

Parliament of the Commonwealth of Australia



Australian Parliamentary Delegation

**120th Assembly of the Inter-Parliamentary Union
in Addis Ababa, Ethiopia**

(4-10 April 2009)

and a

Bilateral visit to Switzerland

(11-18 April 2009)

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PREFACE

Members of the Delegation

Leader	Mr Harry Jenkins, MP Speaker of the House of Representatives Member for Scullin, Victoria Australian Labor Party
Deputy Leader	Senator the Hon. Judith Troeth Victoria Liberal Party of Australia
Members	Ms Annette Ellis, MP Member for Canberra, Australian Capital Territory Australian Labor Party (IPU only)
	The Hon. Roger Price, MP Member for Chifley, New South Wales Australian Labor Party
	The Hon. Bronwyn Bishop, MP Member for Mackellar, New South Wales Liberal Party of Australia

The Delegation was accompanied by Mr Neil Bessell, Secretary to the Delegation, Department of the Senate, Ms Debra Biggs, Adviser to the Speaker, Mr Nicholas Sergi, Adviser, Department of Foreign Affairs and Trade (IPU only) and Mr Jeff Smith, Australian Federal Police (IPU only). Mrs Michele Jenkins and Mrs Robyn Price also accompanied the delegation.

Briefings, assistance and acknowledgements

The delegation received a comprehensive and informative briefing from officers of DFAT and the Parliamentary Library on its visit to Switzerland.

In relation to the IPU, DFAT and other agencies provided comments on the draft resolutions to be considered by the IPU standing committees. The delegation thanks Mr Nicholas Sergi and his colleagues at DFAT and other agencies for providing this useful advice. The delegation also recognises the excellent advice and support provided by Mr Sergi during the IPU Assembly in Addis Ababa. Thanks are also extended to Mr Jeff Smith (AFP) for the highly professional and tireless assistance that he provided in Addis Ababa.

The delegation wishes to recognise the considerable assistance and advice provided by departmental officers, particularly Mr Chris King, to Mr Price MP who was the co-rapporteur for the IPU's debate on nuclear-non-proliferation and disarmament. The final resolution reflects the outstanding role that Australia played in the IPU on this important issue.

The delegation also thanks Ms Fiona Way, Parliamentary Relations Office, for her invaluable administrative support and assistance, the staff at HRG Travel and Mr Tony Styles, Finance Section, Department of the Senate.

Conclusions

The delegation wishes to draw to the attention of members and senators the following matters arising from its work at the IPU and its meetings in Switzerland:

Participation of Pacific nation states in the Inter-Parliamentary Union

At recent IPU Assemblies, members of the Australian IPU delegation have noted that few, if any, Pacific nations attend meetings of the IPU and have held informal discussions on ways to facilitate the participation of Pacific countries in the important work of the IPU. To this end, the delegation raised the matter at its meeting with Mr Anders Johnsson, Secretary of the IPU, in Geneva in April 2009. The delegation was pleased to learn that the IPU President Dr Theo-Ben Gurirab is very much aware of this issue and assured Mr Johnsson that it would welcome further discussions with him and the IPU President on proposals to encourage the participation of Pacific nations at the IPU.

The delegation therefore considers that the Speaker and members of the Australian IPU delegation should continue to liaise with the IPU and also with Pacific island nation states to encourage attendance and participation of these Parliaments at IPU Assemblies.

Engaging with the United Nations system and other international agencies

In Switzerland, the delegation participated in a comprehensive program that allowed it to gain an appreciation of key international developments. The delegation's program included meetings with several United Nations agencies in Geneva, such as the World Trade Organisation (WTO), the World Meteorological Organisation, the International Labour Organisation and the Office of the United Nations Commissioner for Human Rights. Other meetings included the International Committee of the Red Cross, the Secretary-General of the IPU, a lunch hosted by Ambassador Caroline Millar with several Australians actively involved in the UN system and a dinner hosted by Ambassador Peter Grey with Dr Francis Gurry, the newly elected Director General of the World Intellectual Property Organisation and Mr Keith Rockwell, Director of the Information and External Relations Division, WTO.

The delegation found these meetings highly informative and useful and is of the view that it is important that members of the Australian Parliament continue to have the

opportunity to engage and increase their understanding of the roles and work of UN system and other international agencies.

