting, on the afternoon of 15 September. It was then **adopted without a vote** (see text of the resolution in Annex V).

(e) **Amendment to Article 20.2 of the Union's Statutes** (Item 6)

At the last sitting on 15 September, the President noted that this question would be **referred to the 99th Conference for decision** since the Statutes required that the Inter-Parliamentary Council express an opinion on amendments before they were considered by the Conference, and the Council would not take up the matter until the following day (see Section B.17).

## B. 161st SESSION OF THE INTER-PARLIAMENTARY COUNCIL

The Inter-Parliamentary Council held its 161st session in the Cairo International Conference Centre on 11 and 16 September 1997 with its President, Mr. A.F. Sorour (Egypt), in the chair.

On a proposal made by the President towards the end of the second sitting, the Council addressed a **message of thanks to the President of the Arab Republic of Egypt, H.E. Mr. Mohamed Hosni Mubarak**, for having honoured the Union by inaugurating the 98th Conference and expressed its support for his sustained efforts to secure peace and stability in the Middle East.

At the close of the session, Mr. G. Haarde (Iceland), Vice-President of the Executive Committee, paid **tribute to Mr. Sorour for the work accomplished during his term of office as Council President** and, on behalf of the Union, presented him with a silver and ebony gavel and a signed photograph of the members of the Executive Committee. He also **welcomed the newly-elected President, Mr. M.A. Martinez (Spain)**. (For details of the election of the new Council President, see Section E.2).

### 1. AGENDA

At the start of its work on the morning of 11 September, the Council first **adopted the agenda** proposed by the Executive Committee at its 224th and 225th sessions.

### 2. MEMBERSHIP OF THE UNION

At its first sitting, the Council decided, on the recommendation of the Executive Committee, to **accept the request for affiliation to the Union presented by the Parliament of Fiji**. Likewise on the recommendation of the Executive Committee which had re-examined the situation of the National Group of Belarus, it decided to **reaffiliate the National Assembly of Belarus**.

Also at its first sitting, the Council decided to **suspend the affiliation** of the Group of the **Democratic Republic of the Congo** (former Zaire) since the Parliament of that country had ceased to function and the establishment of a representative institution is not foreseen; the Council nevertheless hoped that such an institution would be rapidly restored. It also decided to **suspend the affiliation** of the Groups of **Comoros** and **Jamaica** which both owed at least three full years of contributions, while hoping that they would soon be able to regularise their financial situations and thus be in a position to rejoin the Union.

As a result of those decisions, **the Union now comprises 137 member Parliaments and three international parliamentary associations as Associate Members** (see list in Annex I).

### 3. QUESTION OF THE AFFILIATION OF PALESTINE

At its second sitting, the Council had before it the report of the Committee on the Question of the Affiliation of Palestine (see Section D.7). Before the Committee's President, Mr. B. Halverson (Australia) presented the report, the Council **adopted** by 48 votes to 5, with 2 abstentions, a motion presented by the Egyptian delegation to adjourn the debate until its next session in April 1998.

#### 4. ACTIVITY REPORTS

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

At its first sitting, the Council **took note** of the **written report by the President** on his activities and contacts since the 160th session.

At both sittings, the Council also heard and **took note** of the **oral report of the President on the activities of the Executive Committee** in the context of its 225th session in Cairo (see Section C).

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

At its sitting on 11 September, the Council had before it the written report of the Secretary General on the life and work of the Union during the last year. After hearing a presentation by the Secretary General, the Council **took note** of the report.

#### 5. CO-OPERATION BETWEEN THE UNION AND THE UNITED NATIONS

At its first sitting, the Council heard a report by the Secretary General on the positive developments which had taken place over the last year in the field of co-operation between the Union and the United Nations system. The Council took note of several examples of practical co-operation following the signing of the Agreement of Co-operation between the UN and the IPU last year, such as the Union's contributions to the UN Commission on the Status of Women and to the UN Commission for Sustainable Development, as well as the statement made by the President of the Council to the Special Session of the UN General Assembly to review and appraise the implementation of *Agenda 21*. Looking to the future, the Council noted that the annual meeting of MPs attending the UN General Assembly would be held on 27 October 1997, on the day before the UN General Assembly is to debate an item on « Co-operation between the United Nations and the Inter-Parliamentary Union », and was informed of the plans for the Union to open a liaison office with UN Headquarters in New York.

The Council also took note of the signing of two Agreements of Co-operation, one with UNESCO and the other with FAO, as well as developments relating to the conclusion of an Agreement with UNDP. At its second sitting, it **adopted** a draft resolution presented by the Executive Committee concerning **co-operation between the Union and FAO** (see text of resolution in Annex VI) relating in particular to the joint organisation by the Union and FAO, at the invitation of the Italian Parliament, of a specialised Conference on « Agricultural production for attaining the objectives of the World Food Summit while respecting the environment » in Rome in November 1998. The general modalities of this Conference were decided on by the Council in the context of the programme and budget for 1998.

#### 6. UNIVERSAL DECLARATION ON DEMOCRACY

At its second sitting, the Council had before it the draft of a Universal Declaration on Democracy which had been prepared by the Executive Committee and was based on contributions prepared by several experts from all regions and civilisations of the world. The Council **adopted the Declaration without a vote** (see text in Annex VII), after which the delegation of China expressed certain reservations with regard to the text.

## 7. 50th ANNIVERSARY OF THE UNIVERSAL DECLARATION OF HUMAN RIGHTS

At its second sitting, the Council had before it a draft resolution prepared by the Committee on the Human Rights of Parliamentarians recommending action by the Union and its members to mark the 50th anniversary of the adoption of the Universal Declaration of Human Rights by the United Nations General Assembly on 10 December 1948. The Council **adopted** the resolution without a vote (see text in Annex VIII), after which the delegations of Indonesia and Singapore expressed reservations.

## 8. HUMAN RIGHTS OF PARLIAMENTARIANS

On 16 September, Mr. H. Batalla (Uruguay), President of the Committee on the Human Rights of Parliamentarians, reported to the Council on the work carried out by the Committee at its 78th and 79th sessions which took place respectively in Geneva from 7 to 10 July and in Cairo from 10 to 15 September 1997 (see Section D.3).

The Council then **adopted without a vote resolutions concerning 129 serving or former MPs in the following 12 countries: Burundi, Cambodia, Colombia, Djibouti, Gambia, Honduras, Indonesia, Malaysia, Myanmar, Nigeria, Togo and Turkey** (see Annexes XVIII to XXXV). With regard to cases in Guatemala and Tunisia, the Council endorsed the Committee's recommendation to refer them for examination under the latter's confidential procedure. The presentation of the Committee's report on the cases of Colombia, Djibouti and Indonesia gave rise to comments from the delegations concerned which expressed reservations on the corresponding resolutions.

## 9. ACTIVITIES OF WOMEN PARLIAMENTARIANS

On 16 September, the Council heard the report presented by Mrs. Y. Loza (Egypt) on the work of the Meeting of Women Parliamentarians which she had chaired on 10 September 1997 (see Section D.1). The Council **took note** of this report.

## 10. GENDER PARTNERSHIP GROUP

The Council heard at its second sitting the report of the Group's Rapporteur, Mrs. N. Heptulla (India), who gave an account of the Group's first meeting in Cairo (see Section D.8).

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

At its second sitting, the Council heard the report on the work of the XIth Meeting of the Representatives of the Parties to the CSCM Process, presented by Mr. P. Médecin (Monaco) (see Section D.2). The report covered the results of the 1st thematic preparatory meeting of the IIIrd CSCM that was held in Monaco on 3 and 4 July 1997. The Council **took note** of the report and gratefully accepted the invitation of the Parliament of Portugal to host the IInd thematic preparatory meeting in Evora on 25 and 26 June 1998.

## 12. SITUATION IN CYPRUS

At its second sitting, the Council considered the report of the Committee which was presented by Sir Peter Lloyd (United Kingdom), in the absence of the Committee's President and Rapporteur, Mr. H. Kemppainen (Finland). It **endorsed** the Committee's report and recommendations (see Section D.4 and Annex XVI) and **took note** of the Committee's decision concerning the re-election of its officers (see Section E.8).

### 13. MIDDLE EAST QUESTIONS

At its sitting on 16 September 1997, the Council had before it the report of the Committee on Middle East Questions, presented by its President, Mr. D. Sow (Senegal). After hearing the representative of Lebanon who stated that he would vote against the adoption of the report unless its paragraph 11 was amended, the Council **approved** the Committee's report (see Section D.5 and Annex XVII).

### 14. INTERNATIONAL HUMANITARIAN LAW

On 16 September, the Council had before it the report of the Committee to Promote Respect for International Humanitarian Law (IHL), presented by its President, Mr. J.T. Nonô (Brazil), covering the results of the world enquiry carried out in 1996 and 1997 on parliamentary action to promote national implementation of the rules of IHL, and also on the question of anti-personnel mines (see Section D.6). The Council **adopted without a vote** the resolution proposed by the Committee which, *inter alia*, authorises it to pursue the enquiry and report in September 1998 (see Annex IX).

### 15. DRAFT PROGRAMME AND BUDGET FOR 1998

At its second sitting, the Council considered the Executive Committee's proposals for the programme and budget of the Union for 1998, presented by Mr. G. Haarde (Iceland), Rapporteur of the Executive Committee. In his presentation, Mr. Haarde reported that when examining the budget estimates prepared by the Secretary General, the Executive Committee had been conscious of the fact that the Union may face a serious shortfall in the payment of contributions for 1998 and that, as any such shortfall would automatically be met by a drawing from the Working Capital Fund under Rule 6.2(c) of the Union's Financial Regulations, the Executive Committee had felt it judicious to make a substantial provision in the budget for strengthening that Fund as it had already done on a previous occasion under similar circumstances and, at the same time, to make reductions under other budget lines. This will result in a 6.38 % increase in the members' contributions to the 1998 budget as compared with their contributions in 1997. Mr. Haarde informed the Council that the Executive Committee was considering a number of options with a view to reducing future expenditure.

After a substantive debate, in which several delegations took part, the Council **held a vote by roll call and approved by 188 votes to 14, with 23 abstentions** (for details of the vote, see Annex X), **the programme and budget for 1998 amounting to SF 9,665,000.-** as proposed by the Executive Committee (see details in Annex XI). The Council also **approved the scale of contributions** to the 1998 budget (see details in Annex XII). It was agreed that the suggestions and comments made by the delegations during the debate would be studied by the Executive Committee at its next session.

### 16. FUTURE INTER-PARLIAMENTARY MEETINGS

At its second sitting, the Council **approved** the Executive Committee's recommendations concerning the **agenda of the 99th Conference** which will be held in Windhoek (Namibia) from 6 to 11 April 1998 (see Annex XIII), as well as the list of **observers** to be invited to that meeting (see Annex XIV). Moreover, it was informed of the Executive Committee's decision that, on account of the limited number of hotel rooms available in Windhoek at the time of the Conference, **the maximum number of rooms that any delegation may reserve will be 11**, which will require certain Groups to reduce the number of advisers and secretaries accompanying their delegations; furthermore, **no observer delegation may reserve more than two rooms**. This decision will be clearly indicated in the convocation of the 99th Conference and other relevant documents.

The Council took note of the **calendar of future meetings** (see Annex XV) and accepted with gratitude the invitation of the Belgian Group to host the 101st Conference in Brussels from 5 to 10 April 1999. Moreover, on the proposal of the Executive Committee, the Council decided to grant the Union's **sponsorship** to the specialised Conference on « Contribution of Parliaments to Democracy in Africa » to be organised by the Union of African Parliaments in Harare (Zimbabwe) during the first week of April 1998, and to the « Third Workshop of Parliamentary Scholars and Parliamentarians » which is organised by the International Political Science Association and will take place in Wroxton College (Oxford, United Kingdom) on 8 and 9 August 1998. The Council took note that the granting of sponsorship to these two events would have no financial implications for the Union.

#### **17. AMENDMENT TO ARTICLE 20.2 OF THE UNION'S STATUTES**

At its second sitting, the Council had before it the proposal of the Group of Egypt, supported by the Groups of Argentina and Mexico, as well as a sub-amendment presented by the Group of India, to amend the provisions of this Article in order to introduce the notion of a regular rotation of the post of Council President among the various geopolitical or geographical groups in the Union. On the proposal of the delegation of Germany, the Council **decided** by 40 votes to 3 **to adjourn consideration of this item to the first sitting of its next session in April 1998.**

### C. 225th SESSION OF THE EXECUTIVE COMMITTEE

The Executive Committee held its 225th session in the Cairo International Conference Centre on 7, 8, 9 and 14 September 1997, with its President, Dr. A. F. Sorour (Egypt), in the chair. An informal meeting of the Committee in its new composition following the elections held by the Inter-Parliamentary Council (see Section E.2 and E.3) took place in the afternoon of 16 September.

The following members and substitutes took part in the work of the 225th session: Mr. G. Carvajal (Mexico); Mrs. T. Faisal (Jordan); Mrs. V. Furubjelke (Sweden); Mr. G. Haarde (Iceland); Mrs. A. Heptulla (India); Mr. E. Menem (Argentina); Mr. D. Novelli (Italy); Mr. B. Pahor (Slovenia); Mr. C.-S. Park (Republic of Korea); Mr. M. Sata (Zambia); Mr. M. Traoré (Burkina Faso), substituting for Mr. B.A. Yé; Mr. J. Wiatr (Poland).

The Executive Committee devoted the entire day of 7 September to the preparation of a **draft Universal Declaration on Democracy**; the General Rapporteur for this project, Professor C. Bassiouni, Professor of Law and President of the International Human Rights Institute, DePaul University College of Law, Chicago (USA), took part in this work in an advisory capacity. It devoted most of its other sittings to preparing opinions or recommendations to the Council on various questions such as the Union's **membership, co-operation with the United Nations** and the **draft programme and budget of the Union for 1998** (see Section B).

In addition, the Executive Committee devoted considerable attention to **the situation of the Group of the United States of America** in the light of its decision to reduce its membership status in the Union and to make a donation in place of its contribution. The Executive Committee prepared a **statement** to be sent to the leadership of the United States Congress and Group. The statement welcomed the fact that the US Group supports the role and mission of the IPU; it noted that members of the Congress have not been able to take part in IPU meetings in recent years, despite the decision taken by the Council - at their express request - to change the dates of the statutory meetings. It pointed out that IPU has taken pride in abiding by its rules for more than 100 years and recalled that the Union's Statutes provide for only one single membership status for national Parliaments; all members have the same statutory rights and obligations. It trusted that the Congress and leadership of the US Group would understand the Executive Committee's position and would review their own position regarding their participation in the Union.

Since the Council will be required to appoint a **new Secretary General** at its meeting in Namibia next April, the Executive Committee prepared a **description for the post** which will be sent to all National Groups in a short time, and it will then be up to the Groups to take whatever steps they want to advertise the post. Candidatures, put forward either by National Groups or by the individuals concerned, must be presented by the deadline of 15 January 1998. The Executive Committee has also decided on the procedure to be followed for the screening of candidatures so that a maximum of five candidates will be selected and brought to Namibia where the Executive Committee has set aside one full day to interview them.

The Executive Committee discussed the question of observers at IPU meetings and decided that a comprehensive **observer status should be appropriately codified by the Union's governing bodies**. It decided to introduce **different categories of observers** having different rights and obligations. The Executive Committee asked the Secretariat to prepare a report for consideration at its next session covering, in particular, such questions as attendance by observers, their speaking rights, circulation of their documents and periodic review of their status.

The Executive Committee considered the question of **the admissibility of requests for reaffiliation from National Groups which had previously been suspended for failing to meet their financial obligations to the Union**. After a detailed discussion and the consideration of certain options relating to the payment of the arrears owed by Groups in that position, the Executive Committee adopted the following **position of principle** on this matter and asked the Secretariat to prepare the necessary draft amendments to the Union's Financial Regulations:

1. At the time of its reaffiliation to the Union, a National Group whose affiliation was suspended for financial reasons by virtue of Article 4.2 of the Statutes will remain accountable for the totality of the arrears it had incurred at the time of its suspension;
2. The request for re-affiliation from that National Group could be entertained by the Executive Committee if:
  - (a) The Group pays, at the time of its reaffiliation, the contribution for the current year plus at least one-third of the arrears that were outstanding at the time of its suspension;
  - (b) The Group presents a plan for settling the full remaining amount of the arrears over a reasonable period of time. Until the full sum is paid off, this amount will remain as a special debt and not be considered as arrears under articles 4.2 and 5.2 of the Statutes.

The Executive Committee also considered various questions relating to **the election of the new President of the Council** and decided, in particular, that **polling booths** would be used for the casting of ballots in the election.

Lastly, the Executive Committee decided to undertake at its next session a full **review of the work of the various *ad hoc* and special committees** set up by the Council.



## D. MEETINGS OF VARIOUS BODIES AND COMMITTEES

### 1. WOMEN PARLIAMENTARIANS

On Wednesday 10 September the women parliamentarians held two sittings under the **presidency of Mrs. Y. Loza, Member of the People's Assembly of Egypt**. The meeting was preceded by a session of the Co-ordinating Committee of Women Parliamentarians, under the presidency of Mrs. F. Kéfi (Tunisia), President of that body; the latter then met again on Monday, 15 September to take stock of the results of the Cairo Meetings with regard to women and prepare the following session, due to take place in Windhoek (Namibia) on 5 April 1998.

The Meeting of Women Parliamentarians was inaugurated at a ceremony during which the following took the floor: **Mrs. Suzanne Mubarak, First Lady of Egypt**, Mr. A.F. Sorour, President of the Inter-Parliamentary Council, Mrs. Y. Loza, and Mrs. F. Kéfi. Nearly one hundred women MPs from the delegations of the following 61 countries participated: Algeria, Angola, Argentina, Australia, Bangladesh, Belgium, Benin, Burkina Faso, Cameroon, Canada, China, Croatia, Cyprus, Czech Republic, Denmark, Egypt, El Salvador, Estonia, Ethiopia, Finland, France, Gabon, Germany, Ghana, Guatemala, India, Indonesia, Iran (Islamic Republic of), Ireland, Japan, Jordan, Kazakstan, Lithuania, Malaysia, Malawi, Mexico, Mozambique, Namibia, Netherlands, New Zealand, Norway, Pakistan, Peru, Portugal, Republic of Korea, Romania, Russian Federation, South Africa, Spain, Sudan, Suriname, Sweden, Switzerland, Thailand, Togo, Tunisia, Uganda, United Republic of Tanzania, Uruguay, Zambia and Zimbabwe. Observers from UNICEF and the International Committee of the Red Cross also attended.

The participants discussed "**the impact of armed conflicts on women and children**". To help them in their work, they had before them relevant excerpts from the "*Beijing Platform of Action*", the report concerning the impact of armed conflicts on children, presented in 1996 to the United Nations General Assembly by Mrs. Graça Machel, former First Lady of Mozambique, and a note prepared by the International Committee of the Red Cross. They felt that this question deserved to be examined by the Union, and should in the future be taken up by the Inter-Parliamentary Conference or even by a specialised IPU conference.

The participants further held a discussion on the question of "**women's access to Parliament and impact of their presence on parliamentary proceedings**". They agreed to continue their discussions in that connection at their next session, in Windhoek, and to develop a questionnaire that the IPU could circulate to women parliamentarians in order to collect and compile the experience of women MPs around the world. It was hoped that that would help the women MPs in assessing women's specific input to politics. Finally, they debated the follow-up to be given to the resolution adopted in Seoul by the Inter-Parliamentary Council (April 1997) which, in the framework of the follow-up to the specialised Inter-Parliamentary Conference on "*Towards Partnership between Men and Women in Politics*" (New Delhi, 14-18 February 1997), called *inter alia* for the establishment of a group for partnership between men and women (see section 8 below). On that occasion, the participants took note of an illustrated brochure on the New Delhi Conference, which contains the "*New Delhi Declaration*". Lastly, the participants heard the three candidates for the post of President of the Inter-Parliamentary Council.

## 2. REPRESENTATIVES OF PARTIES TO THE CSCM PROCESS

The representatives of the parties to the Inter-Parliamentary Process of Security and Co-operation in the Mediterranean (CSCM)\* held their XIth meeting on Saturday 13 September under the presidency of Mr. P. Médecin (Monaco). The following took part:

- ◆ Representatives of the following main participants: Algeria, Croatia, Cyprus, Egypt, France, Greece, Israel, Italy, Jordan, Libyan Arab Jamahiriya, Malta, Monaco, Morocco, Portugal, Slovenia, Spain, Syrian Arab Republic, The former Yugoslav Republic of Macedonia, Tunisia, Turkey;
- ◆ Representatives of the following associate participants: Russian Federation, United Kingdom, Palestine, Parliamentary Assembly of the Council of Europe, Parliamentary Assembly of the Black Sea Economic Co-operation, Parliamentary Assembly for Euro-Arab Co-operation.

The session was preceded by a meeting of the CSCM Co-ordinating Committee, chaired by Mr. M.H. Khelil (Tunisia). This body is composed of representatives of Egypt, France, Italy, Malta, Morocco, Slovenia, Spain, Syrian Arab Republic and Tunisia.

The participants discussed the current status and prospects of security and co-operation in the Mediterranean as well as the institutionalisation of the CSCM process. In that connection, they **took note of the information concerning the upcoming meetings of Presidents of Parliaments of Mediterranean coastal States**, scheduled to take place successively in Palermo and Madrid, to which the Inter-Parliamentary Union should be invited to make a contribution. They also worked to **prepare the IIIrd Inter-Parliamentary Conference on Security and Co-operation in the Mediterranean**, scheduled to take place in **Tunis in early 1999**. In particular, they studied the results of the first of the preparatory thematic meetings for this IIIrd CSCM, which took place in Monte Carlo on 3 and 4 July 1997, at the invitation of the National Council of Monaco, on the following topic: "*Adjustment of national employment policies and strengthening of international co-operation on such policies in the Mediterranean, with a view to development which generates jobs as a way of strengthening regional stability*". They took note that the Parliaments of Cyprus and Turkey had withdrawn their candidatures to host the **next preparatory meeting** and accepted with satisfaction the invitation of the Parliament of **Portugal**. This second meeting will be on a question relating to the Third Basket (dialogue among civilisations and human rights); the exact wording of the topic will be finalised at the next Meeting of parties to the CSCM process, scheduled to be held in Windhoek on 8 April 1998. The participants recommended that the Inter-Parliamentary Council include this meeting in the programme and budget for 1998.

## 3. COMMITTEE ON THE HUMAN RIGHTS OF PARLIAMENTARIANS

The Committee held its 79th session in Cairo from 10 to 15 September 1997. The session was chaired by Mr. H. Batalla (Uruguay) and attended by Mr. F. Autain (France), Mr. F. Borel (Switzerland), Mr. H. Etong (Cameroon), titular members of the Committee, and Mr. M. Samarasinghe (Sri Lanka) substitute member.

The Committee held eight *in camera* meetings during which it studied 47 cases concerning more than 200 serving or former parliamentarians in 28 countries of all regions of the

\*

Parties to the CSCM process:

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

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

world. Taking advantage of the presence in Cairo of delegations from several of the countries concerned, the Committee, in keeping with its constant practice, conducted 11 *in camera* hearings. In addition, the Committee asked its members individually to seek information from other delegations attending the Conference, regarding several cases before it.

After a thorough study of the allegations and information before it, the Committee first declared four cases inadmissible, and in another case involving eight parliamentarians it decided to postpone any decision pending receipt of further information and clarifications. Thus, the Committee dealt with the cases of 165 serving or former parliamentarians from 26 countries in all regions of the world. Out of these, it decided to **submit to the Council a report and recommendations concerning the cases of 131 serving or former parliamentarians** from the following **14 countries**: Burundi, Cambodia, Colombia, Djibouti, Gambia, Guatemala, Honduras, Indonesia, Malaysia, Myanmar, Nigeria, Togo, Tunisia and Turkey (see also Section B.8).

Moreover, the Committee continued the discussion it had initiated in Geneva at a previous session on the activities that the IPU and its member parliaments could take to celebrate the **fiftieth anniversary of the Universal Declaration of Human Rights** in 1998. After an extensive review of possible actions, the Committee prepared a draft resolution on the subject which it submitted to the Inter-Parliamentary Council (see Section B.7 and Annex VIII).

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

This Committee held its XIIIth session in Cairo on 12 and 14 September 1997. The following took part: Mr. H. Kemppainen (Finland), President, and Mr. J. Baumel (France), Vice-President, who were re-elected in those capacities, as well as Mrs. Y. Loza (Egypt), Sir Peter Lloyd (United Kingdom) and Mr. S. Pattison (Ireland). Mr. L. McLeay (Australia) was unable to attend.

The Committee **examined changes in the situation concerning Cyprus and events which had occurred on the island since April 1997**, the date of its last report on the question to the Inter-Parliamentary Council. To that end, and according to its constant practice, it examined the information received in writing and held hearings of the representatives of the two Cypriot communities and the three Guarantor Powers. On 16 September 1997, the Committee submitted to the Council a substantive report, together with recommendations, which were endorsed by that body (see Section B.12 and Annex XVI).

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

The Committee held its XXIst session in Cairo on 13 September 1997 under the chairmanship of Mr. D. Sow (Senegal). Mr. M.A. Abdellah (Egypt), Mr. M.A. Martinez (Spain) and Mr. C.E. Ndebele (Zimbabwe) were present. Mr. J. Baumel (France) and Mr. A. Galanos (Cyprus) were not present.

The Committee members noted the renewed tension in the Middle East and the deterioration of the situation in the region, and deplored the settlement policies and collective sanctions in the occupied territories. They called on the international community to give maximum development assistance to Palestine. At its sitting on 16 September, the Council endorsed the Committee's report (see Section B.13 and Annex XVII).

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

The Committee is composed of the three officers of the IInd Committee of the Inter-Parliamentary Conference. It met on 14 September under the presidency of Mr. J.T. Nonô (Brazil), with Mr. F. Borel (Switzerland) in attendance, and in the absence of Mrs. P. Asiyo (Kenya), and **finalised the findings of the enquiry** conducted during more than one year of all IPU members concerning, on the one hand, the **national application of the rules of IHL** and, on the other hand, the question of **anti-personnel mines**. The findings of the enquiry were reproduced in two separate documents and presented to the Council by Mr. Nonô on 16 September. The Council then adopted without a vote the resolution submitted to it by the Committee (see Section B.14 and Annex IX).

## 7. COMMITTEE ON THE QUESTION OF THE AFFILIATION OF PALESTINE

The Committee, which had been set up by the Council at its 160th session (Seoul, April 1997), held two meetings in Cairo on 13 and 15 September with the participation of the following members: Mr. C. Gonçalves (Angola, for the African group), Mrs. T. Faisal (Jordan, for the Arab group), Mrs. L. Fischer (Germany, for the Twelve Plus group), Mr. B. Halverson (Australia, for the Asia-Pacific group), Mr. V. Solis (Chile, for the Latin American group, replaced on 15 September by Mr. S. Paez).

The Committee began its work by electing Mr. B. Halverson as its President. It had before it the decision taken by the Council in Seoul which defined its mandate, as well as detailed documentation. After a lively discussion, **by 3 votes to 2**, the Committee on the one hand **decided that at the present time the Palestine National Council does not fulfil the conditions laid down in Article 3 of the Statutes for membership** of the Union and, on the other hand, expressed the **wish to receive further information on the Palestine Legislative Council** established under the Oslo Agreement. It presented a written report to the Inter-Parliamentary Council (document CL/161/10(h)-R.1) containing, in addition to the text of these decisions, a minority report by one of its members (see also Section B.3).

## 8. GENDER PARTNERSHIP GROUP

This Group was established within the Executive Committee pursuant to the resolution adopted in April 1997 in Seoul by the Inter-Parliamentary Council on the results and follow-up of the Specialised Inter-Parliamentary Conference on "*Towards Partnership Between Men and Women in Politics*" (New Delhi, 14-18 February 1997) (see Annex X of the Results of the Seoul Meetings). For its first session, held on 15 September, it was composed of Mr. G. Carvajal (Mexico), Mrs. V Furubjelke (Sweden), Mrs. N. Heptulla (India) and Mr. M. Traoré (Burkina Faso). It has been entrusted with "*seeing to it that the interests and visions of both parts of the population are taken into account equally*" in all IPU activities, and a report on its work must be submitted twice yearly to the Inter-Parliamentary Council. The Group's first recommendation was to suggest that it **be renamed "Gender Partnership Group"**, as that would better convey its objective of promoting dialogue; this proposal was endorsed by the Council on 16 September. Its Rapporteur, Mrs. N. Heptulla, told the Council that, in accordance with the Seoul resolution, the Group had studied "*the possibility of establishing in the IPU a rule which would apply equally to all delegations failing to include at least one woman among their members and which would decrease by two the number of votes to which those delegations would be entitled in the IPU Conference*". At the end of its consultations on this subject, the Group is to present its conclusions in April 1998. The consultations concern the appropriateness of **sanctioning** IPU members which fail to comply with statutory provisions concerning the composition of their delegations, or on the contrary proposing an **incentive** by offering two additional votes to all delegations which include one or more women: the Statutes require all Parliaments which count women among their members to include at least one of them in their delegations to inter-parliamentary sessions. The Group noted that, in Cairo, one-third of the delegations did not include any women.

## E. ELECTIONS AND APPOINTMENTS

### 1. PRESIDENT OF THE 98th INTER-PARLIAMENTARY CONFERENCE

The 98th Conference elected **Mr. A.F. Sorour**, Speaker of the Egyptian People's Assembly, as its President.

### 2. PRESIDENT OF THE INTER-PARLIAMENTARY COUNCIL

The Inter-Parliamentary Council was required to elect a new President since the term of office of Mr. A.F. Sorour expired at the close of the 161st session.

At its second sitting, the Council had before it the candidatures of **Mr. M.A. Martinez (Spain)**, **Mr. E. Menem (Argentina)** and **Mr. P.A. Sangma (India)**. After hearing a brief presentation from each of the candidates, the Council held a first round of voting by secret ballot with the following result:

Total number of ballots cast	224
Blank or void ballots	0
Valid ballots	224
Absolute majority	113
Votes obtained:	
Mr. M.A. Martinez	99
Mr. P.A. Sangma	82
Mr. E. Menem	43

Shortly after the start of a second round, Mr. Menem withdrew his candidature. After some discussion, the President ruled that the complete roll-call vote by secret ballot to decide between the two remaining candidates would be re-started. The result of this vote was as follows:

Total number of ballots cast	220
Blank or void ballots	5
Valid ballots	215
Absolute majority	108
Votes obtained:	
Mr. M.A. Martinez	127
Mr. P.A. Sangma	88

**Mr. M.A. Martinez (Spain)** was accordingly elected President of the Inter-Parliamentary Council for a three-year term of office.

### 3. EXECUTIVE COMMITTEE

The Council was required to elect two new members to replace Mrs. V. Furubjelke (Sweden) and Mr. B. Pahor (Slovenia) whose terms of office expired at the Cairo session. At its second sitting, the Council had before it the candidatures of Mrs. K. Kilvet (Estonia), Mrs. T. Yariguina (Russian Federation) and Mr. M. Sheetrit (Israel). Following the announcement by Mr. Sheetrit that he **withdrew** his candidature, the Council **elected by acclamation Mrs. K. Kilvet (Estonia)** and **Mrs. T. Yariguina (Russian Federation)** to serve on the Executive Committee for four years.

The Council also **elected by acclamation Mr. M. Traoré (Burkina Faso)** to replace his compatriot Mr. B.A. Yé who is no longer a member of Parliament; Mr. Traoré will serve until September 1999 when Mr. Yé's mandate was due to expire.

#### 4. VICE-PRESIDENT OF THE EXECUTIVE COMMITTEE

On 16 September, the Executive Committee **appointed Mr. C.S. Park (Republic of Korea)** as its Vice-President.

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

On 16 September, the Executive Committee **appointed Mr. G. Haarde (Iceland)** as its Representative on the Management Board of the Staff Pension Fund.

#### 6. STUDY COMMITTEES OF THE CONFERENCE

##### *IInd Committee (on Parliamentary, Juridical and Human Rights Questions)*

At its meeting on 14 September, the IInd Committee **re-elected the following officers by acclamation:**

<b>President:</b>	<b>Mr. J.T. Nonô (Brazil)</b>
<b>Vice-Presidents:</b>	<b>Mrs. P. Asiyó (Kenya)</b>
	<b>Mr. F. Borel (Switzerland)</b>

##### *IIIrd Committee (on Economic and Social Questions)*

At its meeting on 15 September, the IIIrd Committee **elected by acclamation Mr. H. Gjellerod (Denmark) as its President** for a period of four years to replace Mr. H. Kemppainen (Finland) whose term of office expired at the Cairo session. It also **re-elected by acclamation Mr. H. Abu Jamoos (Jordan) and Mr. C.F. Dalo (Venezuela)** as Vice-Presidents.

#### 7. COMMITTEE FOR SUSTAINABLE DEVELOPMENT

At its second sitting, the Council **appointed by acclamation Mrs. J. Seitlova (Czech Republic)** to serve on the Committee for Sustainable Development for a four-year period.

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

At its second sitting, on 14 September, the Committee unanimously **re-elected Mr. H. Kemppainen (Finland)** as its **President** and **Mr. J. Baumel (France)** as its **Vice-President**.

#### 9. CO-ORDINATING COMMITTEE OF THE MEETING OF WOMEN PARLIAMENTARIANS

On 10 September, the Meeting of Women Parliamentarians **unanimously elected Mrs. Z. Rios Montt (Guatemala)** to replace until April 1998 Mrs. S. Pizsk Feinzilber (Costa Rica) as one of the two representatives for the Latin America region.

#### 10. GENDER PARTNERSHIP GROUP

The Executive Committee **appointed Mr. G. Carvajal (Mexico), Mrs. V. Furubjelke (Sweden), Mrs. N. Heptulla (India) and Mr. M. Traoré (Burkina Faso)** as the members of this Group (see also Section D.8).

#### 11. AUDITORS FOR THE UNION'S 1997 ACCOUNTS

At its second sitting, the Council appointed **Mr. J. Wiatr (Poland)** and **Mr. M. Tumubweinee (Uganda)** as **Auditors for the 1997 accounts**.

**MEMBERSHIP OF THE UNION  
AS OF 16 SEPTEMBER 1997****Members (137)**

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

**Associate Members**

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

## VOTE ON REQUESTS FOR INCLUSION OF SUPPLEMENTARY ITEMS IN THE CONFERENCE AGENDA

A single roll-call vote was held on 11 September to choose the supplementary item from among the four requests remaining on the list of proposals by the time the actual vote was called. For the sake of clarity, the breakdown of votes on each of these requests is presented in separate tables below.

### VOTE ON THE REQUEST OF THE GROUP OF GUATEMALA for the inclusion of a supplementary item entitled "The worldwide socio-economic impact of HIV/AIDS and action by parliaments"

#### R e s u l t s

Affirmative votes .....	966	Total of affirmative and negative votes.....	1095
Negative votes .....	129	Two-thirds majority.....	730
Abstentions.....	372		

Country	Yes	No	Abst.	Country	Yes	No	Abst.	Country	Yes	No	Abst.
Albania			11	Ghana	10			Papua New Guinea			absent
Algeria		14		Greece	10		3	Paraguay			absent
Andorra	9		1	Guatemala	12			Peru	14		
Angola	12			Guinea	12			Philippines	18		
Argentina	15			Hungary			13	Poland	15		
Armenia	6		5	Iceland			10	Portugal	10		2
Australia			13	India	23			Rep. of Korea	8		8
Austria	6		6	Indonesia	21		1	Rep. of Moldova			absent
Azerbaijan	12			Iran (Islam.Rep.of)			17	Romania	10		4
Bangladesh	20			Iraq			13	Russian Federation	15		5
Belarus	13			Ireland		absent		Rwanda			absent
Belgium			12	Israel	12			San Marino	8		2
Benin		absent		Italy			17	Senegal	10		
Bolivia		absent		Japan	10		10	Singapore	7		4
Botswana	11			Jordan			11	Slovakia	7		5
Brazil	20			Kazakstan	11		2	Slovenia	9		2
Bulgaria	8		4	Kuwait			11	South Africa	16		
Burkina Faso	12			Kyrgyzstan	5		6	Spain	15		
Cambodia	13			Latvia	6		5	Sri Lanka			absent
Cameroon	13			Lebanon		11		Sudan		14	
Canada	8		6	Libyan Arab			11	Suriname	10		
Cape-Verde	10			Jamahiriya				Sweden			12
Chile	13			Lithuania	11			Switzerland	12		
China	23			Luxembourg			10	Syrian Arab Rep.		13	
Colombia	14			Malawi	12			Tajikistan	10		
Costa Rica		absent		Malaysia	13			Thailand	15		3
Croatia	11			Mali		absent		The FYR of			
Cuba	13			Malta		absent		Macedonia			
Cyprus	7		3	Mauritius		absent		Tunisia		12	
Czech Republic	6		7	Mexico	19			Turkey	5		12
DPR of Korea		absent		Monaco	10			Uganda	13		
Denmark	4	2	6	Mongolia	6		5	United Kingdom	17		
Ecuador	12			Morocco		14		United Rep. of	14		
Egypt		17		Mozambique	13			Tanzania			
El Salvador		absent		Namibia	11			Uruguay	11		
Estonia	6		5	Nepal	3		10	Uzbekistan	14		
Ethiopia	16			Netherlands		13		Venezuela	13		
Fiji	10			New Zealand			10	Viet Nam	18		
Finland	8		4	Nicaragua	11			Yemen		13	
France	17			Niger	12			Yugoslavia	8		5
Gabon	5	6		Norway	2		9	Zambia	12		
Georgia			12	Pakistan			20	Zimbabwe	13		
Germany			19	Panama		absent					

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



**VOTE ON THE REQUEST OF THE GROUP OF AUSTRALIA**

for the inclusion of a supplementary item entitled

**"The need to eliminate all commercial and other forms of sexual exploitation of children and for the establishment of uniform laws to prohibit this indefensible violation of human rights of children"**

**R e s u l t s**

Affirmative votes .....	1179	Total of affirmative and negative votes.....	1285
Negative votes .....	106	Two-thirds majority.....	857
Abstentions.....	182		

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

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

**VOTE ON THE REQUEST OF THE GROUP OF THE UNITED KINGDOM**

for the inclusion of a supplementary item entitled

**"Climate change - The need for urgent action to avoid catastrophic climate change which is recognised as one of the greatest environmental threats to mankind and could have far-reaching disruptive effects on human society, the global economy, human health and the natural environment"**

**R e s u l t s**

Affirmative votes ..... 993      Total of affirmative and negative votes..... 1114  
 Negative votes ..... 121      Two-thirds majority..... 743  
 Abstentions..... 353

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

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

**VOTE ON THE REQUEST OF THE GROUP OF LEBANON**  
for the inclusion of a supplementary item entitled  
**"Support for Lebanon in its continuous effort to implement UN Security Council resolution 425**  
**adopted in March 1978"**

**R e s u l t s**

Affirmative votes .....	679	Total of affirmative and negative votes.....	898
Negative votes .....	219	Two-thirds majority.....	599
Abstentions.....	569		

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

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

**ENSURING LASTING DEMOCRACY BY FORGING CLOSE LINKS  
BETWEEN PARLIAMENT AND THE PEOPLE**

***Resolution adopted without a vote by the 98th Inter-Parliamentary Conference  
(Cairo, 15 September 1997)***

The 98<sup>th</sup> Inter-Parliamentary Conference,

*Convinced* that the dignity of the individual is inviolable,

*Believing* that respect for human rights is not only a fundamental value, but also a crucial element in the development of stable, democratic and prosperous societies at peace with each other, and *convinced* that the rights of women and children are inherent in human rights,

*Convinced* that respect for human rights is a prerequisite for peace within individual States, as well as for peaceful good-neighbourly relations between States,

*Also convinced* that a parliament elected freely and fairly is the best guarantee of human dignity and the prosperity of citizens,

*Appreciating* that democracy offers the best framework for citizens to develop their creativity and potential and contribute to the establishment, development and preservation of their society,

*Convinced* that access to education and information is vital to citizens' participation in society,

*Stressing* that the principles of democracy may be applied differently, according to the culture, history and constitution of each nation,

*Observing* nonetheless that democracy presupposes that:

- The people have the power to decide programmes and policies directly or through representatives chosen in free and fair elections;
- Those in power are effectively given the means to manage the country;
- Those in power are accountable to the people,

*Believing* that good governance ensures the effective, honest, equitable, accessible, accountable and transparent exercise of power by governments,

*Convinced* that a representative democracy can only endure if citizens trust constitutional processes and institutions and if legislators earn their respect,

*Reasserting* that parliament is the true and legitimate representative of the people, and *emphasising* the need therefore to strengthen links between this institution, its members and the people,

Aware that parliament has an obligation to provide citizens with information about its work,

*Convinced* that elected parliamentarians have a duty to be fully informed of citizens' circumstances and problems through constant communication with their constituents,

*Acknowledging* that the media have an important role to play in facilitating communication between parliament and citizens,

*Further acknowledging* the important role which various groups and institutions play in a democracy by articulating diverse sociocultural, political and economic issues,

Aware that in every society, peaceful conditions in which candidates, representatives and the people are not subject to violence or intimidation are essential for the smooth functioning of the democratic process,

*Welcoming* the role played by the Inter-Parliamentary Union in strengthening the ties of friendship between parliaments and parliamentarians and, through them, between peoples, and *conscious* of the need for confidence in political processes, parties, parliaments and parliamentarians,

1. *Calls on* all States to safeguard free and fair elections without any discrimination, in conformity with the Declaration on Criteria for Free and Fair Elections adopted by the Inter-Parliamentary Council in Paris in March 1994;
2. *Urges* States to condemn and take action against all acts of violence against the people's representatives, candidates and the people themselves;
3. *Further urges* States to safeguard the role of parliaments and political institutions so as to enable parliamentarians to play their role properly and freely, *inter alia* by adopting legislation, overseeing the government and debating major societal issues;
4. *Calls on* States to ensure citizens' unrestricted and permanent access to education and information and, in this regard, *recognises* the value of new technologies for parliamentary work;
5. *Also calls on* States to recognise and accommodate diversity as a guarantee of democracy in a pluralist society;
6. *Further calls on* States to strengthen representative parliamentary democracy with constitutional instruments, including petitions and referenda, parliamentary recall and the right to initiate legislation, wherever these may be appropriate and feasible in the light of the constitutional system and established political culture;
7. *Appeals* to parliaments and governments to ensure that citizens are aware of their democratic rights and responsibilities regarding their participation in the democratic process and to see to it that legislation is drafted in clear and simple language which is comprehensible to citizens;

8. *Emphasises* the need to foster direct contacts between parliamentarians and citizens through meetings and discussions at all levels, nationally and internationally;
9. *Calls on* parliaments to ensure, through an open and accessible public information policy, accurate and comprehensive reporting of the work of parliamentarians in the media;
10. *Also emphasises* the need to ensure unrestricted, objective, ethical and unbiased reporting by the media on the work of parliament and parliamentarians;
11. *Encourages* National Groups to consider each of the cases in the report of the IPU Committee on the Human Rights of Parliamentarians and to take appropriate follow-up action in their favour.

## EMPLOYMENT IN A GLOBALISING WORLD

### *Resolution adopted without a vote\* by the 98<sup>th</sup> Inter-Parliamentary Conference (Cairo, 15 September 1997)*

The 98<sup>th</sup> Inter-Parliamentary Conference,

*Considering* that the globalising world will bring benefits only if it arises from collective thought and joint action as well as an exchange of ideas and opinions reflecting the whole spectrum of the interests and levels of socio-economic development of all peoples,

*Underscoring* the growing move towards economic globalisation, primarily characterised by the liberalisation of international trade, increased flows of foreign direct investment, globalisation of money markets, as well as the confirmation of the role of international financial institutions in States' financial, monetary and trade policies,

### **Employment**

*Considering* that this globalisation comes in a world economic context characterised by rising unemployment in most industrialised countries, massive unemployment in many former planned economies, as well as a deterioration of workers' living conditions in a number of countries, particularly developing ones,

*Deeming* that the present globalisation process may promote production and employment worldwide and that increased international trade and investment flows may lead to expanded markets and a better distribution of world economic resources, thus serving the interests of all States in varying degrees,

*Mindful* of the challenges posed by economic globalisation that weighs heavily on job markets in the industrialised countries, which fear losing jobs to developing countries with growing export sectors,

*Emphasising* in particular the potential negative effects of globalisation on employment in the developing countries and those in transition, which are obliged to adapt to the new world economic context characterised by intense regional and international competition at a time when most of these countries are suffering from problems posed by internal and external financial deficits, debt servicing, unemployment aggravated by population growth and the spread of poverty, in addition to the rising social costs often tied to economic globalisation and the switch to a market economy,

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\* The Belgian delegation expressed reservations to operative paragraphs 9 and 12 of the resolution.

*Aware* that tackling only the economic aspects of problems stemming from the structural reforms implemented by the developing countries gives rise to certain social and political complications,

*Recognising* the need to alleviate problems faced by the workers of countries in situations of war or embargo,

*Underscoring* the principles and criteria established within the framework of the International Labour Organization and other UN specialised agencies and bodies concerning respect for fundamental labour rights,

### **Migrant workers**

*Aware* that economic requirements, civil unrest, natural disasters and various forms of persecution have often forced workers to seek employment wherever they can best ensure their own survival and that of their families,

*Also aware* that as firms seek to survive and prosper in global markets and as technology changes the ways in which goods and services are produced, there is an increasing likelihood that firms will change traditional employment practices and restructure the nature of the employer-employee relationship,

*Noting with concern* that there are some 42 million migrant workers, more than at any other period in history,

*Concerned* about the precarious legal situation of workers in some countries and about unscrupulous labour practices used against migrant workers,

*Also concerned* that many migrant workers are subject to maltreatment and human rights abuses in some countries and that the most vulnerable workers, those with low skills and those sought for work in low-paying sectors are among the most susceptible to abuse,

*Welcoming* the efforts by a network of grassroots groups, a number of non-governmental organisations and many farm labourer organisations to improve the conditions faced by migrant workers,

*Emphasising* that sending countries have an obligation to protect and promote the interests of their citizens who are seeking work or already working in other countries, to give them appropriate training and education and to apprise them of their rights and of the obligations of the receiving countries,

*Recalling* the International Convention on the Protection of the Rights of All Migrant Workers and the Members of Their Families, adopted by the United Nations General Assembly in resolution 45/158 of 18 December 1990, the Vienna Declaration and Plan of Action adopted on 25 June 1993 by the World Conference on Human Rights, which call on all States to guarantee the safeguarding of the human rights of all migrant workers, as well as the Copenhagen Declaration and Programme of Action adopted by the World Summit for Social Development in March 1995,

### **Child labour**

*Aware* that the issue of exploitative forms of child labour has become a priority for many governments,



*Recognising* that exploitative child labour is closely linked to poverty and that countries with the highest illiteracy rates, lowest school enrolment rates and serious nutritional deficiencies are in general those that have the highest proportion of children working in exploitative situations,

*Also recognising* that child labour is both a human rights and a development issue,

*Acknowledging* that child labour requires a response from a broad alliance of national and international organisations, both public and private,

*Taking into consideration* the efforts made by the international community and national governments to tackle the child labour problem through the Plans of Action adopted by the World Summit for Children in 1990 and the Conference on Education for All held in Jomtien in 1991, as well as through the Copenhagen Declaration and Programme of Action adopted by the World Summit for Social Development in 1995,

*Recalling* that the Convention on the Rights of the Child, adopted in 1989 and ratified by 191 States, recognises the child's right to be protected from "economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development" (article 32),

**The 98<sup>th</sup> Inter-Parliamentary Conference:**

1. *Recommends* that, in the global economy, a strict balance be observed between the interests of the major economic powers and the rights of other States, thus ensuring equity for all and guaranteeing stability;
2. *Reaffirms* the goal of providing opportunities for fairly remunerated and freely chosen work for all those seeking it;
3. *Urges* that, in setting labour standards, account be taken of the economic and social situation of developing countries, to enable them to participate actively in international trade and enjoy free access to markets;
4. *Also urges* that the same rules of international law be observed by and applied to all countries without distinction;
5. *Strongly recommends* that multilateral aid and financing agencies adopt effective approaches and devise mechanisms for assisting developing countries through special programmes aimed at their recovery and genuine development, thus enabling them to improve their basic infrastructure and agricultural and industrial production both quantitatively and qualitatively;
6. *Calls on* the developed countries and international organisations to support local capacity-building in developing countries in order to improve the quality of their human resources and increase employment opportunities;
7. *Urges* the developed countries to encourage their private sectors to invest capital in the developing countries in order to create more employment opportunities, and *calls on* the governments of developing countries to pursue policies conducive to foreign direct investment;

8. *Recommends* that measures be taken at the international level to reinforce inter-State economic relations and openness in the context of economic globalisation and to lessen inequalities and poverty worldwide;

### **Employment**

9. *Calls on* States to develop a wide range of labour market adjustment measures designed primarily to address the dislocation effects of structural economic change, including those arising from international trade;
10. *Also calls on* States to undertake active measures such as job assistance, skill acquisition and mobility incentives, wage subsidies, earnings supplements and other employment incentive schemes as well as passive measures such as early retirement incentives, unemployment or social assistance and unemployment insurance;
11. *Stresses* that all countries must be expected and allowed to accept responsibility for their own development, and that lending institutions must avoid conditions which would erode vital services such as education and health or reduce employment, since this will allow the economic and social context of each country to be fully reflected in its development strategy, thus safeguarding the political and social sustainability of recovery programmes;
12. *Recognises* that the pace of trade liberalisation must be adapted to national conditions so as to allow time for industrial development and minimise social costs;
13. *Urges* parliaments and governments to refrain from using labour standards for purposes other than the protection of workers, and to oppose attempts to impair the comparative advantage of the developing countries resulting from lower wages;
14. *Recommends* giving priority to programmes encouraging small and medium businesses and to enhancing the productivity of the informal sector by improving infrastructure, increasing the availability of credit including micro-credit, minimising interest rates, expanding education and training, ensuring equitable redistribution of resources and improving advisory services and the supply of information; and *stresses* that such programmes must focus on the elimination of poverty and unemployment;
15. *Urges* parliaments and governments to eliminate any form of discrimination in employment including on grounds of sex, age, family responsibilities, civil status, social and ethnic origin, and religion, so as to guarantee equal opportunities in access to jobs and ensure full recognition for the handicapped and the exercise of their rights and guarantees so that they may enjoy real equality in terms of employment and treatment;

### **Migrant workers**

16. *Calls on* States to affirm that migrant workers are entitled to the protection of their human rights, regardless of their legal status;
17. *Also calls on* States to undertake educational and other programmes to ensure that migrant workers are aware of their rights within the host country and to promote their integration in the host society;
18. *Urges* States to work in co-operation to eliminate maltreatment of migrant workers and abuses of their human rights;

19. *Calls on* the United Nations General Assembly to reopen negotiations to clarify the protection of all migrant workers in the International Convention on the Protection of the Rights of All Migrant Workers and Their Families;

#### **Child labour**

20. *Calls on* States to recognise the right of all children, both boys and girls, to relevant basic education, to protection from any work that is likely to be hazardous or to interfere with education, in order to respect their development and improve their adult employment opportunities, thus enhancing their own and their countries' economic future;
21. *Also calls on* States to reduce child labour through multi-faceted development strategies, through compulsory primary education for boys and girls, including substantial investment in such education; enhanced participation of women in economic development; generation of alternative sources of income through private sector development, and greater involvement of civil society and local government; in order to offer viable economic alternatives to poor families which depend on the contribution of child labour for their very survival;
22. *Recommends* that legislation banning any form of child abduction or exploitation and the use of child labour in hazardous work, and in particular protecting children against sexual exploitation, forced labour, bonded labour and other forms of slavery involving children, be adopted as rapidly as possible and effectively applied by at least the countries represented in the Inter-Parliamentary Union;
23. *Calls on* States to provide wider legislative protection, including national child labour laws which comply with the spirit and letter of the UN Convention on the Rights of the Child (Article 7) and of relevant ILO conventions, in particular to ensure that all children are registered at birth and to provide employers and labour inspectors with evidence of every child's age.