The delegation therefore considers that the program for outward parliamentary delegations should include specific programs to visit UN agencies and other international organisations.



Members of the Delegation

(Mr Roger Price, Senator Judith Troeth, Mr Harry Jenkins, Mrs Bronwyn Bishop and Ms Annette Ellis)

HARRY JENKINS

Part One



120th Assembly of the Inter-Parliamentary Union

Chapter 1

Inter-Parliamentary Union

IPU Council and Assembly

1.1 The Inter-Parliamentary Union (IPU) is the international organisation that brings together representatives of the Parliaments of sovereign states.

1.2 At its Assemblies, which are held twice a year, members of national delegations participate in the following:

- the Assembly itself, being a focal point for worldwide parliamentary dialogue on political, economic, social and cultural issues of international significance;
- the Inter-Parliamentary Council, comprising three delegates from each affiliated group; and
- specialist committees established by the IPU and specific meetings such as the Meeting of Women Parliamentarians, the Committee on the Human Rights of Parliamentarians and the Committee on Middle East Questions.

1.3 A 17-member Executive Committee administers the Union and supervises its annual program and budget.

Geo-political meetings

1.4 The recently amended rules of the IPU specifically recognise the role and function of the geo-political groups. These groups are as follows: Africa, Arab, Asia-Pacific, Eurasia, Latin America and the Twelve Plus.

1.5 The Australian delegation participates in the meetings of the Twelve Plus Group (the geo-political group centred originally on European Union membership but now including several other countries) and also the Asia-Pacific Group. In accordance with the new rules, the Australian Group has resolved that it will seek election to any position in the IPU, including participation on drafting committees and specifically the Executive Committee of the IPU, under the auspices of the Asia-Pacific group.

1.6 Nevertheless, the delegation attends and participates actively in the work of the Twelve Plus Group.

1.7 The meetings of the Twelve Plus and Asia-Pacific foster multilateral contact and provide the delegation with an important opportunity to put its point of view in a relatively informal atmosphere, and to cement friendships with other countries.

Membership of the Union

1.8 The 153 members of the IPU are as follows:

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

1.9 There are 8 associate members, namely:

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

Delegation report

1.10 This report is based on the official *Results of Proceedings of the IPU Meeting in Addis Ababa - 2009* produced by the IPU Secretariat.

Highlights of the work of the Australian Delegation at the IPU Assembly

The Speaker participated in the General Debate on: *Parliaments: Building peace, democracy and development in times of crisis* and specifically addressed issues relating to the emergency agenda item on *The role of parliaments in mitigating the social and political impact of the international economic and financial crisis on the most vulnerable sectors of the global community, especially in Africa.*

Mr Price was the co-rapporteur for the First Standing Committee (Peace and International Security) debate on: *Advancing nuclear non-proliferation and disarmament, and securing the entry into force of the comprehensive Nuclear-Test-Ban Treaty: The role of parliaments.*

Mr Price was also appointed to the drafting committee and was elected to chair its deliberations to finalise a resolution for consideration by the Assembly.

Ms Ellis participated in the Second Standing Committee (Sustainable Development, Finance and Trade) debate on: *Climate change, sustainable development models, and renewable energies*

Mrs Bishop participated in the Third Standing Committee (Democracy and Human Rights) debate on: *Freedom of expression and the right to information.*

Mrs Bishop was also appointed to the drafting committee to finalise a resolution for consideration by the Assembly. She was elected rapporteur for the drafting committee and presented a report on its deliberations when the resolution was considered and subsequently adopted by the Assembly. The Australian delegation recorded a reservation to paragraph 23 in the final resolution from the Third Committee adopted by the Assembly, recording its view that freedom of information should not encompass significant private sector companies and bodies.

Senator Troeth and Ms Ellis attended the meeting of Women Parliamentarians.

Senator Troeth and Mr Price met with the Speaker of the Ethiopian Parliament, Mr. Teshome Toga.

Delegates attended panel discussions on *Adolescent girls: The girls left behind? Managing diversity* and *Countdown to 2015.*

Delegates attended meetings of the Twelve Plus and Asia/Pacific geopolitical groups.

The delegation hosted a luncheon for IPU delegates from China, Great Britain, Indonesia, New Zealand, Switzerland and Timor Leste.