**THE NEED TO ELIMINATE ALL COMMERCIAL AND OTHER FORMS OF  
SEXUAL EXPLOITATION OF CHILDREN AND FOR THE ESTABLISHMENT OF  
UNIFORM LAWS TO PROHIBIT THIS INDEFENSIBLE VIOLATION OF THE  
HUMAN RIGHTS OF CHILDREN**

***Resolution adopted without a vote by the 98th Inter-Parliamentary Conference  
(Cairo, 15 September 1997)***

The 98<sup>th</sup> Inter-Parliamentary Conference,

*Deeply concerned* that many children throughout the world continue to suffer abuses of their human rights as a result of exploitative child labour, child trafficking, sexual exploitation and poverty,

*Recognising* that the 1948 Universal Declaration of Human Rights proclaims that childhood is entitled to special care and assistance,

*Noting* that the 1990 United Nations Convention on the Rights of the Child, with 191 ratifications, is the most widely ratified international human rights instrument,

*Recalling* the 1959 United Nations Declaration on the Rights of the Child and the World Declaration on the Survival, Protection and Development of Children and Plan of Action for Implementing this Declaration in the 1990s, as well as other relevant UN decisions, including the resolution on the rights of the child adopted by the Commission on Human Rights in April 1997,

*Welcoming* the adoption by the 1996 Stockholm World Congress of a Declaration and Agenda for Action against the Commercial Sexual Exploitation of Children,

*Also welcoming* the contribution of the Parliamentary Assembly of the Council of Europe to UN action and particularly its Recommendation no. 1336/1997 inviting European States to ensure compliance with the UN Convention on the Rights of the Child and outlining a European policy for the implementation of this Convention,

*Further welcoming* the work under way within the UN to draft an optional protocol to the Convention on the Rights of the Child with the aim of strengthening mechanisms to help combat child prostitution, child pornography and other forms of commercial sexual exploitation of children as a matter of urgency,

1. *Urges* those countries which have not yet ratified the 1990 UN Convention on the Rights of the Child to do so as a matter of priority;
2. *Also urges* those countries which have ratified the Convention to implement fully their obligations under it and to withdraw any reservations pertaining thereto;

3. *Encourages* countries to co-operate with, and assist the operations of, the UN Committee on the Rights of the Child, other UN bodies or agencies, as well as non-governmental organisations, which have specific responsibilities for the protection of children's rights;
4. *Calls on* its members to ensure that the goals and targets of the World Declaration and Plan of Action on the Survival, Protection and Development of Children, adopted at the 1990 World Summit for Children, are met within the agreed ten-year time frame;
5. *Urges* all UN Member States to expedite work under way within the United Nations to draft an optional protocol to the Convention on the Rights of the Child;
6. *Urges* all countries to develop national action plans and strengthen intersectoral co-ordination in order to fully implement the Declaration and Agenda for Action adopted by the World Congress on the Commercial Sexual Exploitation of Children;
7. *Recommends* that all countries allocate sufficient funds for prevention and education campaigns aimed at combating child prostitution and sexual abuse;
8. *Urges* all countries to introduce or strengthen legislation to protect children and to prohibit the commercial sexual exploitation of children, which targets in particular the service providers, customers or intermediaries in child prostitution, child trafficking and child pornography, as well as the distribution of child pornography via electronic means such as the Internet;
9. *Strongly recommends* that all countries establish or strengthen networks for co-operation between national and international law enforcement authorities, in order to counter the increasingly transnational nature of commercial sexual exploitation of children.

## CO-OPERATION BETWEEN THE UNION AND FAO

### *Resolution adopted without a vote by the Inter-Parliamentary Council at its 161st session (Cairo, 16 September 1997)*

The Inter-Parliamentary Council,

*Recalling* its resolution adopted at the Council's 160th session (Seoul, 15 April 1997) on the results of the Parliamentarians' Day held in Rome on 15 November 1996 on the occasion of the World Food Summit,

*Further recalling* the resolution of the 96th Inter-Parliamentary Conference (Beijing, 20 September 1996) on "Policies and strategies to ensure the right to food in this time of globalisation of the economy and trade liberalisation",

1. *Welcomes* the signing of the Co-operation Agreement between the IPU and the Food and Agriculture Organisation of the United Nations (FAO) on 12 August 1997, and *looks forward* to the full implementation of the Agreement leading to the strengthening of institutional links between the two organisations and enhancing their co-operation;
2. *Reiterates* its endorsement of the contents of the Declaration adopted by the participants in the Parliamentarians' Day, and *calls on* all IPU member parliaments to continue their work for the implementation of the Rome Declaration on World Food Security and the Plan of Action adopted at the World Food Summit, as well as the Declaration adopted at the Parliamentarians' Day;
3. *Also reiterates* its support of FAO's efforts to promote food security as well as rural and agricultural development through the Special Programme for Food Security in Low-Income, Food-Deficit Countries and through the "Food for All" campaign, and *invites* IPU member parliaments to support the "Food for All - TeleFood 1997" initiative launched by FAO at the global level within the "Food for All" campaign;
4. *Welcomes* FAO's initiative to prepare draft strategies for national agricultural development (Horizon 2010) for developing countries and countries in transition, and *urges* the countries concerned to review, amend and adopt these strategies as part of their efforts to fulfil the commitments undertaken in the Plan of Action adopted at the World Food Summit;
5. *Looks forward* to the holding of the Inter-Parliamentary Conference on "Agricultural production for attaining the objectives of the World Food Summit while respecting the environment" to be organised jointly by IPU and FAO and hosted by the Italian Parliament in Rome in November 1998, and *urges* IPU member parliaments to participate actively in this event.

## UNIVERSAL DECLARATION ON DEMOCRACY

*Declaration adopted without a vote\* by the Inter-Parliamentary Council at its 161st session  
(Cairo, 16 September 1997)*

*The Inter-Parliamentary Council,*

*Reaffirming* the Inter-Parliamentary Union's commitment to peace and development and *convinced* that the strengthening of the democratisation process and representative institutions will greatly contribute to attaining this goal,

*Reaffirming* also the calling and commitment of the Inter-Parliamentary Union to promoting democracy and the establishment of pluralistic systems of representative government in the world, and *wishing* to strengthen its sustained and multiform action in this field,

*Recalling* that each State has the sovereign right, freely to choose and develop, in accordance with the will of its people, its own political, social, economic and cultural systems without interference by other States in strict conformity with the United Nations Charter,

*Recalling also* the Universal Declaration of Human Rights adopted on 10 December 1948, as well as the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights adopted on 16 December 1966, the International Convention on the Elimination of All Forms of Racial Discrimination adopted on 21 December 1965 and the Convention on the Elimination of All Forms of Discrimination Against Women adopted on 18 December 1979,

*Recalling further* the *Declaration on Criteria for Free and Fair Elections* which it adopted in March 1994 and in which it confirmed that in any State the authority of the government can derive only from the will of the people as expressed in genuine, free and fair elections,

*Referring to* the *Agenda for Democratisation* presented on 20 December 1996 by the UN Secretary-General to the 51st session of the United Nations General Assembly,

*Adopts* the following **Universal Declaration on Democracy** and *urges* Governments and Parliaments throughout the world to be guided by its content:

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\* After the Declaration was adopted, the delegation of China expressed reservations to the text.

## **FIRST PART - THE PRINCIPLES OF DEMOCRACY**

1. Democracy is a universally recognised ideal as well as a goal, which is based on common values shared by peoples throughout the world community irrespective of cultural, political, social and economic differences. It is thus a basic right of citizenship to be exercised under conditions of freedom, equality, transparency and responsibility, with due respect for the plurality of views, and in the interest of the polity.
2. Democracy is both an ideal to be pursued and a mode of government to be applied according to modalities which reflect the diversity of experiences and cultural particularities without derogating from internationally recognised principles, norms and standards. It is thus a constantly perfected and always perfectible state or condition whose progress will depend upon a variety of political, social, economic, and cultural factors.
3. As an ideal, democracy aims essentially to preserve and promote the dignity and fundamental rights of the individual, to achieve social justice, foster the economic and social development of the community, strengthen the cohesion of society and enhance national tranquillity, as well as to create a climate that is favourable for international peace. As a form of government, democracy is the best way of achieving these objectives; it is also the only political system that has the capacity for self-correction.
4. The achievement of democracy presupposes a genuine partnership between men and women in the conduct of the affairs of society in which they work in equality and complementarity, drawing mutual enrichment from their differences.
5. A state of democracy ensures that the processes by which power is acceded to, wielded and alternates allow for free political competition and are the product of open, free and non-discriminatory participation by the people, exercised in accordance with the rule of law, in both letter and spirit.
6. Democracy is inseparable from the rights set forth in the international instruments recalled in the preamble. These rights must therefore be applied effectively and their proper exercise must be matched with individual and collective responsibilities.
7. Democracy is founded on the primacy of the law and the exercise of human rights. In a democratic State, no one is above the law and all are equal before the law.
8. Peace and economic, social and cultural development are both conditions for and fruits of democracy. There is thus interdependence between peace, development, respect for and observance of the rule of law and human rights.

## **SECOND PART - THE ELEMENTS AND EXERCISE OF DEMOCRATIC GOVERNMENT**

9. Democracy is based on the existence of well-structured and well-functioning institutions, as well as on a body of standards and rules and on the will of society as a whole, fully conversant with its rights and responsibilities.
10. It is for democratic institutions to mediate tensions and maintain equilibrium between the competing claims of diversity and uniformity, individuality and collectivity, in order to enhance social cohesion and solidarity.



11. Democracy is founded on the right of everyone to take part in the management of public affairs; it therefore requires the existence of representative institutions at all levels and, in particular, a Parliament in which all components of society are represented and which has the requisite powers and means to express the will of the people by legislating and overseeing government action.

12. The key element in the exercise of democracy is the holding of free and fair elections at regular intervals enabling the people's will to be expressed. These elections must be held on the basis of universal, equal and secret suffrage so that all voters can choose their representatives in conditions of equality, openness and transparency that stimulate political competition. To that end, civil and political rights are essential, and more particularly among them, the rights to vote and to be elected, the rights to freedom of expression and assembly, access to information and the right to organise political parties and carry out political activities. Party organisation, activities, finances, funding and ethics must be properly regulated in an impartial manner in order to ensure the integrity of the democratic processes.

13. It is an essential function of the State to ensure the enjoyment of civil, cultural, economic, political and social rights to its citizens. Democracy thus goes hand in hand with an effective, honest and transparent government, freely chosen and accountable for its management of public affairs.

14. Public accountability, which is essential to democracy, applies to all those who hold public authority, whether elected or non-elected, and to all bodies of public authority without exception. Accountability entails a public right of access to information about the activities of government, the right to petition government and to seek redress through impartial administrative and judicial mechanisms.

15. Public life as a whole must be stamped by a sense of ethics and by transparency, and appropriate norms and procedures must be established to uphold them.

16. Individual participation in democratic processes and public life at all levels must be regulated fairly and impartially and must avoid any discrimination, as well as the risk of intimidation by State and non-State actors.

17. Judicial institutions and independent, impartial and effective oversight mechanisms are the guarantors for the rule of law on which democracy is founded. In order for these institutions and mechanisms fully to ensure respect for the rules, improve the fairness of the processes and redress injustices, there must be access by all to administrative and judicial remedies on the basis of equality as well as respect for administrative and judicial decisions both by the organs of the State and representatives of public authority and by each member of society.

18. While the existence of an active civil society is an essential element of democracy, the capacity and willingness of individuals to participate in democratic processes and make governance choices cannot be taken for granted. It is therefore necessary to develop conditions conducive to the genuine exercise of participatory rights, while also eliminating obstacles that prevent, hinder or inhibit this exercise. It is therefore indispensable to ensure the permanent enhancement of, *inter alia*, equality, transparency and education and to remove obstacles such as ignorance, intolerance, apathy, the lack of genuine choices and alternatives and the absence of measures designed to redress imbalances or discrimination of a social, cultural, religious and racial nature, or for reasons of gender.

19. A sustained state of democracy thus requires a democratic climate and culture constantly nurtured and reinforced by education and other vehicles of culture and information. Hence, a democratic society must be committed to education in the broadest sense of the term, and more particularly civic education and the shaping of a responsible citizenry.

20. Democratic processes are fostered by a favourable economic environment; therefore, in its overall effort for development, society must be committed to satisfying the basic economic needs of the most disadvantaged, thus ensuring their full integration in the democratic process.

21. The state of democracy presupposes freedom of opinion and expression; this right implies freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.

22. The institutions and processes of democracy must accommodate the participation of all people in homogeneous as well as heterogeneous societies in order to safeguard diversity, pluralism and the right to be different in a climate of tolerance.

23. Democratic institutions and processes must also foster decentralised local and regional government and administration, which is a right and a necessity, and which makes it possible to broaden the base of public participation.

### **THIRD PART - THE INTERNATIONAL DIMENSION OF DEMOCRACY**

24. Democracy must also be recognised as an international principle, applicable to international organisations and to States in their international relations. The principle of international democracy does not only mean equal or fair representation of States; it also extends to the economic rights and duties of States.

25. The principles of democracy must be applied to the international management of issues of global interest and the common heritage of humankind, in particular the human environment.

26. To preserve international democracy, States must ensure that their conduct conforms to international law, refrain from the use or threat of force and from any conduct that endangers or violates the sovereignty and political or territorial integrity of other States, and take steps to resolve their differences by peaceful means.

27. A democracy should support democratic principles in international relations. In that respect, democracies must refrain from undemocratic conduct, express solidarity with democratic governments and non-State actors like non-governmental organisations which work for democracy and human rights, and extend solidarity to those who are victims of human rights violations at the hands of undemocratic régimes. In order to strengthen international criminal justice, democracies must reject impunity for international crimes and serious violations of fundamental human rights and support the establishment of a permanent international criminal court.

## 50th ANNIVERSARY OF THE UNIVERSAL DECLARATION OF HUMAN RIGHTS

### ***Resolution adopted without a vote\* by the Inter-Parliamentary Council at its 161st session (Cairo, 16 September 1997)***

*Recalling* the Universal Declaration of Human Rights adopted by the United Nations General Assembly on 10 December 1948,

*Stressing* that the Declaration sets forth « a common standard of achievement for all peoples and all nations, to the end that every individual and every organ of society shall strive by teaching and education to promote respect for these rights and freedoms and by progressive measures, national and international, to secure their universal and effective recognition and observance »,

*Welcoming the fact* that over the years the Declaration has provided both inspiration and substance for the development of a corpus of human rights principles and standards, as enshrined particularly in the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, and in regional human rights instruments and national legislation,

*Recalling* that the Vienna Declaration and Programme of Action, adopted by consensus in 1993 by the World Conference on Human Rights, reaffirmed the international community's commitment to these human rights principles and standards and their universal and indivisible character,

*Noting with deep concern* that the goals set half a century ago are nonetheless still distant since human rights standards are not fully and universally respected and human rights and fundamental freedoms continue to be violated in all parts of the world,

*Aware* of the particular duty of Parliaments and their members, as guardians of human rights, to defend and promote human rights and so contribute to the building of a world in which human beings enjoy the entire spectrum of civil, cultural, economic, social and political rights,

*Recalling* the many resolutions adopted in recent years by the Inter-Parliamentary Union on issues of human rights, recommending specific action by governments and parliaments to uphold and promote human rights in various areas, including in particular :

- « *Strengthening national structures, institutions and organisations of society which play a role in promoting and safeguarding human rights* » (Copenhagen, 17 September 1994);
- « *The protection of minorities as a global issue and a prerequisite for stability, security and peace* » (Istanbul, 19 April 1996);

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\* After the Resolution was adopted, the delegations of Indonesia and Singapore expressed reservations to the text.

- « *Promoting greater respect and protection of human rights in general and in particular for women and children* » (Beijing, 20 September 1996);

*Considering that the United Nations, in General Assembly resolution 51/88, invited States « to review and assess the progress that has been made in the field of human rights since the adoption of the Universal Declaration of Human Rights, to identify obstacles and ways in which they can be overcome to achieve progress in this area, to undertake additional efforts and to develop programmes of education and information, with a view to disseminating the text of the Declaration and arriving at a better understanding of the universal message »,*

1. *Firmly believes that all States have a duty to seek, in co-operation with the United Nations, the promotion of universal respect for and observance of all human rights and fundamental freedoms and reaffirms that human rights are a matter of legitimate international concern since respect for them constitutes a pillar of international order;*
2. *Reaffirms the importance of the Universal Declaration of Human Rights and recommends that the parliamentary community mark its fiftieth anniversary in 1998 with a series of activities in support of the defence and promotion of human rights;*
3. *Calls on all Parliaments and their members to take action at the national level to ensure:*
  - (i) *That international and regional human rights treaties are ratified or acceded to promptly by their countries, in case they have not already done so, and that reservations are withdrawn whenever they conflict with the object and purpose of the treaty;*
  - (ii) *That enabling legislation is enacted and that the provisions of national laws and regulations are harmonised with the norms and standards contained in these instruments with a view to their full implementation;*
  - (iii) *That full co-operation and adequate information is offered to international and regional human rights bodies, including international criminal courts, and that individual complaints procedures provided for in international human rights treaties are accepted;*
  - (iv) *That independent national institutions for human rights, including the office of an Ombudsman or equivalent institution, together with parliamentary bodies overseeing human rights issues, are established or activated to operate in keeping with human rights norms;*
  - (v) *That non-governmental organisations working for the promotion and protection of human rights receive the necessary support and protection;*
  - (vi) *That the necessary budgetary provisions are made for action to promote and protect human rights, with special reference to human rights education;*
4. *Invites all Parliaments to hold a special sitting on or close to 10 December 1998, with the support from national parliamentary human rights bodies, to celebrate the Universal Declaration of Human Rights and to discuss the protection and promotion of human rights;*
5. *Invites also all Parliaments to encourage greater participation by the youth in national events to celebrate the Universal Declaration of Human Rights;*

6. *Calls upon* Parliaments and their members to extend support and co-operation at the international level to the work of the United Nations and, in particular, the United Nations High Commissioner on Human Rights, as well as to regional human rights bodies;
7. *Recommends* that the question of respect for human rights be addressed on the occasion of the 100th Inter-Parliamentary Conference in Moscow and, to that end, *urges* the members of the IPU to present reports on action they have taken to follow up this resolution, well in advance of that Conference;
8. *Decides* in favour of the IPU being represented, in a manner to be decided upon in due time, at the celebration of the fiftieth anniversary of the Universal Declaration of Human Rights, which will take place during the UN General Assembly on 10 December 1998, and for an IPU contribution to be prepared for the celebrations in the form of information on parliamentary mechanisms to promote and protect human rights world-wide;
9. *Requests* the Secretary General to pursue discussions on activities to celebrate the fiftieth anniversary of the Universal Declaration of Human Rights with the United Nations and inter-parliamentary assemblies and organisations and to report to the Council at its 162nd session on further measures the Union may take

**RESPECT FOR INTERNATIONAL HUMANITARIAN LAW  
AND THE BANNING OF ANTI-PERSONNEL MINES**

***Resolution adopted without a vote by the Inter-Parliamentary Council at its 161st session  
(Cairo, 16 September 1997)***

*The Inter-Parliamentary Council,*

*Having taken note of the report of the Committee to promote respect for International Humanitarian Law (document CL/161/10(g)-R.1 and R.1/Add.1, 2 and 3) which gives an account of the findings of the world inquiry that the Committee conducted on parliamentary action to ensure national application of the rules of International Humanitarian Law (IHL) and on parliamentary action concerning anti-personnel mines,*

1. *Takes note of the Committee's report;*
2. *Thanks all those Parliaments which participated in the inquiry for their co-operation and notes the value of the information so gathered;*
3. *Notes that the data collected must be considered as a representative sampling and not as a complete reflection of parliamentary activity in this field, and therefore asks the Committee to continue gathering and up-dating information and to report to it on the results of its work at its 163rd session, in September 1998;*
4. *Invites the members of the Inter-Parliamentary Union to bring the Committee's report and this resolution to the attention of the competent body in their Parliament and of all government bodies concerned, particularly in view of the Ottawa process on anti-personnel mines;*
5. *Requests the Secretary General to circulate the Committee's report and this resolution as widely as possible;*
6. *Decides the following:*

**A. National application of the rules of International Humanitarian Law (IHL)**

*The Inter-Parliamentary Council,*

1. *Recalls that, since the end of the Second World War, the world has been or is being torn by more than 50 international or internal conflicts and many humanitarian crises, leading to millions of deaths, casualties and disabilities, millions of refugees and displaced persons and terrible human suffering, leaving millions of children orphaned, lost or abandoned and exposed to any type of abuse, bleeding countries dry, affecting their institutions, damaging their infrastructures and hampering their development, and resulting in irreparable damage to monuments which belong to the heritage of humankind;*
2. *Considers that strict respect for the rules of IHL would prevent and offset many of the effects of such conflicts;*
3. *Observes that the findings of the inquiry conducted by the IHL Committee clearly indicate that parliaments and their members have a key role to play in promoting respect*

for the rules of IHL and the punishment of violations of these rules, and *notes* the importance of such action, not only where armed conflicts have actually broken out but also, on a preventive basis, outside periods of hostility;

4. *Notes* that specifically including IHL issues in the mandate of a standing parliamentary committee or, when justified, setting up a special committee for IHL, is a means of indicating the importance which the parliament attaches to these issues and makes it possible to cover them effectively and on an ongoing basis; and *therefore encourages* parliaments which have not yet set up such a body to take steps to do so;
5. *Invites* parliaments also to encourage the setting-up (if this was not already done) of an interministerial commission, or an equivalent body, for the implementation of the rules of IHL and to establish mechanisms for co-operation between the competent parliamentary body and the interministerial body;
6. *Invites* the parliaments of States which are not yet parties to one or other of the international instruments of IHL to take steps to accede, and *further invites* the parliamentarians of those States which expressed reservations or interpretative declarations at the time of ratification of such treaties to verify whether such reservations are still valid;
7. *Underscores* that impunity for war crimes constitutes a violation of international obligations, since States have undertaken to suppress violation of IHL rules; *stresses* that it is therefore essential to include specific and complete provisions on the suppression of war crimes in the Civil Penal Code and in the Military Penal Code, and *urges* parliaments to see to it that such provisions are introduced if either of the two codes is lacking in this respect, and also to ensure international penal co-operation to combat impunity;
8. *Invites* parliaments to promote the earliest possible establishment and operation of the International Criminal Court, currently under study by the United Nations;
9. *Underscores* that teaching of the rules of IHL constitutes the best means of preventing any breach of them and *therefore invites* parliaments to adopt legislation to make such teaching compulsory, particularly for the armed and security forces, wherever this is not yet the case;
10. *Invites* parliaments to consider the adoption of national legislation which bans voluntary or mandatory recruitment of children under 18 as well as any direct or indirect participation by them in hostilities;
11. *Also invites* parliaments to take steps to ensure the prompt demobilisation of their child soldiers and their reintegration in society, in particular by means of suitable education and training; *further invites* them to see to the social reintegration of children who are victims of armed conflict or foreign occupation, children who are victims of anti-personnel mines and children who are victims of sexual abuse; *lastly invites* the international community to support efforts along these lines made by States which are recovering from armed conflicts;
12. *Invites* parliaments to make every effort to ensure that as many States as possible participate in the first periodic meeting of States parties to the Geneva Conventions to examine general problems in applying IHL, to be hosted by Switzerland in January 1998 in accordance with the decision taken in December 1995 by the XXVIth International Conference of the Red Cross and Red Crescent.

## **B. Anti-personnel mines**

The Inter-Parliamentary Council,

1. *Recalls* the resolution "World-wide ban on anti-personnel mines and the need for mine clearance for humanitarian purposes" adopted by the 96th Inter-Parliamentary Conference (September 1996) and *urges* parliaments to act on it;
2. *Recalls* that, according to the United Nations, there are tens of millions of anti-personnel landmines in more than 70 countries throughout the world, and *recognises* that an effective long-term solution to the landmines crisis demands an immediate total ban on their production, transfer, stockpiling and use as well as greater efforts to prevent mine incidents and to care for mine victims;
3. *Reiterates its extreme concern* about the indiscriminate effects of anti-personnel landmines, and their prolonged human, social and economic costs and consequently their adverse impact on efforts to promote sustained national development;
4. *Warns* that the indiscriminate use of anti-personnel mines is a flagrant violation of the fundamental norms of International Humanitarian Law;
5. *Urges* States which have not yet done so to ratify the 1980 Convention on Certain Conventional Weapons, including all annexed Protocols, especially amended Protocol II dealing with Mines, Booby Traps and Other Devices;
6. *Welcomes* the increasing number of national decisions unilaterally to ban anti-personnel mines and of regional initiatives for the establishment of zones free of this weapon, as well as the rapid progress being made towards the global prohibition of the production, transfer, stockpiling and use of anti-personnel mines;
7. *Also welcomes* the adoption of the Brussels Declaration at the Brussels International Conference for a Global Ban on Anti-Personnel Mines in June 1997 and its signature by over 110 States;
8. *Urges* all governments to sign, in Ottawa in December 1997, the comprehensive International Humanitarian Law treaty prohibiting anti-personnel mines and *further urges* parliaments to arrange for the earliest possible national ratification of this treaty and the adoption of the enabling legislation and regulations, to ensure the early entry into force of the treaty and full respect of its provisions;
9. *Also urges* all States and other parties to armed conflict to contribute on an ongoing basis to international landmine clearance efforts and *encourages* States to fund the United Nations Voluntary Trustee Fund for Mine Clearance;
10. *Further urges* the government and parliament of the countries concerned to take further action to promote mine-awareness programmes (including gender- and age-appropriate programmes), thereby reducing the number and the plight of civilian victims;
11. *Lastly urges likewise* the government and parliament of the countries concerned to release appropriate resources for the treatment and rehabilitation of landmine victims.



**VOTE BY THE INTER-PARLIAMENTARY COUNCIL**  
**on the draft programme and budget for 1998 proposed by the Executive Committee**

**R e s u l t s**

Affirmative votes .....	190
Negative votes.....	14
Abstentions .....	23

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

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

**BUDGET OF THE INTER-PARLIAMENTARY UNION FOR THE YEAR 1998**

EXPENDITURE	SF.
1. Permanent staff emoluments, Contributions to the Staff Pension Fund and insurance costs	5,189,000.00
2. Temporary staff and external services	125,000.00
3. United Nations Liaison Bureau	325,000.00
4. Headquarters premises	150,000.00
5. Office supplies, equipment and communication	600,000.00
6. Duty travel and representation	45,000.00
7. Library acquisitions	30,000.00
8. Council President's representation allowance	20,000.00
9. Miscellaneous charges	15,000.00
10. Statutory sessions	1,650,000.00
11. Special conferences and similar meetings	155,000.00
12. Committees/working groups	136,000.00
13. Special programme activities	200,000.00
14. Information and publications	160,000.00
15. Subvention to ASGP	115,000.00
16. Replenishment of Working Capital Fund	750,000.00
	9,665,000.00

  

RECEIPTS	SF.
1. Contributions from member Parliaments	9,630,000.00
2. Sale of publications	30,000.00
3. Sundry income	5,000.00
	9,665,000.00

**TABLE OF CONTRIBUTIONS  
TO THE BUDGET OF THE INTER-PARLIAMENTARY UNION FOR THE YEAR 1998**

Members and Associate Members	Percentage	Amount of the contribution for 1998 (Swiss Francs)
Albania	0.20	18,801.--
Algeria	0.33	31,022.--
Andorra	0.20	18,801.--
Angola	0.20	18,801.--
Argentina	0.69	64,864.--
Armenia	0.26	24,442.--
Australia	1.50	141,010.--
Austria	0.84	78,965.--
Azerbaijan	0.35	32,902.--
Bangladesh	0.20	18,801.--
Belarus	0.48	45,123.--
Belgium	1.11	104,347.--
Benin	0.20	18,801.--
Bolivia	0.20	18,801.--
Bosnia and Herzegovina	0.23	21,621.--
Botswana	0.20	18,801.--
Brazil	1.57	147,590.--
Bulgaria	0.30	28,202.--
Burkina Faso	0.20	18,801.--
Cambodia	0.20	18,801.--
Cameroon	0.20	18,801.--
Canada	2.89	271,679.--
Cape Verde	0.20	18,801.--
Central African Republic	0.20	18,801.--
Chile	0.26	24,442.--
China	0.86	80,846.--
Colombia	0.30	28,202.--
Congo	0.20	18,801.--
Costa Rica	0.20	18,801.--
Côte d'Ivoire	0.20	18,801.--
Croatia	0.29	27,262.--
Cuba	0.27	25,382.--
Cyprus	0.21	19,741.--
Czech Republic	0.50	47,003.--
Democratic PR of Korea	0.23	21,621.--
Denmark	0.75	70,505.--

**TABLE OF CONTRIBUTIONS  
TO THE BUDGET OF THE INTER-PARLIAMENTARY UNION FOR THE YEAR 1998**

Members and Associate Members	Percentage	Amount of the contribution for 1998 (Swiss Francs)
Djibouti	0.20	18,801.--
Ecuador	0.22	20,681.--
Egypt	0.25	23,502.--
El Salvador	0.20	18,801.--
Estonia	0.25	23,502.--
Ethiopia	0.20	18,801.--
Fiji	0.20	18,801.--
Finland	0.69	64,864.--
France	5.39	506,695.--
Gabon	0.20	18,801.--
Georgia	0.29	27,262.--
Germany	7.93	745,471.--
Ghana	0.20	18,801.--
Greece	0.49	46,063.--
Guatemala	0.21	19,741.--
Guinea	0.20	18,801.--
Hungary	0.35	32,902.--
Iceland	0.22	20,681.--
India	0.50	47,003.--
Indonesia	0.33	31,022.--
Iran (Islamic Republic of)	0.86	80,846.--
Iraq	0.30	28,202.--
Ireland	0.35	32,902.--
Israel	0.39	36,663.--
Italy	3.91	367,565.--
Japan	10.55	991,768.--
Jordan	0.20	18,801.--
Kazakstan	0.45	42,303.--
Kenya	0.20	18,801.--
Kuwait	0.41	38,543.--
Kyrgyzstan	0.22	20,681.--
Lao People's Democratic Republic	0.20	18,801.--
Latvia	0.28	26,322.--
Lebanon	0.20	18,801.--
Libyan Arab Jamahiriya	0.40	37,603.--
Lithuania	0.30	28,202.--
Luxembourg	0.24	22,562.--

**TABLE OF CONTRIBUTIONS  
TO THE BUDGET OF THE INTER-PARLIAMENTARY UNION FOR THE YEAR 1998**

Members and Associate Members	Percentage	Amount of the contribution for 1998 (Swiss Francs)
Malawi	0.20	18,801.--
Malaysia	0.30	28,202.--
Mali	0.20	18,801.--
Malta	0.20	18,801.--
Marshall Islands	0.20	18,801.--
Mauritania	0.20	18,801.--
Mauritius	0.20	18,801.--
Mexico	0.95	89,306.--
Monaco	0.20	18,801.--
Mongolia	0.20	18,801.--
Morocco	0.22	20,681.--
Mozambique	0.20	18,801.--
Namibia	0.20	18,801.--
Nepal	0.20	18,801.--
Netherlands	1.49	140,070.--
New Zealand	0.40	37,603.--
Nicaragua	0.20	18,801.--
Niger	0.20	18,801.--
Norway	0.67	62,984.--
Pakistan	0.24	22,562.--
Panama	0.20	18,801.--
Papua New Guinea	0.20	18,801.--
Paraguay	0.20	18,801.--
Peru	0.24	22,562.--
Philippines	0.25	23,502.--
Poland	0.60	56,404.--
Portugal	0.36	33,842.--
Republic of Korea	0.79	74,265.--
Republic of Moldova	0.30	28,202.--
Romania	0.34	31,962.--
Russian Federation	5.50	517,035.--
Rwanda	0.20	18,801.--
San Marino	0.20	18,801.--
Senegal	0.20	18,801.--
Singapore	0.30	28,202.--
Slovakia	0.28	26,322.--
Slovenia	0.27	25,382.--

**TABLE OF CONTRIBUTIONS  
TO THE BUDGET OF THE INTER-PARLIAMENTARY UNION FOR THE YEAR 1998**

Members and Associate Members	Percentage	Amount of the contribution for 1998 (Swiss Francs)
South Africa	0.54	50,763.--
Spain	1.91	179,552.--
Sri Lanka	0.20	18,801.--
Sudan	0.20	18,801.--
Suriname	0.20	18,801.--
Sweden	1.15	108,107.--
Switzerland	1.20	112,808.--
Syrian Arab Republic	0.23	21,621.--
Tajikistan	0.21	19,741.--
Thailand	0.29	27,262.--
The FYR of Macedonia	0.20	18,801.--
Togo	0.20	18,801.--
Tunisia	0.22	20,681.--
Turkey	0.43	40,423.--
Uganda	0.20	18,801.--
United Arab Emirates	0.37	34,782.--
United Kingdom	4.54	426,789.--
United Republic of Tanzania	0.20	18,801.--
United States of America	15.00	1,410,097.--
Uruguay	0.23	21,621.--
Uzbekistan	0.37	34,782.--
Venezuela	0.62	58,284.--
Viet Nam	0.20	18,801.--
Yemen	0.20	18,801.--
Yugoslavia	0.33	31,022.--
Zambia	0.20	18,801.--
Zimbabwe	0.20	18,801.--
Andean Parliament	0.02	1,880.--
Latin American Parliament	0.02	1,880.--
Parliamentary Assembly of the Council of Europe	0.06	5,640.--
		9,630,001.--

**AGENDA OF THE  
99<sup>th</sup> INTER-PARLIAMENTARY CONFERENCE**

**(Windhoek, 6-11 April 1998)**

1. Election of the President and Vice-Presidents of the 99th Conference
2. Consideration of possible requests for the inclusion of a supplementary item in the Conference agenda
3. General Debate on the political, economic and social situation in the world
4. The prevention of conflicts and the restoration of peace and trust in countries emerging from war; the return of refugees to their countries of origin, the strengthening of democratic processes and the hastening of reconstruction
5. Action to combat HIV/AIDS in view of its devastating human, economic and social impact
6. Amendment to Article 20.2 of the Union's Statutes

**LIST OF INTERNATIONAL ORGANISATIONS AND OTHER BODIES INVITED  
TO FOLLOW THE WORK OF THE 99th CONFERENCE AS OBSERVERS**

Palestine

United Nations

International Labour Organization (ILO)

Food and Agriculture Organization of the United Nations (FAO)

United Nations Educational, Scientific and Cultural Organization (UNESCO)

World Health Organization (WHO)

World Bank

International Monetary Fund (IMF)

International Fund for Agricultural Development (IFAD)

United Nations Conference on Trade and Development (UNCTAD)

World Trade Organization (WTO-OMC)

Council of Europe

International Organization for Migration (IOM)

Latin American Economic System (LAES)

League of Arab States

Organization of African Unity (OAU)

Organization of American States (OAS)

Amazonian Parliament

Arab Inter-Parliamentary Union

ASEAN Inter-Parliamentary Organization (AIPO)

Asian and Pacific Parliamentarians' Union

Assembly of the Western European Union (WEU)

Association of European Parliamentarians for (Southern) Africa (AWEPA)

Baltic Assembly

Central American Parliament

Commonwealth Parliamentary Association (CPA)

Consultative Council of the Arab Maghreb Union

European Parliament

International Assembly of French-Speaking Parliamentarians

Inter-Parliamentary Assembly of the Commonwealth of Independent States

Inter-Parliamentary Council against Antisemitism

Nordic Council

Parliamentary Assembly for Black Sea Economic Co-operation

Parliamentary Assembly of the OSCE

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

Union of African Parliaments (UAP)

Amnesty International

International Committee of the Red Cross (ICRC)

International Federation of Red Cross and Red Crescent Societies

World Federation of United Nations Associations (WFUNA)



## FUTURE MEETINGS AND OTHER ACTIVITIES

<p>«<i>Reining in Impunity for International Crimes and Serious Violations of Human Rights</i>», conference organised by the International Human Rights Law Institute, and sponsored by the IPU</p>	<p>SIRACUSA (Italy) 17 - 21 September 1997</p>
<p>Meeting of MPs attending the 52nd session of the UN General Assembly</p>	<p>NEW YORK (UN Headquarters) 27 October 1997</p>
<p>Information Seminar on the functioning of the Union (English language)</p>	<p>GENEVA (IPU Headquarters) 17 - 22 November 1997</p>
<p>80th session of the Committee on the Human Rights of Parliamentarians (<i>in camera</i>)</p>	<p>GENEVA (IPU Headquarters) 13 - 16 January 1998</p>
<p>Annual meeting of the IPU Committee for Sustainable Development</p>	<p>GENEVA (IPU Headquarters) March 1998</p>
<p>Specialised Conference on the «<i>Contribution of Parliaments to democracy in Africa</i>» organised by the Union of African Parliaments and sponsored by the IPU</p>	<p>HARARE (Zimbabwe) First week of April 1998 for three days</p>
<p><b>99th Inter-Parliamentary Conference and related meetings</b></p> <ul style="list-style-type: none"> <li>- Inter-Parliamentary Conference</li> <li>- Inter-Parliamentary Council (162nd session)</li> <li>- Executive Committee (226th session)</li> <li>- Meeting of Women Parliamentarians</li> <li>- CSCM Meeting</li> <li>- Committee on the Human Rights of Parliamentarians (81st session) (<i>in camera</i>)</li> <li>- Committee on Middle East Questions</li> <li>- Committee on the Situation in Cyprus</li> </ul>	<p>WINDHOEK (Namibia) 2 - 11 April 1998</p> <p>6 - 10 April 1998 6 and 11 April 2, 3, 4 and 9 April 5 April 8 April</p> <p>5 - 10 April 8 April 7 and 9 April</p>
<p>2nd Thematic Preparatory Meeting for the IIIrd CSCM</p>	<p>EVORA (Portugal) 25 and 26 June 1998</p>
<p>82nd session of the Committee on the Human Rights of Parliamentarians (<i>in camera</i>)</p>	<p>GENEVA (IPU Headquarters) July 1998</p>

«*Third Workshop of Parliamentary Scholars and Parliamentarians*» organised by the International Political Science Association at Wroxton College and sponsored by the IPU

OXFORD (United Kingdom)  
8 and 9 August 1998

100th Inter-Parliamentary Conference

MOSCOW (Russian Federation)  
7 - 12 September 1998

Specialised Conference co-organised by IPU and FAO on "*Agricultural production for attaining the objectives of the Food Summit while respecting the environment*"

ROME (Italy)  
Last week of November 1998

101st Inter-Parliamentary Conference

BRUSSELS (Belgium)  
5 - 10 April 1999

102nd Inter-Parliamentary Conference

BERLIN (Germany)  
Autumn 1999

**REPORT AND RECOMMENDATIONS OF THE COMMITTEE  
TO MONITOR THE SITUATION IN CYPRUS**

*Rapporteur: Sir Peter Lloyd (United Kingdom)*

***Approved by the Inter-Parliamentary Council at its 161st session  
(Cairo, 16 September 1997)***

**I. WORK OF THE COMMITTEE**

1. The Committee to Monitor the Situation in Cyprus held its XIIIth session in Cairo from Friday, 12 September, to Sunday, 14 September 1997. The following took part in the session: Mr. H. Kemppainen (Finland), President, Mr. J. Baumel (France), Vice-Chairman, Sir Peter Lloyd (United Kingdom), Mrs. Y. Loza (Egypt), and Mr. S. Pattison (Ireland). Mr. L. McLeay (Australia) was unable to take part in the session.
2. The Committee re-elected Mr. H. Kemppainen and Mr. J. Baumel, as Chairman and Vice-Chairman, respectively.
3. The Committee examined developments in the situation in and regarding Cyprus since April 1997, the date of its latest report on the issue to the IPU Council. To this end, following its previous practice, it examined information received in writing and held three hearings.
4. The Committee heard separately on Friday, 12 September 1997:
  - For the **Greek Cypriot** side: Mr. N. Anastasiades, (DISY), Deputy Speaker of the Parliament of the Republic of Cyprus and Leader of the Cypriot delegation to the 98<sup>th</sup> Inter-Parliamentary Conference, and Mr. A. Philippou, MP (AKEL), member of the delegation;
  - For the **Turkish Cypriot** side: Mr. H. Atun (Democratic Party), Mr. I. Kûçûk (National Unity Party), Mr. A. Kasif (Democratic Party), Mr. F. S. Soyer (Republican Turkish Party) and Mr. H. Angölemlî (Communal Liberation Party).
5. According to its practice, the Committee heard jointly, also on 12 September 1997, the following representatives of the Parliaments of the three Guarantor Powers established by the Treaty of Guarantee of 1960:
  - For **Greece**: Mr. N. Stavrakakis (PASOK), member of the National Assembly and Leader of the Greek delegation to the 98<sup>th</sup> Inter-Parliamentary Conference, and Mrs. A. Benaki (New Democracy Party), member of the National Assembly;
  - For **Turkey**: Mr. I. Köksalan (Motherland Party), member of the Grand National Assembly, President of the National Group and Leader of the delegation of Turkey to the 98<sup>th</sup> Inter-Parliamentary Conference;
  - For the **United Kingdom**: Mr. D. Marshall (Labour Party), member of the House of Commons, President of the National Group and Leader of the United Kingdom delegation to the 98<sup>th</sup> Inter-Parliamentary Conference.

6. The Committee had before it memoranda presented by the representatives of the two Communities on developments in and regarding Cyprus since April 1997, letters from leaders of various political parties, memoranda submitted by the representatives of the three Guarantor Powers on developments in and regarding Cyprus since April 1997, and information on the good offices mission of the United Nations Secretary-General concerning Cyprus and on developments in connection with the request for accession by the Republic of Cyprus to the European Union.

## II. MOST RECENT DEVELOPMENTS IN CYPRUS

7. The developments in the last fourteen months or so in the situation regarding Cyprus and on the island itself, including the increased military build-up, had seriously alarmed the international community. This had prompted it to reiterate in the strongest fashion that the *status quo* in Cyprus has consequences detrimental to both Communities and entails a serious threat, particularly since the exasperation among the population on the island could well degenerate into further tragic events as in 1996. Against this background, in April 1997, the IPU had strongly urged the Leaders of the Greek Cypriot and Turkish Cypriot Communities to come to the negotiating table. The Committee thus welcomes the meetings held by the two Leaders since the previous session of the IPU Council, under the auspices of the United Nations: from 9 to 13 July in Troutbeck (United States of America) and from 11 to 16 August in Glion-sur-Montreux (Switzerland).

8. From the information available on these talks, it appears that the UN Secretary-General, in order to ensure substantive progress, endeavoured to inject fresh impetus to the talks.

9. While limited in substantive outcome, the talks in Troutbeck developed and concluded in a positive atmosphere. They were in fact immediately followed, in Cyprus itself, by two fruitful meetings of the two Leaders on humanitarian matters, more especially the sensitive issue of the missing persons: an agreement regarding the release of information on the places of burial of a number of missing persons was reached. In contrast, the talks in Glion opened against the background of both the negative reaction by the Turkish Cypriot side and Turkey to a section of "Agenda 2000" of the European Union (released in July 1997), which refers to the opening of the accession negotiations process with the Republic of Cyprus, and the negative reaction of the Greek Cypriot side and of Greece to the signing, on 6 August, of an agreement between Turkey and the so-called "Turkish Republic of Northern Cyprus" to establish an Association Council:

- ◆ "Agenda 2000" states : *"The timetable agreed for accession negotiations to start with Cyprus means that they could start before a political settlement is reached. The Union shares the views expressed by the UN Secretary-General, that this decision to open negotiations should be seen as a positive development which could promote the search for a political settlement. (...) If progress towards a settlement is not made before the negotiations are due to begin, they should be opened with the government of the Republic of Cyprus as the only authority recognised by international law."* The Committee finds it worth recalling in that connection that the IPU has consistently urged the EU, and all mediators in the Cyprus issue, to ensure that their efforts dovetailed with those of the UN and that it also shared the UN Secretary-General's hopes that the accession negotiations of Cyprus to the EU could facilitate the settlement of the Cyprus issue.
- ◆ The Committee also finds it helpful to recall that the Turkish Cypriot side and Turkey have consistently argued that the Treaty of Guarantee of 1960 makes a settlement of the Cyprus issue a prerequisite for Cyprus's EU membership and that such membership could only come about once both Greece and Turkey are members of the EU. On 25 July 1997, the Turkish Government conveyed to the United Nations a legal opinion prepared by a British jurist to support that interpretation.

- ◆ The Turkish Cypriot side told the Committee that *"the Association Council agreement is nothing beyond a legitimate self-defence mechanism established in the face of the Greek Cypriot attempt to impose its will on the Turkish Cypriot side through EU membership, which is unfortunately being encouraged by the words and deeds of the European Union itself"*.

10. While welcoming the fact that both parties agreed to take part in the talks in Glion-sur-Montreux, the Committee can only note that no positive steps were possible on that occasion. As far as the Cyprus problem is concerned, the very inauspicious timing of the release and wording of "Agenda 2000" clearly had a negative impact on the talks.

11. The Committee also notes that, after the presentation of the report on the Glion talks to the Security Council, the President of that body, UK Ambassador Sir John Weston, commented as follows: *"I need also to reflect to you that there was some concern and disappointment that further substantive progress at this time was impeded by the attempt to bring preconditions to the table by the other party, and here of course I mean the Turkish Cypriots"*. That comment again raised strong protests from that particular side and Turkey.

12. The Committee wishes, however, to note that the Special Adviser of the UN Secretary-General described the talks as having been *"useful"*. The fact that the two Leaders have agreed to hold another meeting in Cyprus on humanitarian issues shows that, as stated after the Glion talks by the Special Adviser, the two Leaders remain committed to achieving a political settlement. In welcoming this prospect, the Committee hopes that the meeting will take place soon as the IPU is convinced, as it has repeatedly emphasised, that advances on humanitarian issues are keys to progress in the Cyprus issue. Such advances, even if limited, and the ensuing actual implementation of the measures decided, are essential for generating mutual confidence and progress on those issues where a considerable gap persists between the positions of both sides.

13. The Committee also finds hope in information that the contacts between leaders and representatives of the political parties have continued, at least before the Glion talks, and are expected to be resumed in September at the Ledra Palace. It welcomes the constructive approach that appears to have marked these sessions. It regrets, however, that the suggestion by the IPU Council that the parties should hold a joint meeting in parallel to the direct talks between the two Leaders so as to serve as a sounding board for the talks did not materialise. It feels convinced that this would have usefully supported and eased the process. It wishes to recall that the IPU has always considered the political parties to be *"important partners in the search for a negotiated settlement in Cyprus since they relay the full range of views and feelings of civil society in an organised way to the political arena"*.

14. The Committee is also heartened by reports that contacts at the level of civil society have improved in the last few months, even if obstacles still remain in the way and a number of regrettable difficulties and incidents were observed in connection with the Peace Concert organised by the UN on 19 May and also in connection with pilgrimages organised on either side and regarding the state of places of worship. As already mentioned on a number of occasions, it is hopeful that initiatives by civil society in search of a settlement of the Cyprus issue - particularly initiatives from the chambers of commerce, professional organisations and trade unions, in addition to non-governmental organisations - may in fact grow in number without obstacles and hindrances being placed in their way.

15. The Committee also wishes to mention at this point the constructive atmosphere that marked a social function hosted at Cairo by Mrs. Y. Loza, one of its members, with the participation of Greek and Turkish Cypriots together with representatives of Greece, Turkey and the United Kingdom, and welcomes her initiative to repeat this in the future.

16. The Committee remains very concerned that not an iota of progress was made with regard to the progressive withdrawal of Turkish troops from Northern Cyprus, which remains a priority demand of the international community.

17. The Committee is also very concerned about the latest developments regarding the issue of the Russian S-300 anti-aircraft missiles acquired by the Republic of Cyprus earlier this year, a matter referred to in its previous report to the IPU Council.

18. While the Government of the Republic of Cyprus alleges that the missiles were acquired for purely defensive purposes and would not be deployed before 18 months, the Turkish Cypriots and Turkey allege that they may in fact be used offensively and threaten the security not only of Northern Cyprus but also of Southern Turkey. Lately the Turkish Government has ordered the search of boats suspected to be carrying missile components that sail through the Bosphorus; it also extended the existing embargo on Turkish ports for all boats based in the Republic of Cyprus. The Turkish Prime Minister further made statements threatening that the division of the island could become permanent should the missiles be deployed and Cyprus join the EU before Turkey and prior to a settlement.

19. These statements prompt the Committee to recall very firmly that the only framework for the settlement of the Cyprus issue is that defined by the United Nations: a State of Cyprus with a single sovereignty and international personality and a single citizenship, with its independence and territorial integrity safeguarded, and comprising two politically equal communities as described in the relevant Security Council resolutions, in a bi-communal and bi-zonal federation, and such a settlement must exclude union in whole or in part with any other country or any form of partition or secession.

### **III. RECOMMENDATIONS OF THE COMMITTEE**

20. In the light of the foregoing, the Committee wishes to invite the IPU Council:

- a) To welcome the holding of the talks in Troutbeck and Glion-sur-Montreux, which *per se* are a very positive move, and also to welcome the UN Secretary-General's renewed and successful initiatives in that connection and encourage him in his sustained efforts regarding the Cyprus issue.
- b) To reiterate its call to the EU that it co-operate closely with the UN Secretary-General, and to invite all Parliaments from EU member States and the European Parliament to do their utmost to encourage, facilitate and support such co-operation. To make a similar call with regard to all mediators in the Cyprus issue.
- c) To welcome the holding of meetings, in Cyprus itself, of the two Leaders regarding humanitarian issues, and encourage them to strengthen their constructive dialogue in that respect as one of the most effective ways of generating the confidence essential to progress. In that context, to urge the two Leaders to make progress regarding, in particular, the relaxing of restrictions on crossing the buffer zone and inter-communal contacts (including postal and telephone contacts) and joint activities and initiatives at the level of civil society.
- d) Once again to encourage political parties to pursue and develop their practice of holding joint meetings, at regular and short intervals, and consistently support through them the efforts of the two Leaders in their search for a negotiated settlement.
- e) To welcome recent progress made with regard to contacts at the level of civil society and once again encourage civil society - particularly the chambers of commerce, professional organisations and trade unions in addition to non-governmental organisations - in any initiatives aimed at easing the settlement of the Cyprus issue, developed within the context of the United

Nations framework for such a settlement, and to urge UNIFICYP to offer increased assistance in that respect.

- f) To express its serious concern at the renewed escalation of tension in and regarding Cyprus since July 1997, and to sound the alarm in the face of the serious security threats, for both Cyprus and the region, entailed in the current volatile situation. To exhort the two Leaders and other interested parties to exert all of their wisdom in order to prevent the population on the island, who are living under permanent tension, from being exposed to further tragic events. To express the hope that the forthcoming presidential elections in the Republic of Cyprus will serve as an opportunity for identifying constructive proposals for the settlement of the Cyprus issue.
- g) To repeat that every efforts should be made to secure the progressive demilitarisation of the island and, with this in mind:
  - ◆ To repeat its call on Turkey to abide by UN and IPU resolutions demanding the withdrawal of its troops from northern Cyprus and to refrain from upgrading its military presence there;
  - ◆ Again to urge the Government of the Republic of Cyprus to reverse its decision to purchase and deploy within a few months the S-300 anti-aircraft missiles and to refrain from any further acquisition of armaments, in order to ease the way to a politically negotiated settlement.
- h) Once again to encourage the development of military dialogue under the auspices of the general commanding the United Nations Forces in Cyprus.
- i) To repeat that the only framework for the settlement of the Cyprus issue is the one defined by the United Nations.

## REPORT OF THE COMMITTEE ON MIDDLE EAST QUESTIONS

*Approved\* by the Inter-Parliamentary Council at its 161st session  
(Cairo, 16 September 1997)*

1. At its 160th session (Seoul, April 1997), the Inter-Parliamentary Council decided that the Committee on Middle East Questions would hold its XXIst session in Cairo during the 98th Inter-Parliamentary Conference and report to the Council at its 161st session.
2. The Committee met on 13 September 1997 under the chairmanship of Mr. D. Sow (Senegal). Messrs. M.A. Abdellah (Egypt), M.A. Martinez (Spain) and C.E. Ndebele (Zimbabwe) were present. Mr. J. Baumel (France) and Mr. A. Galanos (Cyprus) were not present.
3. The members took note of the report of *Human Rights Watch/Middle East* on the *Draft Law to Halt Palestinian Tort Claims* which was before the Knesset, Israel's parliament, and had been sent to the Committee members at the request of the Egyptian Group.

### **Preliminary views of the Committee**

4. In view of renewed tensions in the Middle East, the members of the Committee, as they did at their last meeting in Seoul, considered that the atmosphere was hardly conducive to attempting a joint meeting with the Arab and Israeli representatives together, as had been possible just once at Beijing in September 1996.
5. The members were concerned by the visible deterioration of the situation in the region but felt that they should continue to believe in the possibility of progress and that their hopes would be confirmed by the statements of the representatives of the Arab and Israeli Groups.

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

6. The representatives of the Arab Groups (Egypt and Palestine) felt strongly that whereas the previous Israeli Government had acted as a partner in implementing the Oslo agreement, the present one was heading in a dangerous and threatening direction. It was so, they believed, as regards Palestine, Syria or Lebanon and it endangered the lives not only of Arabs but of Israelis as well.
7. Both sides considered that the peace process was in real danger and that it needed to be revived without delay. They ascribed to each other the blame for its very risky slowdown and appealed to the international community, in general, and the IPU, in particular, for moderation urging their opponents to return to the road of peace.
8. In reply to the Israeli quest for security and a halt to terrorism, the Arab representatives expressed their belief that security was needed by both sides and that no security was possible without justice. In particular, they raised their voice against collective punishment in the occupied territories with its human rights abuses and the creation of conditions which impeded economic development.

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\* The delegation of Lebanon expressed reservations to paragraph 11 of the report.



9. The representatives of the Israeli Group stressed that there was a broad spectrum of support for the peace process in their country under the present Government as there had been under the previous one, but that the need to ensure security was paramount. They recognised that poverty and economic under-development led to instability and potential terrorism and urged the international community anew to invest heavily in the development of Palestine.

10. The Israeli representatives praised the active role of Egypt's President Mubarak in bringing peace to the Middle East in the tradition of the late Anwar Sadat and Yitzhak Rabin, who had the courage to act upon their vision even when at odds with their respective political parties. They felt it essential to reach agreement with all their neighbours including Syria.

### **Views and findings of the Committee**

11. While struck by the complexity and growing difficulties of the situation expressed by most of those they heard, the members of the Committee were heartened by a new and younger voice with hope for a peaceful Middle-East region and determination to attain it. The members, too, praised the vision and efforts of President Mubarak and hoped that moderation and wisdom on all sides would prevail, enabling the peace process to move forward.

12. The members opposed settlement policies and collective sanctions which, in practice, prevented Palestine's economic and social development and urged their Israeli fellow parliamentarians to avoid adopting legislation which, in effect, precludes the very economic development of Palestine which they advocate.

13. Once again, they cautioned all protagonists in the region to avoid extremism at all costs, so as not to lead to a fatal vicious circle of terrorism, violence and counter-violence, which impeded all progress on the way to peace and development.

**BURUNDI**

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

<b>CASE N° BDI/02 - N. NDIHOKUBWAYO</b>	<b>CASE N° BDI/18 - D. BIGIRIMANA</b>
<b>CASE N° BDI/03 - L. NTIBAYAZI</b>	<b>CASE N° BDI/19 - T. SIBOMANA</b>
<b>CASE N° BDI/04 - F. BANVUGINYUNVIRA</b>	<b>CASE N° BDI/20 - T. BUKURU</b>
<b>CASE N° BDI/08 - A. NAHINDAVYI NDANGA</b>	<b>CASE N° BDI/21 - S. MUREKAMBANZE</b>
<b>CASE N° BDI/09 - I. KUBWAYO</b>	<b>CASE N° BDI/22 - G. NDUWIMANA</b>
<b>CASE N° BDI/10 - S. NSABUWANKA</b>	<b>CASE N° BDI/23 - C. MANIRAMBONA</b>
<b>CASE N° BDI/11 - I. BAPFEGUHITA</b>	<b>CASE N° BDI/24 - S. NTAKHOMENYEREYE</b>
<b>CASE N° BDI/12 - P. NIZIGIRE</b>	<b>CASE N° BDI/25 - D. NGARUKIRINKA</b>
<b>CASE N° BDI/13 - P. BURARAME</b>	<b>CASE N° BDI/26 - N. NDIKUMANA</b>
<b>CASE N° BDI/14 - S. BIYOMBERA</b>	<b>CASE N° BDI/27 - N. NTAHOMUKIYE</b>
<b>CASE N° BDI/15 - J. NDENZAKO</b>	<b>CASE N° BDI/28 - C. BUCUMI</b>
<b>CASE N° BDI/16 - D. SERWENDA</b>	<b>CASE N° BDI/30 - A. KIRARA</b>
<b>CASE N° BDI/17 - A. NTIRANDEKURA</b>	<b>CASE N° BDI/31 - J.-P. NTIMPIRONGREA</b>

**CASE N° BDI/32 - LEONCE NGENDAKUMANA**  
**CASE N° BDI/33 - AUGUSTIN NZOJIBWAMI**  
**CASE N° BDI/34 - PAUL MUNYEMBARI**

***Resolution adopted without a vote by the Inter-Parliamentary Council at its 161st session  
(Cairo, 16 September 1997)***

The Inter-Parliamentary Council,

*Referring* to the outline of the case, as contained in the report of the Committee on the Human Rights of Parliamentarians (CL/161/10(a)-R.1), and to the resolution adopted at its 160th session (April 1997) concerning the above parliamentarians,

*Taking into consideration* the information provided by the sources on 9 and 23 July and 3 August 1997,

*Recalling* that the military coup d'Etat of 25 July 1996 placed Major Pierre Buyoya, who had lost the 1993 elections, at the head of the State; that he deposed President Sylvestre Ntibantunganya and suspended the Constitution, the political parties and the National Assembly,

*Recalling* that, by virtue of Decree-Law N° 1/001/96 of 13 September 1996 establishing the institutional system of transition, the National Assembly was re-established; that, however, its

powers have been considerably curtailed and that it has been unable to function in the prevailing circumstances,

*Bearing in mind* in this connection that, in his report to the 53rd session of the Commission on Human Rights (E/CN. 4/1997/12) dated 10 February 1997, the United Nations Special Rapporteur on the human rights situation in Burundi stated that « *Parliament has so far been unable to take a decision on any of the urgent problems undermining the country* » and that « *to date the transitional authorities have not been able to guarantee the inviolability of members of parliament, or prevent violations of their safety or that of their families* »,

*Considering* that on 1 August 1997 Mr. Sirahenda, who was among those having recently returned to Burundi from exile in Tanzania, travelled to Kigoma in Tanzania where he was going to visit his family; that, upon arriving at the Mabanda Police Station, he duly had his travel papers stamped to cross the border at Mugina; that, however, for security reasons, he changed his itinerary and passed by the market town of Mutobo where his car was reportedly intercepted by a military jeep from Mabanda camp; that he was reportedly taken to that camp and extrajudicially executed; that his driver, Mr. Hamissi Ndimurukundo, is reported to have been made to drive to a military post in Musongati; that he was not seen although the burnt-out car was found abandoned in the area,

*Considering also* that, according to the source, the media reported that Mr. Sirahenda had been killed by unknown criminals and the authorities affirmed - contrary to all the evidence - that Mr. Sirahenda had not been seen in the province in question,

*Recalling* that Mr. Mfayokurera, Mr. Ndikumana, Mr. Gahungu and Ms. Ntamutumba, who were all elected in 1993 on a FRODEBU ticket, were assassinated on 20 August 1994, 16 December 1995 and in April and May 1996, respectively, and that no serious investigations and, in the case of Ms. Ntamutumba, no investigation at all into these crimes have been undertaken, thus guaranteeing the attackers total impunity,

*Recalling also* that no serious investigation has been conducted into the attempts on the lives of Mr. Ndiokubwayo, Mr. Banvuginyuvira and Mr. Ntibayazi of September 1994, February 1995 and September 1995, respectively,

*Bearing in mind* that, according to the sources, a pattern of human rights violations - killings, arrest and harassment - of FRODEBU officials has developed and that 22 senior FRODEBU officials have been killed since 1993,

*Recalling* that, according to Article 2 of Decree N° 100/23 of 13 September 1996, one of the priority objectives of the institutions of transition is to combat impunity for crimes,

*Recalling* that politically motivated judicial proceedings may reportedly still be under way against Mr. Ngendakumana, President of the National Assembly, and Mr. Nzojibwami, Vice-President of the SAHWANYA-FRODEBU Party,

*Considering* that charges were brought against exiled Assembly members, in particular Mr. Ndikumana, who, according to one of the sources, stands accused of having denounced army exactions in the Kamenge, Cibitoke and Kinama districts in March and April 1995; that he is therefore afraid of returning to his country,

*Recalling* that Mr. Munyembari, Vice-President of the National Assembly, was accused of distributing weapons in his province after the assassination of President Ndadaye in October 1993; *considering* that the charges held against him were dropped for lack of evidence,

*Recalling* that the other persons named above are all members of the National Assembly elected in 1993 on a FRODEBU ticket, most of whom were forced into exile following the coup d'Etat of 25 July 1996; that Mr. Bapfeguhita was killed in Zaire (now Democratic Republic of the Congo) and Mr. Serwenda died in February 1997 of an illness resulting from his long stay in refugee camps; that others who had sought shelter in the refugee camps of Zaire have returned to Burundi,

*Recalling* that, in his report to the United Nations Commission on Human Rights, the United Nations Special Rapporteur on the human rights situation in Burundi urged the de facto authorities « *to protect the parliamentarians' physical integrity, to halt the criminal proceedings against some of them, to establish the appropriate conditions for the return of parliamentarians exiled in the United Republic of Tanzania, Zaire and Kenya and to ensure that the National Assembly receives the constitutional guarantees it needs in order to sit* »,

*Bearing in mind* that peace negotiations involving all parties to the conflict in Burundi have begun under the leadership of former President Nyerere of Tanzania; that, however, the Government of Major Buyoya has refused to participate in the talks held in August 1997 in Arusha,

*Recalling* the resolution it adopted on the occasion of the 97th Inter-Parliamentary Conference (Seoul, April 1997) on the situation of the National Assembly of Burundi,

1. *Is alarmed* at the « disappearance » of Mr. Sirahenda, which heightens its fears regarding the lack of appropriate measures taken to ensure the safety of members of the National Assembly, in particular those belonging to the FRODEBU party;
2. *Urges* the authorities in the strongest terms to institute prompt investigations to ascertain the whereabouts of Mr. Sirahenda and his driver and the circumstances of their « disappearance »;
3. *Recalls* that the authorities have a duty to protect the safety of the members of the National Assembly residing in the country, and to ensure that the MPs who are still in exile may return without any fear for their security and that of their families, and *calls on* the authorities to take measures to this end without delay;
4. *Is concerned* at the charges reportedly brought against Mr. Ndikumana, who is in exile; *fails to understand* how denouncing alleged army exactions can possibly constitute a criminal offence, and *desires* detailed information in this respect;
5. *Deeply regrets* the lack of response from the authorities to the repeated requests for information about progress made in the investigations into the murder of Mr. Mfayokurera, Mr. Ndikumana and Mr. Gahungu and into the attacks on Mr. Ndiokubwayo, Mr. Banvuginyunvira and Mr. Ntibayazi, and *fears* that such lack of response may indicate that the allegations of the sources are indeed true and the parliamentarians concerned have indeed suffered violation of their human rights;
6. *Recalls in the strongest terms* that it is the duty of every State to guarantee the right to justice and to prosecute and try the perpetrators of criminal acts; *also recalls* that the transitional authorities themselves have declared the combat against impunity to be a priority, and *once again calls on* the authorities to comply with their obligations under international and national law and ensure that these crimes do not go unpunished;
7. *Notes* that the charges against Mr. Munyembari have been dropped for lack of evidence; *remains nevertheless concerned* at the prosecution of Mr. Ngendakumana and

Mr. Nzojibwami, fearing it may be prompted by other than judicial considerations, and joins the United Nations Special Rapporteur in calling for a halt to the proceedings;

8. *Deeply regrets* that the National Assembly still does not enjoy the guarantees it needs to function properly; also *regrets* its absence from the peace talks and *calls on* the authorities to ensure that the representatives of the people of Burundi are included in these talks;
9. *Requests* the Secretary General to convey these considerations to the authorities, inviting them to provide the requested information and keep the Committee informed of any measures taken to ensure the proper functioning of Parliament and its inclusion in the peace talks;
10. *Also requests* the Secretary General to maintain contact with the United Nations bodies and commissions dealing with the human rights situation in Burundi;
11. *Requests* the Committee on the Human Rights of Parliamentarians to continue examining the case and report to it at its next session (April 1998).

**CAMBODIA**

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

***Resolution adopted without a vote by the Inter-Parliamentary Council at its 161st session  
(Cairo, 16 September 1997)***

The Inter-Parliamentary Council,

*Referring* to the outline of the case, as contained in the report of the Committee on the Human Rights of Parliamentarians (CL/161/10(a)-R.1), and to the resolution adopted at its 160th session (April 1997) concerning the case of Mr. Sam Rainsy and that of Mr. Son Soubert, Mr. Pol Ham, Mr. Son Sann and Mr. Kem Sokha, of Cambodia,

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

*Recalling* that FUNCINPEC, the winner of the elections, formed a coalition with the CPP (Cambodia People's Party), the runner-up; that tensions and political party divisions have characterised Cambodian politics since 1993; that Mr. Sam Rainsy was expelled from his party in May 1995 and subsequently from the National Assembly; that in November 1995 he founded a new political party, the Khmer Nation Party (KNP), which in February 1997 declared a political alliance with FUNCINPEC with a view to the elections planned for 1998; that the BLDP split in 1995 into two factions; that the one headed by Information Minister Ieng Mouly obtained government recognition while the other faction, led by Son Sann, was the victim of a grenade attack when attempting to hold a congress in October 1995; that, in March 1997, an authorised and peaceful demonstration of the KNP led by Sam Rainsy also suffered a grenade attack killing at least 16 people and injuring 100,

*Considering* that, on 5 and 6 July 1997, Second Prime Minister Hun Sen's troops launched violent and sustained attacks against forces loyal to First Prime Minister Prince Norodom Ranariddh in Phnom Penh; that the fighting, which led to many mostly civilian deaths and casualties, resulted in Prince Ranariddh's ousting from power; that individuals loyal to Prince Ranariddh and his political party have been extrajudicially executed or arrested while dozens have fled the country in fear of their lives, including the five former/incumbent parliamentarians concerned; that a total of 18 members of the National Assembly elected on either a FUNCINPEC or a BLDP ticket are thus in forced exile,

*Considering* that the legality and legitimacy of the establishment of a FUNCINPEC II party and the designation of Ung Huot as First Prime Minister in place of Prince Ranariddh have been strongly contested; that his designation has also failed to obtain the consent of the King of Cambodia,

*Considering* that Article 83 of the National Assembly's Rules of Procedure provides for the replacement of any member of the National Assembly abandoning duty for three months or more, and that according to the Cambodian delegation to the 98th Inter-Parliamentary Conference (September 1997), the National Assembly will in two weeks' time replace its members who have not returned,

*Reaffirming* that the grenade attack of September 1994 on Mr. Son Sann and his group, and the similar attack of March 1997 on Mr. Sam Rainsy, should not remain unpunished,

*Considering* that, according to several sources, including eyewitnesses, responsibility for the attack can be attributed to bodyguards of Mr. Hun Sen,

1. *Thanks* the Cambodian delegation for the observations it provided;
2. *Condemns* the violent events in Cambodia of July 1997 which forced the parliamentarians concerned into exile for fear of their lives and caused great distress and suffering;
3. *Affirms* that it is the duty of the State to ensure the safety of its citizens and therefore *urges* the authorities to take prompt measures to ensure that the MPs concerned may return to their country in safety; *considers* that the launching of a genuine peace and reconciliation process would be essential to this end;
4. *Affirms moreover* that Article 83 of the National Assembly Rules of Procedure cannot be invoked in the present instance to replace the members concerned since their absence is involuntary and due to fear for their lives;
5. *Considers further* that any action in the present circumstances to replace the members of the National Assembly having been forced into exile would do nothing to further the reconciliation process;
6. *Insists yet again* that the Cambodian authorities have a duty, under national and international law, to dispense justice and to prosecute those responsible for the grenade attack on Mr. Son Sann and his supporters and for the grenade attack on Mr. Sam Rainsy, and *urges* them to ensure that these crimes are investigated with all due diligence and thoroughness;
7. *Requests* the Secretary General to convey this resolution to the Cambodian authorities, inviting them to provide their observations;
8. *Requests* the Committee on the Human Rights of Parliamentarians to continue examining the case and report to it at its next session (April 1998).

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

***Resolution adopted without a vote by the Inter-Parliamentary Council at its 161st session  
(Cairo, 16 September 1997) \****

The Inter-Parliamentary Council,

*Referring* to the outline of the case, as contained in the report of the Committee on the Human Rights of Parliamentarians (CL/161/10(a)-R.1), and to the resolution adopted at its 160th session (April 1997) concerning the case of Mr. Pedro Nel Jiménez Obando, Mr. Leonardo Posada Pedraza, Mr. Octavio Vargas Cuéllar, Mr. Pedro Luis Valencia Giraldo, Mr. Bernardo Jaramillo Ossa and Mr. Manuel Cepeda Vargas, of Colombia,

*Taking account* of the letters from the Office of the Presidential Adviser for Human Rights dated 7 and 16 July 1997,

*Taking account* of the information provided by the Colombian delegation to the 98th Inter-Parliamentary Conference (Cairo, September 1997),

*Also taking account* of the information provided by one of the sources on 2 July 1997,

*Considering* that the state of the investigations into the murder of Senator Cepeda is the following: according to the testimony of an ex-member of Army intelligence, army sergeants Justo Gil Zúniga Labrador and Hernando Medina Camacho had killed Senator Cepeda on the orders of Brigadier General Rodolfo Herrera Luna; General Rodolfo, who had not been implicated, died of a heart attack in May 1997; the two army sergeants have been detained in military barracks and are being investigated in connection with this case; the investigations are still at the preliminary stage and have been transferred to the National Human Rights Unit,

*Considering* that the source has expressed the following fears: a first ballistic test proved that the murder weapon belonged to one of the sergeants; when a second test was ordered by the Attorney General, it could not be completed as the gun had been tampered with since the first test and no longer worked, thus casting doubt on its usefulness as evidence; one of the investigators in the case has reported being « pressured »,

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\* The Colombian delegation expressed reservations with regard to the resolution adopted by the Inter-Parliamentary Council.



*Recalling* that, according to the sources, tampering with evidence and threats to witnesses or investigators have commonly been used in cases of human rights violations to protect the impunity of those responsible, cases often being referred to military tribunals and finally shelved,

*Considering* that, in response to the Committee's question whether the two army sergeants could be transferred to a civilian prison, the authorities stated that pursuant to Article 402 of the Code of Criminal Procedure, military and security personnel (Fuerza Pública) were detained in military garrisons,

*Considering* that the investigation into the murder of Senator Jaramillo Ossa was, on 10 January 1997, referred to the National Human Rights Unit; *recalling* that the Castaño brothers are suspected of his murder and that arrest warrants are pending against them; that, according to the sources, the whereabouts of Carlos Castaño are widely known and that Fidel Castaño is rumoured to be dead or to have fled abroad,

*Considering* that, according to information provided on 16 July by the Office of the Presidential Adviser for Human Rights, there is nothing to confirm the death of Fidel Castaño; rather « *it may be that he has decided to adopt a low profile in the leadership of the movement, in favour of his brother Carlos Castaño* »; that, moreover, as to the Committee's question about the prospect of arresting Carlos Castaño, the Office replied that « *in the context of violence in Colombia, where the State does not hold a monopoly of force and where illegal armed organisations aspiring to legitimacy abound, it is not always possible to gain timely access to places where the suspects are said to be located, since they command a whole information network enabling them to evade action by the authorities* »,

*Considering* that, according to the information provided by the Office on 7 and 16 July 1997, the investigation into the murder on 30 August 1986 of Mr. Posada Pedraza was launched on 1 September 1986; that Jesús Bermúdez Cardona was first suspected but that proceedings against him were discontinued and the investigation pursued against persons unknown; that the Regional Prosecutor's Office of San José de Cucutá, by decision of April 1996, decided provisionally to suspend the investigation in view of the impossibility of identifying either the instigators or the perpetrators of the crime; that, although the relevant investigation could be reopened, the prospect of success would continue to be nil,

*Considering* that, with regard to the investigation into the murder of Mr. Luis Valencia, the Regional Prosecutor's Office of Medellín ordered the reactivation of the case in July 1997; *recalling* that a letter from the Office of the Presidential Adviser for Human Rights of 6 April 1997 stated that information about the investigations into the murder of the remaining Senators would be conveyed to the Committee as soon as it was made available by the Prosecutor General's Office,

*Considering* that the Colombian delegation to the 98th Inter-Parliamentary Conference expressed its dissatisfaction that the Committee was only examining cases of parliamentarians belonging to the Unión Patriótica when a score of MPs belonging to other parties had also been killed since 1986; that it submitted a list of all Colombian legislators assassinated since 1986 which shows that, besides the legislators belonging to the Unión Patriótica and whose cases the Committee is already examining, nine legislators from the Conservative and eleven from the Liberal Party have been killed; *considering also* that the delegation expressed the wish that the Committee should examine these cases,

*Referring* in this connection to the Committee's Procedure whereby it is competent to examine human rights violations, that is to say, an infringement of fundamental rights with alleged State responsibility,

*Bearing finally in mind* that the Office of the United Nations High Commissioner for Human Rights in Colombia, established under an agreement between the Government of Colombia and the United Nations High Commissioner for Human Rights signed in November 1996, is now operational,

1. *Thanks* the Colombian delegation for the information and observations it provided;
2. *Stresses* that, under its Procedure, the Committee deals with cases of human rights violations of parliamentarians of which it is seized and that consequently it will not fail to examine the cases of those MPs whose names have been submitted to it as soon as it receives the necessary information, in particular as regards alleged State responsibility in the murders, and therefore *invites* the delegation to supply this information;
3. *Thanks* the Office of the Presidential Adviser for Human Rights for the information supplied and its co-operation;
4. *Notes with satisfaction* the progress made in the investigations into the murder of Senator Cepeda; *nevertheless expresses concern* at the reported threats against one of the investigators and at the allegation of tampering with the main piece of evidence;
5. *Notes* that under the prevailing penal law the two army sergeants implicated in this crime may not be transferred to a civilian prison, and *earnestly hopes* that this will not impede the progress of the relevant investigations;
6. *Notes* that the investigation into the murder of Mr. Posada Pedraza is provisionally suspended with no prospect of success if reactivated, and *deeply regrets* that impunity has finally prevailed in this case;
7. *Welcomes* the efforts apparently being made to reactivate or accelerate the investigations into the murders of Senators Jaramillo and Valencia; *regrets*, however, that to date this does not seem to have yielded any tangible results and enabled progress to be made towards an end to impunity in these cases;
8. *Awaits with interest* information on the stage reached in the investigations into the murders of Mr. Jiménez and Mr. Vargas;
9. *Requests* the Secretary General:
  - (i) to convey these considerations to the President of the National Congress and of the National Group of Colombia;
  - (ii) to inform the Office of the United Nations High Commissioner for Human Rights in Colombia about the Committee's work on these cases;
  - (iii) to inform the Office of the Presidential Adviser for Human Rights of these considerations, inviting it to transmit the information desired and report any new developments in connection with these cases;
10. *Requests* the Committee on the Human Rights of Parliamentarians to continue examining the case and report to it at its next session (April 1998).

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

***Resolution adopted without a vote by the Inter-Parliamentary Council at its 161st session  
(Cairo, 16 September 1997) \****

The Inter-Parliamentary Council,

*Referring* to the outline of the case, as contained in the report of the Committee on the Human Rights of Parliamentarians (CL/161/10(a)-R.1), and to the resolution adopted at its 160th session (April 1997) concerning the case of Senator Hernán Motta Motta and Mr. Nelson Veloria, of Colombia,

*Taking account* of the information and observations provided by the Colombian delegation to the 98th Inter-Parliamentary Conference (September 1997),

*Taking also into account* the information provided by one of the sources on 4 September 1997,

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

*Considering* that, according to the sources, there is currently an upsurge in threats against their lives which has to be seen against the backdrop of the campaign for the next parliamentary elections,

*Further recalling* its repeated requests for particulars of any steps taken by the Parliament and the Government of Colombia to investigate the existence of the *Golpe de Gracia* plan,

*Recalling also* that, according to the Office of the Presidential Adviser for Human Rights, the investigations into the threats against Senator Motta have been unavailing and that « *there is no trace of any action following a personal complaint by Senator Motta about death threats or attempts on his life* » whereas, according to the sources, Senator Motta filed complaints in this respect at several police stations,

*Considering* that, according to one of the sources, the Senator is not being provided with the necessary personal protection,

*Recalling* in this connection that, according to one of the sources, the past assassinations of Congressmen and members of the Patriotic Union reveal the need for a clear political commitment

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\* The Colombian delegation expressed reservations with regard to the resolution adopted by the Inter-Parliamentary Council.

at the highest levels of the Government to put an end to political assassinations and to respect the political opposition,

*Also recalling* that, in its past resolutions on the Colombian cases, it recommended as a means of demonstrating such commitment that the statutory law regulating the status of the opposition, as provided for in Article 112 of the Constitution of Colombia, be drawn up and adopted as soon as possible,

*Considering* that the upsurge of political violence in Colombia in connection with the forthcoming local elections in October 1997 has already claimed many lives,

1. *Regrets* the lack of response of the parliamentary authorities to its repeated requests for information about the prospects for an investigation into the existence of the *Golpe de Gracia* plan and for the adoption of a statute for the political opposition, as provided for in Article 112 of the Constitution;
2. *Believes*, particularly in the light of the current situation, that the adoption of such a statute could contribute to easing the climate of political violence in Colombia;
3. *Remains deeply concerned* at the threats against Senator Motta and Congressman Veloria, and *yet again urges* the authorities to ensure that those making these threats are identified and prosecuted;
4. *Reaffirms* that the Colombian State, in common with any other State, has a duty to ensure by every necessary means the physical safety and security of its citizens;
5. *Wishes* to ascertain the security measures provided for the MPs concerned;
6. *Requests* the Secretary General:
  - (i) to convey this decision to the President of the National Congress and of the National Group of Colombia;
  - (ii) to convey these considerations to the Office of the Presidential Adviser for Human Rights, inviting it to transmit the information desired;
  - (iii) to convey its concerns to the Office of the United Nations High Commissioner for Human Rights in Colombia and seek its views on this matter;
7. *Requests* the Committee on the Human Rights of Parliamentarians to continue examining the case and report to it at its next session (April 1998).

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

***Resolution adopted without a vote by the Inter-Parliamentary Council at its 161st session  
(Cairo, 16 September 1997) \****

The Inter-Parliamentary Council,

*Having before it the case of Mr. Boulaleh Barreh, Mr. Mahamade Houmed and Mr. Bahdon Farah, of Djibouti, which has been the subject of a study and report of the Committee on the Human Rights of Parliamentarians in accordance with the « Procedure for the examination and treatment by the Inter-Parliamentary Union of communications concerning violations of human rights of parliamentarians »,*

*Taking note of the report of the Committee on the Human Rights of Parliamentarians (CL/161/10(a)-R.1), which contains a detailed outline of the case,*

*Taking account of a letter from the President of the National Assembly dated 8 September 1997,*

*Also taking account of the information provided by one of the sources at the hearing held on the occasion of the 98th Inter-Parliamentary Conference (September 1997),*

*Considering that Mr. Barreh, Mr. Houmed and Mr. Farah, members of the National Assembly, were expelled from their party, the RPP (Rassemblement du peuple pour le progrès), by its President, who is also the President of the Republic, and that they subsequently issued a press release launching a « solemn appeal to all activists ... and Djiboutians to come together and mobilise to thwart, by all legal and peaceful means, this deliberate policy of President Hassan Gouled Aptidon to rule by terror and force while trampling underfoot our Constitution and the republican institutions »,*

*Considering that, according to the President of the National Assembly, the Minister of Justice requested the lifting of their parliamentary immunity to permit their prosecution for offending the Head of State; that the Bureau of the National Assembly met on 12 and 15 June 1996 and, in conformity with the Standing Orders, decided to authorise their prosecution and adopted a resolution to that effect; that, by letter N° 141/AN/FW of 15 June 1996, he informed the Minister of Justice of that decision,*

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

*Considering in this respect that, in its decision of 31 July 1996 on the appeal submitted by the deputies concerned, the Constitutional Council held that any decision of the National Assembly or*

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\* The Djiboutian delegation expressed reservations with regard to the resolution adopted by the Inter-Parliamentary Council.

its Bureau on a request for lifting of parliamentary immunity must be in the form of a resolution, and ruled that the letter from the President of the Assembly to the Minister of Justice informing him of the Bureau's decision did not constitute such a resolution; that it furthermore ruled that the lack of a hearing of the deputies concerned constituted a violation of the right of defence as guaranteed by national law,

*Considering* that, notwithstanding the ruling of the Constitutional Court which is binding on all the authorities, the three deputies were charged by the Public Prosecutor under Articles 187 and 188 of the Penal Code for insulting the Head of State; that they were sentenced by the Criminal Chamber of the Djibouti Court of Appeal on 7 August 1996 to a six-month prison term, a heavy fine and forfeiture of their civic rights for a period of five years; *considering also* that immediately afterwards they were arrested and taken to Gabode prison,

*Considering* that, on 17 November 1996, the Supreme Court upheld the ruling of the Court of first instance; that, however, according to the sources, the majority of the members of the Chamber of the Supreme Court which handed down the ruling were substitute members, not titular members as required by the provisions in force,

*Considering also* that, according to the sources, their trial was marred by numerous irregularities; that, before the trial, the Minister of Justice transferred and dismissed four judges of the court judging the matter without giving grounds and without the opinion of the High Council of the Magistrature, as would have been required,

*Considering* that, on the occasion of the month of Ramadan, the President of the Republic reduced their sentence and that they were consequently released but remain deprived of their civic rights, so that they will be unable to participate in the forthcoming parliamentary elections,

*Noting* that Article 175(2) of the Code of Penal Procedure provides that investigations shall be cancelled « should the rules specifically designed to ensure respect for the fundamental principles of the investigative procedure and the rights of the defence be violated »,

*Considering* that, according to the sources, the initiative for revision must come from the President or the Minister of Justice; that, in the sources' view, the lack of a resolution lifting the parliamentary immunity of Mr. Boulaleh, Mr. Mahamade and Mr. Bahdon, in addition to the violations of the rights of the defence, would constitute grounds for revision,

*Considering further* that, in a speech delivered on 26 June 1997 on the occasion of the 20th anniversary of the independence of Djibouti, the President of the Republic is said to have publicly granted his « pardon » to his fellow companions in the struggle for independence who worked to build the Nation,

*Bearing in mind* that, according to the sources, proceedings were instituted in early 1997 against two defence lawyers, Mr. Aref and Mr. Foulie, together with the President of the Constitutional Council, on the basis of reportedly unfounded accusations; that the latter person was dismissed; that many international organisations, including the Centre for the Independence of Judges and Lawyers, consider their prosecution arbitrary and linked to the case of the three deputies concerned,

*Mindful* of the fact that an incumbent member of Parliament wishing to give evidence to the Committee on this case at its Cairo session was prevented from travelling and had his passport confiscated,

1. *Thanks* the President of the National Assembly for his co-operation;

2. *Emphasises* that parliamentary immunity is granted to parliamentarians for the purpose of enabling them fully and freely to discharge their mandate and of protecting them against any politically motivated prosecution;
3. *Also recalls* that the invalidation of an MP's mandate is a very serious measure which must be taken in due legal form by the competent body according to the law and which must ensure that the parliamentarians concerned enjoy all the necessary guarantees for their defence;
4. *Consequently expresses deep concern* that the decision of the Constitutional Court of 31 July 1997, ruling that the rights of the defence were violated and the required resolution was lacking, has not been taken into consideration;
5. *Regrets* that the Committee has not received a copy of the resolution relating to the lifting of immunity of the deputies concerned, as published in the Official Gazette of the Republic of Djibouti;
6. *Considers that*, in issuing the press release that led to their conviction, the deputies concerned were merely exercising their fundamental right to freedom of expression, and *fails therefore to understand* how this could warrant their prosecution and conviction for insulting the Head of State, entailing a sanction so severe as to involve the loss of their civic rights;
7. *Stresses* that the right to freedom of speech is central to the functioning of parliamentary democracy and that Parliaments should consequently have a particular interest in ensuring that this right is made as extensive as possible and can be exercised without risk, in particular, of imprisonment;
8. *Is concerned to note* that this sentence will debar them from participating in the next legislative elections, to be held in December 1997;
9. *Earnestly hopes* therefore that the pardon which, on the occasion of the 20th anniversary of the independence of Djibouti, the President granted to his comrades-in-arms from the independence struggle will soon take effect and that, in any event, a review of their trial will be demanded by the competent authorities, and that measures will be taken to enable them to stand in the elections;
10. *Is alarmed* that an incumbent member of Parliament, without his immunity having been lifted, had his passport confiscated and was thus prevented from travelling to Cairo to convey information to the Committee, and *urges* the authorities promptly to lift any such restriction and fully restore the rights of the deputy concerned;
11. *Expresses concern* at the prosecution of the lawyers of the deputies in question and at the dismissal of the President of the Constitutional Court, and *wishes to receive* detailed information in this respect;
12. *Requests* the Secretary General to convey these considerations to the President of the National Assembly and to the competent judicial authorities;
13. *Also requests* the Secretary General to convey these concerns to the President of the Republic;
14. *Requests* the Committee on the Human Rights of Parliamentarians to continue examining the case and report to it at its next session (April 1998).

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

***Resolution adopted without a vote by the Inter-Parliamentary Council at its 161st session  
(Cairo, 16 September 1997)***

The Inter-Parliamentary Council,

*Referring to the outline of the case, as contained in the report of the Committee on the Human Rights of Parliamentarians (CL/161/10(a)-R.1), and to the resolution adopted at its 160th session (April 1997) concerning the case of Mr. Lamin Waa Juwara, of the Gambia,*

*Taking into consideration the communication from the Attorney General's Chamber and Department of State for Justice, dated 8 July 1997,*

*Also taking into consideration the information supplied by the sources on 27 May, 1 July and 5 September 1997,*

*Recalling that since the dissolution of Parliament in the wake of the military coup of 22 July 1994, Mr. Juwara, a member of the dissolved Parliament, has suffered continuous incidents of harassment, arbitrary arrest and *incommunicado* detention at the hands of State officials, the latest detention lasting from January 1996 until his release on 3 February 1997,*

*Recalling also that on no occasion has Mr. Juwara been charged and that no reasons have been given for his arrests and detention, save in one case,*

*Considering that, on 30 July 1997, Mr. Juwara filed a lawsuit in the High Court of the Gambia against the Attorney General, the Secretary of State for the Interior, the Inspector General of Police and the Director General of the National Intelligence Agency, claiming compensation for the human rights violations he has suffered,*

*Noting that, by letter dated 8 July 1997, the Attorney General's Chamber and Department of State for Justice conveyed a copy of the relevant writ of summons, stating that « *since the case is sub judice, the issue of compensation will have to be stayed by your Committee, pending the outcome of the case before the national jurisdiction* »,*

*Considering that a first hearing of the case took place on 15 July 1997; that it has been adjourned and will resume in October 1997,*

*Considering that, according to the source, the authorities have unjustifiably failed to issue Mr. Juwara with a passport and that he was thus prevented from attending a Conference abroad to which he had been invited,*

*Bearing in mind that the Gambia is a party to the International Covenant on Civil and Political Rights, which guarantees the right to freedom from arbitrary arrest and detention, the right to*



freedom of movement and the right to compensation for anyone who has been the victim of unlawful arrest and detention,

1. *Thanks* the Attorney General and Secretary of State for Justice for having ensured that it received a reply to its various requests for information, and *earnestly hopes* that it may count on his future co-operation;
2. *Notes* that Mr. Juwara has a filed a lawsuit before the High Court of the Gambia requesting compensation for the many unlawful arrests and detentions he has suffered at the hands of officials acting under State authority;
3. *Stresses* once again that, under Article 9 of the International Covenant on Civil and Political Rights, to which the Gambia is a party, « *anyone who has been victim of unlawful arrest or detention shall have an enforceable right to compensation* »;
4. *Trusts* that the Gambian judiciary will rule on this question in accordance with the international human rights norms to which it has subscribed, and *wishes* to be kept informed of progress made in the relevant proceedings before the High Court;
5. *Is concerned* that Mr. Juwara has not been issued a passport, apparently without any reason being given, and has thus been prevented from attending a Conference abroad, and *urges* the authorities to issue him a passport without further delay, as is their duty;
6. *Requests* the Secretary General to convey this resolution to the competent authorities of the Gambia inviting them, in the light of the above, to take the necessary action;
7. *Requests* the Committee on the Human Rights of Parliamentarians to continue examining the case and report to it at its next session (April 1998).

CASE N° GMB/02 - MAMADOU CADI CHAM ) GAMBIA  
CASE N° GMB/03 - OMAR JALLOW )

***Resolution adopted without a vote by the Inter-Parliamentary Council at its 161st session  
(Cairo, 16 September 1997)***

The Inter-Parliamentary Council,

*Referring* to the outline of the case, as contained in the report of the Committee on the Human Rights of Parliamentarians (CL/161/10(a)-R.1), and to the resolution adopted at its 160th session (April 1997) concerning the case of Mr. Mamadou Cadi Cham and Mr. Omar Jallow, members of the former House of Representatives of the Gambia dissolved in 1994,

*Taking account* of the communication from the Attorney General's Chambers and Department of State for Justice, dated 3 September 1997,

*Also taking account* of information provided by Mr. Jallow in July 1997,

*Recalling* that Mr. Cham and Mr. Jallow were arrested in October 1995 and held without any charges being brought against them until November 1996, when they were released; that, however, their passports were confiscated with the result that they were unable to travel abroad,

*Considering* that, according to his report, Mr. Jallow remains deprived of his passport, which the police claim to be missing but refuse to replace, and even his movements within the country are restricted as he cannot leave his division without permission from the authorities,

*Considering* that, according to his report, the Commission of Inquiry established to investigate charges of wrongdoing by public office-holders prior to the military takeover of 22 July 1994 had not found him guilty of any wrongdoing; that despite its findings he has been deprived of his political rights for a period of five years and may not join any political party, and the confiscation of his two houses has been ordered by the President's Office; that, however, the latter order has as yet not been carried out,

*Considering* that he has petitioned the President of the Republic, most recently on 10 March 1997, seeking compensation for the suffering caused by his unlawful detention; that he was told by the President's office to refer his claim to the Commission of inquiry as the President did not want to interfere with the latter's work; that he has brought this matter before the Commission, which has promised to look into it,

*Considering* that, according to the Attorney General's Chambers and Department of State for Justice, the Office of the President has categorically denied being in possession of the passports of Mr. Cham and Mr. Jallow; that only their diplomatic passports had been withdrawn; that they can travel any time they want « *after having satisfied the orders as to payment made against them by the Public Assets and Properties (Recovery) Commission* »; that « *in fact some of their colleagues have been allowed to travel abroad after having posted sureties for their liabilities* »,

*Considering* that, according to the same authority, Mr. Cham was not a member of the dissolved House of Representatives as he had lost his seat to Mr. Mbemba Tamedou in the 1992 elections,

*Bearing in mind* that the Gambia is a party to the International Covenant on Civil and Political Rights, which guarantees the right to freedom from arbitrary arrest and detention, the right to freedom of movement and the right to compensation for anyone who has been the victim of unlawful arrest and detention,

1. *Thanks* the Attorney General and Secretary of State for Justice for having ensured that it received a reply to its requests for information, and *earnestly hopes* that it may count on his future co-operation;
2. *Notes* that, according to the Attorney General's Chambers and Department of State for Justice, Mr. Cham is not a member of the Parliament dissolved in 1994, and *requests* the Committee to suspend its examination of the case and to seek clarification from the source in this respect;
3. *Reaffirms* that Mr. Jallow suffered unlawful arrest and detention at the hands of officials acting under State authority and that consequently, under Article 9 of the International Covenant on Civil and Political Rights, he is entitled to compensation;
4. *Notes* that the Commission of Inquiry established to investigate instances of wrongdoing by public office-holders prior to the military takeover of 1994 cleared Mr. Jallow of any involvement;
5. *Also notes* that the Commission is currently examining a petition regarding the request for compensation originally submitted by Mr. Jallow to the President's Office, and *trusts* that the Commission will grant him the compensation to which he is entitled under international human rights law;
6. *Expresses concern* at the fact that Mr. Jallow has been deprived of his political and civil rights, apparently without any formal legal procedure and on no proper legal basis, and *desires* clarification in this respect;
7. *Emphasises* that according to Article 14 of the International Covenant on Civil and Political Rights, to which the Gambia is a party, a punishment as harsh as deprivation of civil and political rights can in any case only be handed down by an independent and impartial tribunal in a fair trial;
8. *Notes* the lack of any administrative or judicial decision depriving Mr. Jallow of his passport; *also notes* in this respect that the Office of the President denies being in possession of his passport;
9. *Urges therefore* the competent authorities to issue Mr. Jallow without further delay with the passport to which he is entitled;
10. *Requests* the Secretary General to convey these concerns and considerations to the competent authorities, and to invite them to take the necessary action;
11. *Requests* the Committee on the Human Rights of Parliamentarians to continue examining the case and report to it at its next session (April 1998).

**CASE N° HOND/02 - MIGUEL ANGEL PAVÓN SALAZAR - HONDURAS**

***Resolution adopted without a vote by the Inter-Parliamentary Council at its 161st session  
(Cairo, 16 September 1997)***

The Inter-Parliamentary Council,

*Referring* to the outline of the case, as contained in the report of the Committee on the Human Rights of Parliamentarians (CL/161/10(a)-R.1), and to the resolution adopted at its 160th session (April 1997) concerning the case of Mr. Miguel Angel Pavón Salazar, of Honduras,

*Taking into account* the communication from the Vice-President of the National Congress dated 23 June 1997 by which he conveyed a copy of a report of the Criminal Investigation Branch on the results of additional investigations, and the communication from the Office of the National Commissioner for Human Rights dated 8 September 1997,

*Recalling* that Mr. Pavón Salazar was shot dead on 14 January 1988; that the judicial investigations which established a link between his murder and evidence he gave in October 1987 before the Inter-American Court of Human Rights concerning « disappearances » came to a practical standstill until, in 1994, the Honduran National Commissioner for Human Rights published a report concluding that the investigations had not been carried out properly, thereby causing oversight of the investigation to be entrusted to the Special Prosecutor for Human Rights,

*Recalling also* that, despite this measure, no progress in the investigations was made by the competent investigating judge of the Third Criminal Court (*Juzgado Tercero de Letras de lo Criminal*), that finally, on 4 July 1996, the Criminal Investigation Branch of the Public Prosecutor's Office (DIC) resumed the investigations into the murder of Mr. Pavón Salazar and that it appointed two investigators to elucidate the circumstances of that murder,

*Recalling further* that, in their report of March 1997, they concluded that Jaime Rosales - already presumed to be implicated in the murder in the 1994 report of the National Human Rights Commissioner - and the then Lieutenant Mario Asdrubal Quiñones Aguilar were the culprits,

*Recalling finally* that, at the time, the DIC stated that the new investigation would give rise to the corresponding legal action and that, with the evidence that had come to light, the indictment would be lodged with the courts, its success depending, however, « *as originally, on the collaboration extended in this different historical period by the Public Security Force and the Armed Forces in locating the presumed culprits and turning them over to the corresponding courts, since there are now a great many police and military personnel with warrants out for their arrest who are still evading justice* »,

*Considering* that, as emerges from the DIC report conveyed by the Vice-President of the National Congress on 23 June 1997, the Special Human Rights Prosecutor and the Head of the DIC,

in view of the evidence collected by the two DIC investigators, decided that before any indictment could be filed it was necessary to establish the veracity of the various testimonies collected and that, consequently, additional investigations were carried out which seemed to confirm that Lieutenant-Colonel Mario Asdrubal Quiñones Aguilar and Sergeant-Major Jaime Rosales *alias* Quico were indeed the presumed murderers,

*Considering also* that, according to the Office of the National Commissioner for Human Rights, as some data were still missing, no indictment has as yet been filed, the case filed under N° 6128 remaining pending before the Third Criminal Court,

*Noting finally* that, according to the Secretariat of the Inter-American Commission on Human Rights, the amicable settlement proceedings are still under way and the petitioner has requested a hearing for the Commission's next session, to be held from 29 September to 17 October 1997,

1. *Reiterates its thanks* to the Honduran authorities for their exemplary co-operation;
2. *Notes* that the Special Human Rights Prosecutor and the Head of the Criminal Investigation Department deemed it necessary to carry out additional investigations before an indictment could be filed;
3. *Notes with regret* that, contrary to earlier expectations, the evidence collected so far has not been sufficient for appropriate court action to be taken;
4. *Earnestly hopes* that the additional investigations which are apparently still under way will rapidly yield results permitting the filing of an indictment;
5. *Remains hopeful* that the coming judicial proceedings will finally restore the right to justice in this case;
6. *Calls again on* the Honduran civilian authorities, and in particular the Honduran Parliament, to take the necessary measures to ensure that the Public Security Force and the Armed Forces extend their co-operation to the judiciary and turn the presumed culprits over to the courts;
7. *Trusts* that the authorities will make every effort to guarantee the security of persons who gave testimony to the DIC investigators;
8. *Emphasises once more* that, in accordance with generally accepted standards of human rights, the families of victims are entitled to adequate material compensation, and *notes* that amicable settlement proceedings are under way in this respect before the Inter-American Commission on Human Rights;
9. *Requests* the Secretary General to convey these considerations to the National Congress of Honduras and the competent authorities, requesting them to keep the Committee informed of progress in the relevant judicial proceedings;
10. *Also requests* the Secretary General to maintain contact with the Inter-American Commission on Human Rights regarding this case;
11. *Requests* the Committee on the Human Rights of Parliamentarians to continue examining the case and report to it at its next session (April 1998).

**CASE N° IDS/09 - SUKATNO - INDONESIA**

***Resolution adopted without a vote by the Inter-Parliamentary Council at its 161st session  
(Cairo, 16 September 1997) \****

The Inter-Parliamentary Council,

*Referring* to the outline of the case, as contained in the report of the Committee on the Human Rights of Parliamentarians (CL/161/10(a)-R.1), and to the resolution adopted at its 160th session (April 1997) concerning the case of Mr. Sukatno, of Indonesia,

*Taking account* of the letter from the Secretary General of the Indonesian Parliament dated 29 August 1997 in which he reported the death of Mr. Sukatno on 8 May 1997,

*Also taking account* of the information provided by the sources on 29 August 1997,

*Recalling* the persistent reports it had received since March 1996 of Mr. Sukatno's declining state of health; *noting*, however, that the authorities had consistently affirmed that he was in good health,

*Recalling* that, on the occasion of his mission to Indonesia in September 1996, the Secretary General was able to visit Mr. Sukatno in Cipinang Prison, thanks to the co-operation of the competent Indonesian authorities, and that he observed, in the presence of Indonesian officials, that Mr. Sukatno was suffering from undeniably grave mental and physical afflictions,

*Recalling* its position that keeping such an old and sick man as Mr. Sukatno in prison and under threat of execution is contrary to all humanitarian standards and unquestionably constitutes cruel and degrading treatment,

*Recalling* the pressing appeals the Inter-Parliamentary Union had consistently made to the President of the Republic that he pardon Mr. Sukatno in view of his advanced age, the nearly three decades he had already spent in prison and his declining health, and also *bearing in mind* its appeals to the Indonesian Parliament to intervene in favour of Mr. Sukatno's release, and its request that it submit a formal petition to the Indonesian National Commission on Human Rights to take action in support of Mr. Sukatno's release so that he might be able to spend his remaining days among his family and friends,

*Considering* that, on 17 April 1997, Mr. Sukatno was taken to Kramatjati Police Hospital, his health having deteriorated to the point where he no longer recognised anyone; that, as he reportedly did not receive adequate medical treatment there, he was transferred to Cikini Hospital where he passed away on 8 May 1997,

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\* The Indonesian delegation expressed reservations with regard to the resolution adopted by the Inter-Parliamentary Council.

1. *Expresses its profound regret* at the death of Mr. Sukatno;
2. *Is profoundly saddened* by the fact that its many pressing appeals went unheeded and that Mr. Sukatno was denied the benefit of a humanitarian gesture that would have let him spend his remaining time among his family and friends;
3. *Hopes* that Mr. Sukatno's fellow inmates also under sentence of death for involvement in the 1965 coup attempt will not suffer a comparable fate, and that they will be released on humanitarian grounds;
4. *Requests* the Secretary General to convey this resolution to the Speaker of Parliament and to the Secretary General of the National Human Rights Commission;
5. *Decides* to close the case.

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

***Resolution adopted without a vote by the Inter-Parliamentary Council at its 161st session  
(Cairo, 16 September 1997) \****

The Inter-Parliamentary Council,

*Referring* to the outline of the case, as contained in the report of the Committee on the Human Rights of Parliamentarians (CL/161/10(a)-R.1), and to the resolution adopted at its 160th session (April 1997) concerning the case of Sri Bintang Pamungkas, of Indonesia,

*Taking account* of the communications from the sources dated 29 June, 30 August and 4 September 1997,

*Recalling* that, on 8 May 1996, Jakarta Central Court found Sri Bintang Pamungkas guilty of deliberately insulting President Suharto by suggesting that he was a « dictator » at a seminar he gave at a Berlin University on 9 April 1995 and sentenced him to 2 years and 10 months' imprisonment; that an earlier charge of instigating or participating in demonstrations against President Suharto during his April 1995 visit to Germany had to be dropped for lack of evidence,

*Considering* that the judgment became binding on 11 April 1997 when it was upheld by the Supreme Court,

*Recalling* that, according to the sources, despite the non-admissibility in Indonesian law of tape-recordings as evidence, the main exhibit is a transcript of a 180-minute tape-recording of the seminar lasting almost seven hours together with the testimony of three students, one having a part-time job at the Indonesian Embassy and the other two being close relations of his,

*Considering* in this connection that the key witness, Sri Basuki, has reportedly never been duly identified by the Court, which accepted her written testimony, and that this may warrant a review of the trial,

*Recalling* that Sri Bintang's party, the United Development Party (PPP), « recalled » him from his parliamentary seat and that, on 29 May 1996, Sri Bintang launched a new party, the Indonesian Democratic Union Party (PUDI), which is not recognised by the Government,

*Recalling also* that, on 5 March 1997, Sri Bintang was arrested together with two other PUDI officials and accused under the Anti-Subversion Act of having, on *Eid-al-Fitr* greetings cards, set out the PUDI political agenda, namely: (a) ignore the 1997 parliamentary elections, (b) refuse Mr. Suharto as a presidential candidate in 1998, and (c) prepare the post-Suharto period; that he has

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\* The Indonesian delegation expressed reservations with regard to the resolution adopted by the Inter-Parliamentary Council.



been interrogated several times but refused to answer arguing that the interrogators were not respecting the provisions laid down in the Indonesian Code of Criminal Procedure (KUHAP), that is to say they were not informing him of the accusation brought against him and the facts adduced to substantiate it, its legal basis, who the witnesses were, what the material evidence was and who the victims were,

*Recalling* that offences under the Anti-Subversion Act carry up to 20 years' imprisonment or the death penalty,

*Considering* that, while the other two members of his party were released, the detention order against him was extended until the sentence handed down on him in the first case became binding; that he was then transferred from the Attorney General's Detainment House to Cipinang Prison, where he is currently serving his sentence; that his conditions of detention are good,

*Considering* that on 12 May 1997 Sri Bintang was notified of the decision of the Minister of Education and Culture of 1 April 1997 to expel him with dishonour from his position as a permanent faculty member of the State University of Indonesia, where he had been teaching for over 25 years; that an appeal against the decision has been filed with Jakarta Administrative Court, which is expected to hear the case in October 1997,

*Considering* that at the hearing in Cairo the Indonesian delegation reiterated its statement of April 1997, namely that Sri Bintang was prosecuted for attempting to mobilise the people by illegal means - a non-authorized political party - for change of the Constitution; that the Constitution can only be changed through discussion in Parliament and a subsequent referendum,

*Recalling* that the Inter-Parliamentary Council, in the *Declaration on Criteria for Free and Fair Elections* adopted unanimously in Paris on 26 March 1994 with a delegation from the Indonesian Parliament in attendance, proclaimed that « everyone has the right to join, or together with others to establish, a political party or organisation for the purpose of competing in an election »,

1. *Thanks* the Indonesian delegation for the information and observations it supplied;
2. *Reiterates* its previous concerns regarding Sri Bintang's prosecution for insulting the President of the Republic, in particular its fear that he might well have been prosecuted and sentenced on account of considerations other than those of a judicial nature;
3. *Notes* with interest that a review of the trial may be possible as a key witness has reportedly not been duly identified by the Court, and would appreciate the authorities' views in this respect;
4. *Remains deeply concerned* at Sri Bintang's arrest and prosecution on subversion charges for having put out a call, on greetings cards of his party, to boycott the 1997 elections, oppose a new candidature of President Suharto and prepare the post-Suharto period, and *can but consider* this to be a simple expression of a political stance lying well within his freedom of expression;
5. *Expresses concern* that discussing constitutional change in any country could possibly give rise to prosecution;
6. *Earnestly hopes* therefore that the authorities may consider measures leading to Sri Bintang's early release from imprisonment and that the charges under the Sedition Act may be dropped;

7. *Regrets* that Sri Bintang was expelled « with dishonour » from the chair he had held at Indonesia University for more than 25 years, and *notes* that he has challenged that decision as unlawful;
8. *Recalls once more* the constant position of the Inter-Parliamentary Union that, once elected, all members of Parliament hold their mandates by popular will, and therefore *reiterates* its regret that Indonesian law empowers political parties to have representatives of the people « recalled »;
9. *Regrets* that the authorities have not authorised the political party founded by Sri Bintang Pamungkas in May 1996, and *earnestly hopes* that they will, in the light of the principles proclaimed by the Inter-Parliamentary Union, reconsider the regulations on political parties;
10. *Requests* the Secretary General to convey these considerations to the Speaker of the House of Representatives and the National Commission on Human Rights, seeking their comments thereon and inviting them to keep the Committee informed of Sri Bintang's situation;
11. *Requests* the Committee on the Human Rights of Parliamentarians to continue examining the case and report to it at its next session (April 1998).

**CASE N° IDS/11 - MEGAWATI SUKARNOPUTRI - INDONESIA**

***Resolution adopted without a vote by the Inter-Parliamentary Council at its 161st session  
(Cairo, 16 September 1997) \****

The Inter-Parliamentary Council,

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

*Taking note of the report of the Committee on the Human Rights of Parliamentarians (CL/161/10(a)-R.1), which contains a detailed outline of the case,*

*Taking account of the observations provided by the Indonesian delegation to the 98th Inter-Parliamentary Conference (September 1997),*

*Considering that Mrs. Megawati, a member of the House of Representatives, was elected in 1993 as leader of the Indonesian Democratic Party (PDI) for a five-year term; that in June 1996 a congress of dissident party members was held in Medan, North Sumatra, as a direct challenge to her leadership; that, at the end of the congress, Mr. Suryadi, Deputy Speaker of the House of Parliament, was elected leader of the PDI; that the Government recognised the Medan Congress as being legitimate, including its results,*

*Considering that, according to Mrs. Megawati's group, the Medan Congress was initiated and masterminded by the Government and the military to prevent the PDI from nominating Mrs. Megawati for the 1997 presidential elections as the first candidate ever to oppose Mr. Suharto and that, consequently, the Congress and its results are illegitimate since it was held in clear breach of the Party Constitution and Rules,*

*Considering that, according to the authorities, the Medan Congress was convened at the wish of the majority of PDI members and based on provisions in the party regulations; that it elected Mr. Suryadi as its new General Chairman; that as the Congress had been held in accordance with the prevailing procedures, the Government recognised it as being legitimate, including its results,*

*Considering that Mrs. Megawati filed lawsuits against the Indonesian Government and the officials elected at the Congress; that Jakarta Central Court decided that it was not competent in the*

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\* The Indonesian delegation expressed reservations with regard to the resolution adopted by the Inter-Parliamentary Council.

case, suggesting that the dispute be settled as an internal matter; that, however, Jakarta High Court ruled on 10 July 1997 that Jakarta Central Court was competent to examine the lawsuit in question and that Mr. Suryadi appealed against that decision to the Supreme Court,

*Considering that, following Mrs. Megawati's ouster as party leader, her supporters occupied the PDI Office in Jakarta; that, according to the sources, on 27 July individuals wearing PDI clothing and saying they were supporters of Mr. Suryadi arrived at the party office and began attacking those inside the office, who counter-attacked; that riot troops reportedly took no action for about two hours and only then forcibly entered the office; that in the ensuing confrontation dozens of people were injured; that, following the police raid, riots involving thousands of people occurred in several areas of Jakarta,*

*Considering that in the report which the National Human Rights Commission (KOMNAS) issued on 12 October 1996 regarding these incidents, it stated *inter alia* the following: « The seizure of the PDI headquarters ... was an action, accompanied by violence, by the Medan Congress PDI central leadership and groups supporting it, and was carried out together with the security forces. This represented a continuation from a sequence of earlier events related to the creation of an open conflict in the PDI in which the Government/authorities involved themselves excessively and one-sidedly and out of proportion to their function as political steward and security force »,*

*Considering that, to mitigate the consequences of those incidents and avoid any recurrence of such troubles, the Commission opined *inter alia* that:*

- *« Government interference in the form of support for one side in a dispute should be guarded against;*
- *The use of violence cannot be justified and should be avoided. The existence of a variety of opinions in organisational life is natural;*
- *Disputes which cannot be settled by means of deliberation should be settled through the courts »,*

*Considering in this connection that, according to the Indonesian delegation, KOMNAS recommendations should be seen as simply advising the institution of proceedings also against Mr. Suryadi,*

*Considering that, according to the sources, the authorities closed down Mrs. Megawati's new headquarters arguing that the office was in a residential area, while Mr. Suryadi was authorised in August 1996 to establish the PDI headquarters at his personal residence,*

*Considering that, according to the sources, the former PDI headquarters which had been occupied by the police after the raid of July 1996, instead of being handed over to the Attorney General's office as it constitutes important evidence for a number of judicial proceedings under way in connection with the July events, were handed over in late 1996 to the « Office of State Secretariat », which ordered the repair and renovation of the building, an action the sources claim to be prohibited under Article 417 of the Penal Code,*

*Considering that, according to the sources, on 10 January 1997 Mrs. Megawati's supporters organised a meeting to celebrate PDI's 24th anniversary; that a request to hold the meeting, initially planned to take place in Bali, was submitted to the competent authorities, which reportedly never replied; that the meeting was therefore organised at Mrs. Megawati's home,*

*Considering that, in February 1997, Jakarta police officials reportedly stated that Mrs. Megawati and her husband, who is also an MP, may become suspects on account of having organised an illegal meeting; that, according to the Indonesian delegation, Mrs. Megawati is indeed being questioned as a witness in connection with that allegedly illegal meeting,*

*Considering* that, in September 1996, the Electoral Board rejected the candidate list submitted by the Megawati group and that it accepted the list submitted by the Suryadi group in November 1996,

*Considering* that Mrs. Megawati was thus prevented from being a candidate in the parliamentary elections of May 1997; that she filed a lawsuit against the Electoral Board,

*Recalling* that she is unable to found a new party because the authorities refuse to register any new party on the grounds that a national consensus reached in 1969 and embodied in the « Law on political parties » limits the number of parties to three, a rule which the sources consider to be contrary to the spirit of the 1945 Constitution,

*Bearing in mind* that the Inter-Parliamentary Council, in the *Declaration on Criteria for Free and Fair Elections* adopted unanimously in Paris on 26 March 1994 with a delegation from the Indonesian Parliament in attendance, proclaimed that « everyone has the right to join, or together with others to establish, a political party or organisation for the purpose of competing in an election »,

*Recalling* that the Universal Declaration of Human Rights, which is recognised as the expression of a general standard on human rights, enshrines the right to freedom of association and the right to take part in the conduct of public affairs, which includes the right to stand in elections,

1. *Thanks* the Indonesian delegation for the observations it provided;
2. *Deeply regrets* that Mrs. Megawati was prevented from participating in the parliamentary elections of May 1997 as a result of her possibly unlawful ouster as President of the PDI and a restrictive conception of political pluralism;
3. *Recalls* in this connection the report of the National Human Rights Commission of 12 October 1996 and the conclusions reached therein, namely that in the case of the Medan Congress - which resulted in Mrs. Megawati being ousted as leader of the PDI and subsequently debarred from the electoral process - state authorities « *involved themselves excessively and one-sidedly and out of proportion to their function as political steward and security force* »;
4. *Regrets* that the Indonesian authorities do not seem to have heeded the Commission's recommendations, and *believes* that Parliament, as guardian of human rights, has a particular interest in ensuring that the recommendations of the National Human Rights Commission are indeed followed up;
5. *Expresses the hope* that, in the light of the recommendations made by the National Human Rights Commission, Mrs. Megawati will not be prevented from pursuing her political activities normally;
6. *Would appreciate* the view of the authorities on the allegation that, in repairing the former PDI headquarters, an important piece of evidence was deliberately destroyed, an action prohibited under Article 417 of the Penal Code;
7. *Notes* that, according to the Jakarta High Court ruling of 10 July 1997, Central Jakarta District Court is competent to examine the lawsuit Mrs. Megawati has filed against the Government and Mr. Suryadi regarding her ouster as leader of the PDI, and *would appreciate* being kept informed of the relevant judicial proceedings;

8. *Earnestly hopes* that the authorities will, in the light of the principles proclaimed by the Inter-Parliamentary Union, reconsider the regulations on political parties;
9. *Requests* the Secretary General to convey these concerns to the Speaker of the House of Representatives, inviting him to supply his comments and the information sought;
10. *Likewise requests* the Secretary General to convey this decision to the National Human Rights Commission;
11. *Requests* the Committee on the Human Rights of Parliamentarians to continue examining the case and report to it at its next session (April 1998).

**CASE N° IDS/12 - ABERSON SIHALOHO - INDONESIA*****Resolution adopted without a vote by the Inter-Parliamentary Council at its 161st session  
(Cairo, 16 September 1997) \****

The Inter-Parliamentary Council,

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

*Taking note of the report of the Committee on the Human Rights of Parliamentarians (CL/161/10(a)-R.1), which contains a detailed outline of the case,*

*Taking account of the information provided by the Indonesian delegation at the hearing held on the occasion of the 98th Inter-Parliamentary Conference (September 1997),*

*Considering that Mr. Sihaloho, a member of Parliament for the Indonesian Democratic Party (PDI), and strong supporter of ousted leader Megawati Sukarnoputri, was summoned as a suspect on 27 September 1996 on account of charges under Articles 134, 154 and 207 of the Indonesian Criminal Code (insulting the President, public expression of feelings of hostility, hatred or contempt towards the government and publicly insulting an authority or public body, respectively),*

*Considering that, according to the source, he was found guilty on 21 July 1997 of « insulting the President of the Republic and other government organisations such as the armed forces and the parliament », by reportedly stating on 13 July 1996, on the occasion of the free speech forum (Mimbar Bebas) which was held daily at the Jakarta headquarters of the PDI after Mrs. Megawati's ousting from the PDI leadership, that « our freedom has been stolen and we are being colonised again under Suharto's 30 year leadership » and « Imagine, all that is being bought with people's money is used to shoot people » and « Parliament is not representing the people but the conglomerates. The MPR (People's Consultative Assembly) has not materialised for the people, it is a materialisation of the rulers so that the MPR's decisions are not decisions of the people »,*

*Considering that, according to the source, Mr. Sihaloho claims that he was partially misquoted and that his comments were taken out of context; considering also that a substantial part of the evidence used as the basis of the prosecution was a reportedly video-taped recording of Mr. Sihaloho's speech at the Mimbar Bebas which, his lawyers claim, could easily have been re-edited,*

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The Indonesian delegation expressed reservations with regard to the resolution adopted by the Inter-Parliamentary Council.

*Considering* that Mr. Sihaloho has lodged an appeal and remains at liberty,

1. *Thanks* the Indonesian delegation for the information it provided;
2. *Can but deplore* the sentencing of Mr. Sihaloho and *considers* that the alleged offending statement merely constitutes an exercise of the right to freedom of speech, which would be quite meaningless if it did not include the right to give a value judgment on a government's policies;
3. *Stresses* that the right to freedom of speech is central to the functioning of parliamentary democracy and that Parliaments should consequently have a particular interest in ensuring that this right is made as extensive as possible and can be exercised without risk, in particular, of imprisonment;
4. *Notes* that an appeal against the judgment is pending and *earnestly hopes* that Mr. Sihaloho will not ultimately be punished for having exercised his right to freedom of speech;
5. *Requests* the Secretary General to convey this decision to the Speaker of the House of Representatives and to the National Commission on Human Rights, seeking their observations;
6. *Requests* the Committee on the Human Rights of Parliamentarians to continue examining the case and report to it at its next session (April 1998).



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

***Resolution adopted without a vote by the Inter-Parliamentary Council at its 161st session  
(Cairo, 16 September 1997)***

The Inter-Parliamentary Council,

*Having before it* the case of Mr. Lim Guan Eng, a member of the House of Representatives of Malaysia, which has been the subject of a study and report of the Committee on the Human Rights of Parliamentarians in accordance with the « *Procedure for the examination and treatment by the Inter-Parliamentary Union of communications concerning violations of human rights of parliamentarians* »,

*Taking note* of the report of the Committee on the Human Rights of Parliamentarians (CL/161/10(a)-R.1), which contains a detailed outline of the case,

*Taking account* of the observations provided by the Malaysian delegation to the 98th Inter-Parliamentary Conference (September 1997),

*Considering* that Mr. Lim Guan Eng, son of opposition Democratic Action Party (DAP) leader Lim Kit Siang, Deputy Secretary General of that party and member of Parliament for Kota Melaka (Malacca), stated in January 1995 that « double standards » were being applied in the statutory rape case against the former Chief Minister of Malacca, Mr. Rahim Tamby Chik, because Attorney General Mohtar Abdulla had decided not to prosecute the latter, while the underage alleged victim, a fifteen-year-old Muslim schoolgirl, was placed in « protective custody » for ten days without parental consent,

*Considering* that, on 28 February 1995, Mr. Lim Guan Eng was accused under Section 4 (1)(b) of the Sedition Act of prompting « disaffection with the administration of justice in Malaysia »; that, in addition, on 17 March 1995, Mr. Lim Guan Eng was charged under Section 8 A(1) of the Printing and Publications Act with maliciously printing a pamphlet containing allegedly « false information », specifically because he had used the term « imprisoned victim » in reference to the alleged rape victim,

*Considering* that Mr. Lim Guan Eng's statement reflected widespread public disquiet over the handling of the alleged rape case, that in November 1994 the daughter of Prime Minister Mahathir Mohammed published an article under the title « Whither Justice ? » in which she described the authorities' treatment of the girl as a « gross mockery of justice »,

*Considering* that, according to the authorities, Mr. Lim Guan Eng would not have been prosecuted had he made the offending statement in Parliament; that, however, according to the source, Malaysian MPs do not enjoy immunity from prosecution in sedition matters; that Mr. Lim

Guan Eng reportedly criticised the Attorney General's handling of the case in Parliament and tabled a motion calling for his sacking without the Speaker directing him to withdraw any part of his speech describing the Attorney General as politically biased and applying double standards; that, he was instead charged on the basis of an unrecorded speech he had made outside Parliament,

*Considering* that Mr. Lim Guan Eng's trial opened in January 1996, but was suspended in March 1996 pending a test case ruling, delivered by the Federal Court in July 1996; that the standard of proof required at the end of a prosecution's case was that of « beyond reasonable doubt » and not the previously upheld standard of *prima facie* evidence,

*Considering* that, contrary to expectation, following the Federal Court's ruling, the judge in Mr. Lim Guan Eng's case found that the prosecution had in fact proved both charges against Mr. Lim Guan Eng « beyond reasonable doubt » and that the defence had a case to answer; that therefore his trial resumed,

*Considering* that, according to the sources, regarding the allegedly seditious verbal statements, the judge ruled that the report of a single junior police officer, unsupported by a sound recording as is normal practice in sedition cases, constituted sufficient evidence to proceed; that, as regards the charge of printing « false information », the judge ruled that the prosecution had proven beyond reasonable doubt evidence suggesting that the words « imprisoned victim » were false - apparently ignoring assertions that the statutory rape victim had been detained by police for ten days without parental consent,

*Considering* that, according to the sources, the girl confirmed during the trial that she had indeed had sexual intercourse with Mr. Rahim Tamby Chik,

*Considering* that, according to the authorities, Mr. Rahim Tamby Chik had been interrogated, on account not of the girl's accusation but of anonymous letters, and that insufficient evidence had been found to prosecute Mr. Tamby Chik,

*Considering* that, according to the authorities, the Malaysian Constitution gives the Attorney General absolute discretion to submit or withdraw criminal charges against any person (Article 145/3); that in the relevant case it was his opinion that Mr. Lim Guan Eng contravened the two laws referred to by making untrue and seditious statements,

*Considering* that Mr. Lim Guan Eng was sentenced, on 28 April 1997, under Section 4 (1)(b) of the Sedition Act for prompting « *disaffection with the administration of justice in Malaysia* » to the maximum fine of RM 5,000 and, under Section 8 A(1) of the Printing and Publications Act for maliciously printing a pamphlet containing « *false information* », to a fine of RM 10,000,

*Recalling also* that, according to the source, there was no valid proof that Mr. Lim Guan Eng had indeed made the offending statement since his speech was not recorded on tape or video, as would normally be required in sedition cases, but had been taken down by a police officer from notes and memory,

*Considering* that, according to the sources, the Attorney General, in an unprecedented move, appealed against this sentence before Mr. Lim Guan Eng had even filed his own appeal as he considered that the sentences imposed were « *inadequate in view of the gravity of the offences which is against the administration of justice* »,

*Recalling* that, under the Sedition Act, a maximum fine of RM 2,000 and three years' imprisonment and under the Printing and Publications Act, a maximum fine of RM 20,000 and three

years' imprisonment may be imposed; *considering*, therefore, that the Attorney General seems to be calling for a custodial sentence to be imposed on Mr. Lim Guan Eng,

*Considering* that, under Malaysian law, MPs who are fined RM 2,000 or sentenced to one year's imprisonment automatically forfeit their seats,

*Considering* that Mr. Lim Guan Eng has throughout been going normally about his parliamentary duties; that, if he is found guilty and forfeits his mandate, the decision will only be applied once the Court judgment has become final,

1. *Thanks* the Malaysian delegation for its co-operation;
2. *Stresses* that parliamentarians, as protectors of human rights, have a special responsibility for safeguarding human rights and freedoms in their respective countries and must therefore concern themselves with alleged violations of those rights in whatever branch of the State they may occur;
3. *Stresses* that one of the main functions of Parliament is to oversee the action of the Executive Branch and that when parliamentarians publicly report or denounce a possible malfunction of the Judiciary or the Administration, they are simply fulfilling their constitutional role;
4. *Affirms* that in discharging this oversight function, members of Parliament are key players in the promotion and protection of human rights, for which they require the freedom of expression essential to performance of their parliamentary functions;
5. *Firmly believes* that even if Mr. Lim Guan Eng did make the alleged offending statement, he would merely have been fulfilling the mandate entrusted to him by his constituents and exercising his right to freedom of speech;
6. *Is therefore dismayed* at the judgment and the sentence handed down on Mr. Lim Guan Eng, which, if confirmed in the final instance, will result in forfeiture of his parliamentary seat;
7. *Is deeply concerned* at the allegation that improper evidence may have been used by the court;
8. *Also expresses deep concern* at the fact that, before Mr. Lim Guan Eng had even lodged his appeal, the Attorney General brought an appeal against the judgment seeking a more severe sentence, which, in view of the stiff sentence already imposed on Mr. Lim Guan Eng, is clearly aimed at having him imprisoned as well;
9. *Emphasises* that there was widespread public criticism of the Attorney General's handling of the statutory rape case, including from the Prime Minister's daughter herself, who called the Attorney General's attitude a « gross mockery of justice »; that, however, only Mr. Lim Guan Eng, an active member of the opposition, was prosecuted;
10. *Can but infer* from this fact that his prosecution and sentencing seem to be prompted by other than judicial considerations;

11. *Notes* that Mr. Lim Guan Eng has filed an appeal against the judgment, and *earnestly hopes* that he will finally not be singled out and convicted for a critical statement that was not considered to constitute an offence when made - in similar and even harsher terms - by others;
12. *Requests* the Secretary General to convey these considerations to the Speaker of the House of Representatives;
13. *Requests* the Committee to continue examining the case and report to it at its next session (April 1998).

**MYANMAR**

Parliamentarians still detained:

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

Parliamentarians deceased:

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

Parliamentarians arrested since 1996:

CASE N° MYN/83 - KYAW MIN	CASE N° MYN/106 - KYAW TIN
CASE N° MYN/84 - SOE THEIN	CASE N° MYN/107 - SAN MYINT
CASE N° MYN/85 - KHUN MYINT HTUN	CASE N° MYN/108 - MIN SWE
CASE N° MYN/86 - AYE SAN	CASE N° MYN/109 - THAN AUNG
CASE N° MYN/87 - DO HTAUNG	CASE N° MYN/110 - TIN MIN HTUT
CASE N° MYN/88 - CHIT HTWE	CASE N° MYN/111 - SAW LWIN
CASE N° MYN/89 - MYO NYUNT	CASE N° MYN/112 - HLA WIN
CASE N° MYN/100 - HLA MYINT	CASE N° MYN/113 - AYE THAN
CASE N° MYN/101 - SAW OO REH	CASE N° MYN/114 - OHN NAING
CASE N° MYN/102 - HLA MIN	CASE N° MYN/115 - THEIN ZAN
CASE N° MYN/103 - TIN AUNG	CASE N° MYN/116 - NYUNT HLAING
CASE N° MYN/104 - KYAW KHIN	CASE N° MYN/117 - KYAW MYINT
CASE N° MYN/105 - KYIN THEIN	

***Resolution adopted without a vote by the Inter-Parliamentary Council at its 161st session  
(Cairo, 16 September 1997)***

The Inter-Parliamentary Council,

*Referring* to the outline of the case, as contained in the report of the Committee on the Human Rights of Parliamentarians (CL/161/10(a)-R.1), and to the resolution adopted at its 160th session (April 1997) concerning the above-mentioned elected members of the Pyithu Hluttaw (People's Assembly) of the Union of Myanmar,

*Taking account* of the information provided by the Permanent Representative of the Union of Myanmar to the United Nations Office in Geneva, dated 18 June 1997,

*Also taking account* of the information provided by the sources on 22 May and on 1 and 18 July 1997,

*Recalling* that the persons concerned are all members of the NLD (National League for Democracy) elected in the legislative elections of 27 May 1990 to the Pyithu Hluttaw (People's Assembly) which the military regime of SLORC has to date failed to convene; that 15 are among those arrested between 1990 and 1993 under legislation proclaiming a state of emergency; that the others were arrested in the following years, the majority under the Emergency Provisions Act which gives SLORC wide discretionary power to arrest anyone it considers «*to disrupt the security or reconstruction of the stability of the Union*»,

*Referring* in this connection to the list appended to this resolution which contains the names and particulars on the situation of the NLD MPs-elect who, so far as the Committee knows, are currently in detention,

*Recalling* that the MPs-elect arrested between 1990 and 1993 were sentenced either for having organised a meeting in Mandalay for the formation of a parallel government or for co-authorship of an anti-government seditious paper entitled «*Three ways to attain power*»; that all but the 15 persons referred to above were granted an amnesty, mostly under SLORC Declaration N° 11/92; that, in July 1996, the authorities stated that the cases of the remaining detainees were kept under regular review «*taking into account their good conduct, behaviour etc., and those who merit amnesty on the score will also be released in accordance with the terms of Declaration N° 11/92*»,

*Recalling* that there are consistent reports of inhuman and degrading treatment in Myanmar prisons; that Saw Naing Naing (MYN/13), Dr. Myint (M) Aung (MYN/60), Myint Naing (MYN/36) and U Hla Than (MYN/53) were sentenced to additional jail terms of five to twelve years each under the Emergency Provisions Act for «*causing or intending to disrupt the morality or behaviour of a group of people or the general public, or disrupting the security or reconstruction of the stability of the Union*», apparently on account of attempting to pass information about prison conditions to the United Nations Special Rapporteur on Myanmar,

*Bearing in mind* that, in his report to the 53rd session of the United Nations Commission on Human Rights (April 1997 [E/CN.4/1997/64]), the United Nations Special Rapporteur on Myanmar expressed deep regret that he had not been granted authorisation to visit the country; that his predecessor, during his last visit to the country in October 1995, had been denied access to any of the political prisoners,

*Recalling* that it has constantly requested the Government of the Union of Myanmar to authorise an on-site mission of the IPU to the country in order to collect objective and precise data on the situation of the MPs-elect concerned and that the authorities refused to do so in 1992, arguing that the United Nations Special Rapporteur had carried out a visit in October 1991; that they have since consistently ignored the Union's request to conduct an on-site mission and its requests for information on the situation of the detained MPs-elect,

*Recalling* that SLORC has began to put pressure on the NLD MPs-elect to resign from their positions as MPs-elect and from the party itself; that members of military intelligence have reportedly threatened and harassed MPs-elect, telling them that they and their families would lose their jobs if they did not resign; that, according to the report of the Special Rapporteur on Myanmar

referred to above, « *NLD members of Parliament ... continue to submit their resignation as a result, it is widely believed, of the continual harassment and the pressure they are facing from the authorities* »,

Considering that, in the same report, the United Nations Special Rapporteur observed that « *the absence of respect for the rights pertaining to democratic governance is at the root of all the major violations of human rights in Myanmar* » and « *that genuine and enduring improvements in the situation of human rights in Myanmar cannot be attained without respect for the rights pertaining to democratic governance* »,

Bearing finally in mind that on 1 July 1997 the Union of Myanmar was admitted to membership in ASEAN,

1. *Reaffirms its indignation* that the authorities of the Union of Myanmar continue to ignore the outcome of the election of 27 May 1990, and *calls upon* them to take the necessary measures to institute a genuine process of transition to democracy and transfer power to the representatives democratically elected in 1990;
2. *Reiterates* the concerns and considerations expressed in its previous resolutions;
3. *Reiterates* its wish to receive detailed information on the places of detention, the charges and the legal grounds for the sentences handed down on the detained NLD MPs-elect, as well as on the facts underlying the charges, and *requests* the authorities to verify the relevant information contained in the attached list;
4. *Urges* the authorities to allow the United Nations Special Rapporteur on the human rights situation in Myanmar to enter the country and be given free access to all the prisoners he may wish to meet, including detained MPs-elect;
5. *Calls on* the authorities to grant the detained MPs-elect, as in the case of the others, an amnesty and release without further delay;
6. *Recalls* that the Union of Myanmar, a member of the United Nations, is bound to respect the rights established in the Universal Declaration of Human Rights, which is recognised as a general standard on human rights, in particular the right to take part in the government of the country, the right to liberty and security, the right to be treated with dignity and humanity, the right to a fair trial and the right to freedom of expression and association;
7. *Notes* that the Union of Myanmar has been admitted to ASEAN and *earnestly hopes* that such membership will contribute to bringing Myanmar's law and practice more into line with international human rights standards;
8. *Formally reiterates* its wish to conduct an on-site mission;
9. *Requests* the Secretary General to convey this resolution to the authorities, inviting them once again to provide the requested information, and to seek their agreement to the visit of a such mission;
10. *Requests* the Committee on the Human Rights of Parliamentarians to continue examining the case and report to it at its next session (April 1998).

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

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



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

**REPORTED ARRESTS SINCE 1996**

LIST OF PARLIAMENTARIANS <sup>1</sup>	CONSTITUENCY	DATE OF ARREST	SENTENCE	LEGAL GROUNDS FOR SENTENCE OR CHARGE	PLACE OF DETENTION
MYN/83	U. KYAW MIN	Bassein west-2, Irrawady	21/05/96; rep. in relation with NLD Congress	rep. held under Section 10(a) State Protection Law (« <i>endangering the peace of most citizens</i> »)	
MYN/84	U. SOE THEIN	Waw-2, Pegu.	21/05/96; rep. in relation with NLD Congress	rep. held under Section 10(a) State Protection Law (« <i>endangering the peace of most citizens</i> »)	
MYN/85	U. KHUN MYINT HTUN	Thaton-2, Mon State	00/05/96 rep. in connection with NLD Congress	7 yrs (source)	
MYN/86	DR. AYE SAN	Kyaikhto 2, Mon State			
MYN/87	U. DO HTAUNG	Kalay-1, Sagaing Div.	00/05/96; rep. in connection with NLD Congress	7 yrs (source)	

NAME	CONSTITUENCY	DATE OF ARREST	SENTENCE DATE OF SENTENCE	LEGAL GROUNDS FOR SENTENCE OR CHARGE	PLACE OF DETENTION
MYN/88	U. CHIT HTWE	Myothit-2, Magwe	rep. 02/07/96	rep. under Section 6/1 Public Property Protection Law for stealing Burma Socialist Party documents	
MYN/89	Dr. MYO NYUNT	Dedaye I, Irrawady	rep. 24/07/96; rep. remained in Aung San Suu Kyi's compound after NLD Congress and arrested when returning home	rep. under Section 18/19 of National Drugs Law for illegal manufacture of pharmaceuticals	
MYN/100	U. HLA MYINT	Maubin-2, Irrawady		rep. 2 yrs. rep. under Section 6(1) of Public Property Protection law; rep. for having spoken disrespectfully to a township official	Maubin Prison
MYN/101	U. SAW OO REH	Phru-so Township, Kayah State	rep. /11/96	rep. 17 yrs after trial on 29/11 and 18/12/96	rep. for having contact with insurgents, writing materials undermining national security and publishing without authorization
MYN/102	U. HLA MIN	Kawthoung, Tenasserim	rep. 19/11/96 in connection with student demonstrations	rep. arrested for having connections with 2 musicians (who were sentenced for recording democracy songs broadcast on an overseas opposition radio station)	
MYN/103	U. TIN AUNG	Wakema-1, Irrawaddy	rep. 13/12/96 in connection with student demonstrations	rep. charged under Section 5e of Emergency Provisions Act for taking part in the funeral of a one time member of the NLD organizational committee	
MYN/104	U. KYAW KHIN	Taunggyi-1, Shan State	rep. 03/06/96	rep. sentenced to 10 yrs rep. for agitating to incite civil unrest and obtaining video recordings of foreign TV broadcasts	

NAME		CONSTITUENCY	DATE OF ARREST	SENTENCE DATE OF SENTENCE	LEGAL GROUNDS FOR SENTENCE OR CHARGE	PLACE OF DETENTION
MYN/105	U KYIN THEIN	Kyar-in-seit, Kayin	between ./.07 - .09/1996	rep. 7 yrs.	Section 5(j) Emergency Provisions Act	Moulmein Prison, Mon State
MYN/106	U KYAW TIN	Saw Township, Magwe Division	between ./.07 - .09/1996	rep. 2 yrs	Video Act	Pakokku Prison, Magwe Division
MYN/107	U. SAN MYINT	Laymyetnha-2, Irrawady	rep. late 1996	rep. 2 yrs	rep. TV and Video Act	
MYN/108	U MIN SWEMIN SWE	Pyapon-2, Irrawady	rep. 28/10/96			
MYN/109	DR. THAN AUNG	Mingalataungnyunt-2, Rangoon	rep. 21/02/97 in connection with NLD Union Day meeting	rep. 4 yrs (11/04/97)	rep. under Section 304(a) of Penal Code for homicide through negligence	
MYN/110	U. TIN MIN HTUT	Pantanaw-1, Irrawady	rep./02/97 in connection with NLD Union Day meeting		rep. charged with holding illegal currency	may have been released
MYN/111	U. SAW LWIN	Kyaunggon-2, Irrawady	rep. 02/97 in connection with NLD Union Day meeting		rep. charged under Section 5e Emergency Provisions Act	
MYN/112	Dr. HLA WIN	Kyaunggon-1, Irrawady	rep. 15/02/97 in connection with NLD Union Day meeting		rep. charged under Section 5e of Emergency Provisions Act	
MYN/113	U AYE THAN	Paungde-2, Bago	rep. 11/02/97 on way to NLD Union Day celebrations			
MYN/114	U OHN NAING	Paungde-1, Bago	rep. 11/02/97 on way to NLD Union Day celebrations			
MYN/115	U THEIN ZAN	Aunglan, Pegu	rep. 24/02/97		Section 5 (j) of Emergency Provisions Act	
MYN/116	U NYUNT HLAING	Myayde-1, Magwe	rep. 24/02/97		Section 5 (j) of Emergency Provisions Act	
MYN/117	U KYAW MYINT	Zalun-1, Irrawady				

## NIGERIA

CASE N° NIG/41 - AMEH EBUTE                      CASE N° NIG/45 - ABU IBRAHIM  
CASE N° NIG/42 - AMADI OKORAFOR            CASE N° NIG/46 - BOLA AHMED TINUBU  
CASE N° NIG/43 - REV. MAC NWULU            CASE N° NIG/47 - OLAWALE OSHUN  
CASE N° NIG/44 - POLYCAP NWITE

***Resolution adopted without a vote by the Inter-Parliamentary Council at its 161st session  
(Cairo, 16 September 1997)***

The Inter-Parliamentary Council,

*Referring* to the outline of the case, as contained in the report of the Committee on the Human Rights of Parliamentarians (CL/161/10(a)-R.1), and to the resolution adopted at its 160th session (April 1997) concerning the case of the above-named Senators of Nigeria,

*Taking account* of the information provided by one of the sources on 6 September 1997,

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

*Also recalling* that, according to information provided by one of the sources in January 1997, those who remained in Nigeria are under strict surveillance and remain silent for fear of their lives,

*Further recalling* that Mr. Olawale Oshun, a member of the dissolved House of Representatives, was arrested on 19 May 1995 and detained *incommunicado* on no charge; that he was released in December 1995 and went underground in April 1996 after two raids on his office and his home, and that he has subsequently gone into exile,

*Finally recalling* that, according to various sources, Senators Ebute and Polycap Nwite are now co-operating with the regime; that they have become officials of political parties and are participating in the process of transition to civilian rule established by the regime,

*Considering* that the competent Nigerian authorities, including the National Commission on Human Rights, have never deemed it necessary to respond to the requests for information made of them on behalf of the Committee and the Council,

1. *Can but deplore* the total lack of co-operation from the Nigerian authorities, including the National Commission on Human Rights;
2. *Recalls* that Nigeria, as a party to the International Covenant on Civil and Political Rights and to the African Charter on Human and Peoples' Rights, has a duty to respect and protect the rights guaranteed therein, in particular the right to security and liberty of the person, the right to freedom of expression and association, the right to return to one's country in safety, the right to justice and the right of anyone having suffered unlawful arrest or detention to mandatory compensation;
3. *Calls once again* on the Nigerian authorities to comply with their obligations under international human rights standards and to restore the right to freedom of expression and association and the rule of law, without which there can be no genuine transition to civilian rule, which the military rulers of the country have pledged to restore;
4. *Requests* the Secretary General to contact the competent authorities again and invite them to supply the information regarding the situation of the Senators concerned, with special reference to the judicial proceedings pending against Senator Tinubu and the investigations carried out into the attacks on Mr. Olawale Oshun;
5. *Also requests* the Secretary General to bring its concerns to the notice of any international organisation or body which may be able to provide the information sought and take appropriate action;
6. *Requests* the Committee to pursue the examination of the cases of Mr. Okorafor, Mr. Nwulu, Mr. Ibrahim, Mr. Tinubu and Mr. Olawale Oshun, and to report to it at its next session (April 1998); *also requests* the Committee not to pursue the examination of the case of Mr. Ebute and Mr. Polycap Nwite as they are now co-operating with the regime and no longer face any difficulty.

CASE N° TG/01 - MARC ATIDÉPÉ )  
CASE N° TG/02 - TAVIO AMORIN ) TOGO  
CASE N° TG/O3 - GASTON AZIADUVO EDEH )

***Resolution adopted without a vote by the Inter-Parliamentary Council at its 161st session  
(Cairo, 16 September 1997)***

The Inter-Parliamentary Council,

*Referring* to the outline of the case, as contained in the report of the Committee on the Human Rights of Parliamentarians (CL/161/10(a)-R.1), and to the resolution adopted at its 160th session (April 1997) concerning the case of Mr. Marc Atidépé, Mr. Tavio Amorin and Mr. Gaston Aziaduvo Edeh, of Togo,

*Taking into consideration* the information provided by the President of the National Assembly at the hearing held on the occasion of the 98th Inter-Parliamentary Conference (September 1997),

*Recalling* that Mr. Atidépé, Mr. Amorin and Mr. Edeh were assassinated in May and July 1992 and February 1994, respectively; that the killings were allegedly carried out by military personnel,

*Recalling* also that, contrary to the information provided by the authorities up until June 1996, the investigations into these assassinations were shelved by virtue of the 1994 Amnesty Law covering all politically motivated offences and crimes committed before that date,

*Further recalling* in this connection the will of the Togolese authorities to take into consideration the question of the right to restitution, compensation and redress, as manifested in a Government report submitted on 6 March 1996 to the United Nations Commission on Human Rights, and by the Togolese delegation to the 96th Inter-Parliamentary Conference (September 1996),

*Considering* that, at the hearing held in Cairo, the President of the National Assembly stated that he would take the necessary initiatives with the Government to ensure that the families of the deputies concerned received adequate compensation,

1. *Thanks* the President of the National Assembly for his co-operation and his commitment to helping ensure that the families of the victims concerned are adequately compensated;
2. *Stresses again* the important human rights principle that victims of violations of their human rights are entitled to know the truth, to enjoy justice and to receive reparation, failing which there can be no just and lasting reconciliation;
3. *Trusts*, in view of the commitment assumed by the President of the National Assembly, that the Republic of Togo will at least respect the right to reparation;

4. *Requests* the Secretary General to convey this resolution to the President of the Republic and to the President of the National Assembly;
5. *Requests* the Committee on the Human Rights of Parliamentarians to continue examining the case and report to it at its next session (April 1998), when it hopes to be in possession of information permitting it to close the case.

## TURKEY

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

***Resolution adopted without a vote by the Inter-Parliamentary Council at its 161st session  
(Cairo, 16 September 1997)***

The Inter-Parliamentary Council,

*Referring* to the outline of the case, as contained in the report of the Committee on the Human Rights of Parliamentarians (CL/161/10(a)-R.1), and to the resolution adopted at its 160th session (April 1997) concerning the case of the above-mentioned parliamentarians, former members of the Turkish Grand National Assembly,

*Taking account* of the communication from the President of the Turkish National Group dated 7 July 1997 and of the information and observations provided by the Turkish delegation to the 98th Inter-Parliamentary Conference (September 1997),

*Recalling* the assertion of the Turkish delegation to the 97th Inter-Parliamentary Conference (April 1997) that the Turkish Government was making every effort to bring Turkish legislation into line with European human rights standards and to permit consideration of the appeals made by many international organisations for the release of the MPs concerned, and that the approaching end of the fight against terrorism in south-eastern Turkey permitted a broader interpretation of the concept of freedom of expression,

*Recalling* that, according to the delegation, the Turkish Parliament adopted a law on 6 March 1997 which will benefit those currently prosecuted under certain penal norms, in particular the Anti-Terrorism Law; that, moreover, a draft law on parole has been tabled in Parliament which, upon adoption, will permit the release of the deputies currently serving their sentences,

*Considering* that, at the hearing held on the occasion of the 98th Inter-Parliamentary Conference (September 1997), the Turkish delegation enumerated the laws adopted in June, July and August 1997 aimed at bringing Turkish legislation into line with European law regarding freedom of expression, in particular the amnesty law of 14 August 1997 which permitted the release of many writers, journalists and scientists who had been sentenced on account of having exercised their freedom of expression,



*Considering*, however, that, according to the delegation, that law did not apply to persons convicted of aiding and abetting terrorist groups, as was the case of the imprisoned deputies concerned; that they would be released when the time came, that is to say once terrorism had been eradicated,

*Considering* also that, according to the delegation, the draft law on parole mentioned at the Seoul hearing has not been adopted because of the intervening change of Government,

*Considering* that, according to the delegation, any ruling handed down by the European Court of Human Rights, which has been seized of their cases, will be carried out by the Turkish State as the rulings of that court are binding on it,

*Recalling* finally that Mr. Aydar, Mr. Toguç, Mr. Kiliç, Mr. Günes, Mr. Yigit and Mr. Kartal, who went into exile following the closure of the DEP Party in June 1994, are facing charges of separatism as in the case of their colleagues and are therefore liable to immediate arrest and prosecution if they return to Turkey,

1. *Thanks* the President of the Turkish National Group for the information he provided and his co-operation;
2. *Notes with regret* that the efforts made by the Turkish Government to bring Turkish law more into line with European human rights standards have had no effect whatsoever on the situation of the MPs concerned;
3. *Reaffirms its belief* that the former members of Parliament concerned were sentenced on account of having exercised their right to freedom of expression by advocating a political solution to the conflict in south-eastern Turkey, and *recalls* in this respect decision N° 40/1995 of the United Nations Working Group on Arbitrary Detention, which declared the detention of the MPs concerned to be arbitrary;
4. *Once again calls on* the Turkish authorities, and in particular on the Turkish Grand National Assembly, to heed the recommendations of the European Parliament, the Council of Europe, the Parliamentary Assembly of the OSCE and the IPU to release the MPs in question under an amnesty law;
5. *Also calls on* the authorities to reconsider the judgment handed down on Mr. Türk, Mr. Alinak, Mr. Sakik and Mr. Yurtdas, who have been deprived of their political rights for life, and on Mr. Alinak and Mr. Yurtdas, both lawyers, who have further been debarred for life from exercising their profession;
6. *Finally calls on* them to drop the charges against those six former MPs, who are living in exile and are liable to immediate arrest if they return to Turkey;
7. *Requests* the Secretary General to bring these considerations to the attention of the Turkish parliamentary authorities;
8. *Requests* the Committee on the Human Rights of Parliamentarians to continue examining the case and report to it at its next session (April 1998).

**CASE N° TK/64 - IBRAHIM AKSOY - TURKEY**

***Resolution adopted without a vote by the Inter-Parliamentary Council at its 161st session  
(Cairo, 16 September 1997)***

The Inter-Parliamentary Council,

*Referring* to the outline of the case, as contained in the report of the Committee on the Human Rights of Parliamentarians (CL/161/10(a)-R.1), and to the resolution adopted at its 160th session (April 1997) concerning the case of Mr. Ibrahim Aksoy, of Turkey,

*Taking account* of the information provided by the Turkish delegation to the 98th Inter-Parliamentary Conference (September 1997),

*Taking account* of the information provided by the source on 6 May and 27 June 1997,

*Recalling* that, in March 1994, Mr. Aksoy was found guilty of separatist propaganda under Article 8 of the Anti-Terrorism Law and sentenced to 20 months' imprisonment and a fine of 100,000,000 Turkish pounds, which sentence, following the adoption of the amendment to Article 8 of the Anti-Terrorism Law on 27 October 1995, was reduced to 10 months' imprisonment and a fine of 83,333,333 Turkish pounds,

*Recalling* that, in December 1996, the Chief Prosecutor of the State Security Court of Ankara converted this fine into an additional five-year prison term because Mr. Aksoy was unable to pay,

*Considering* that Mr. Aksoy was released in May 1997, the fine having finally been paid,

*Recalling* the assertion of the Turkish delegation at the 97th and 98th Inter-Parliamentary Conferences (April and September 1997) that the Turkish Government was making every effort to bring Turkish legislation into line with European human rights standards, and that the approaching end of the fight against terrorism in south-eastern Turkey permitted a broader interpretation of the concept of freedom of expression; that a series of laws had been adopted in this respect and in particular, on 14 August 1997, an amnesty granted to writers, journalists and scientists sentenced on account of having exercised their right to freedom of speech,

1. *Notes* the release of Mr. Aksoy upon completion of his sentence and payment of the fine;
2. *Still considers* that he has been prosecuted merely on account of exercising his right to freedom of speech, and *regrets* that he was sentenced;

3. *Notes with satisfaction* that the Turkish Government has taken steps to broaden its interpretation of the scope of freedom of expression which, it *hopes*, would in future prevent charges being laid against persons exercising such freedom;
4. *Requests* the Committee to close the file.