Delegates visited the Addis Ababa Fistula Hospital and had the honour of meeting Dr Catherine Hamlin and her staff, inspecting the hospital and receiving a briefing on its work and also the midwifery colleges located in Addis Ababa and regional Ethiopia.

The Speaker participated in field visits organized by the IPU and UNICEF to projects in Addis Ababa for vulnerable children and adolescents (education, health and nutrition, and social cash transfers).

Delegates attended bilateral meetings with parliamentarians from Iran, Mongolia and Timor Leste.



Deputy Leader (Senator Troeth) and the Leader of the Delegation (Mr Harry Jenkins) at an informal meeting of the 12+ geopolitical group, prior to the commencement of the Assembly

Chapter 2

120th Assembly of the Inter-Parliamentary Union

Inaugural ceremony

2.1 The 120th IPU Assembly was inaugurated on 5 April 2009 at a ceremony held at the Millennium Hall, Addis Ababa, in the presence of H.E. the Prime Minister of the Federal Democratic Republic of Ethiopia, Mr. Meles Zenawi.

2.2 Inaugural addresses were delivered by Mr. Teshome Toga, Speaker of the Ethiopian House of Peoples' Representatives, Mr. Defege Bula, President of the Ethiopian House of Federation, Mr. Abdoulie Janneh, Executive Secretary of the United Nations Economic Commission for Africa, Dr. Jean Ping, Chairperson of the African Union Commission, and Dr. Theo-Ben Gurirab, IPU President. The ceremony concluded with a statement by the Prime Minister, who declared the 120th Assembly officially open.

Election of the President of the Assembly (Agenda item 1)

2.3 The 120th Assembly opened at the United Nations Convention Centre in Addis Ababa, Ethiopia, on the morning of Monday, 6 April 2009, with the election by acclamation of Mr. T. Toga, Speaker of the Ethiopian House of Peoples' Representatives, as President of the Assembly. The President said that he was pleased to have been elected to preside over the Assembly's work. His election was a great honour, not only for him personally, but also for his country.

Keynote addresses

2.4 After opening the general debate on the overall theme of *Parliaments: Building peace, democracy and development in times of crisis*, the President had the honour to welcome the President of the Federal Democratic Republic of Ethiopia, H.E. Mr. Girma Woldegiorgis, who delivered a keynote address to the Assembly.

2.5 President Woldegiorgis expressed satisfaction that the 120th IPU Assembly was being held in Ethiopia and was particularly honoured, as a former member of parliament with a long experience of the IPU, to address it. During the 1980s, the outlook for Africa's future had been fairly bleak, but the many recent changes had given hope to the people of Africa. He hoped the global economic crisis would not jeopardize the gains already achieved.

2.6 The new Ethiopia offered lasting peace and sustainable development and was a pillar of stability; the people of the region needed hope, however, in the face of the conflicts that continued to destabilize it. Lasting peace and prosperity had to be based on the rule of law. The IPU's support was and remained important throughout Africa, particularly in the subregion, during the current economic downturn. It was no longer credible to say that peace, prosperity and progress were divisible; the global village

could not be stable if one part of it was “on fire or drowning”. President Woldegiorgis concluded by wishing the Assembly every success in its deliberations.

2.7 On Tuesday, 7 April, the Assembly heard an address by H.E. Mr. Seyoum Mesfin, the Ethiopian Minister for Foreign Affairs, who referred to the ongoing economic downturn. In the Minister’s view, the crisis showed that countries had no alternative but to cooperate and demonstrated the extent to which the world had become a global village. No country, especially in Africa, would remain unaffected. In the past few years Africa had made real progress in development, democracy and peace. In Africa, peace could not be achieved amid the feeling of hopelessness that poverty engendered. “Empty stomachs were not a strong foundation for democracy”.

2.8 The improved economic situation in Africa was in part due to greater security. Developments in Ethiopia in the past five years were a useful example: its double-digit economic growth would not have been possible without peace. The transition to democracy was a foundation to build on; civil rights were necessities, not options. A reversal of the democratic process would have incalculable repercussions for peace on the continent. No region was more vulnerable than the Horn of Africa. The economic downturn must not slow the momentum towards progress. The time had come to ensure that the developing world, Africa in particular, was treated fairly. Africa had not started the crisis but it had been badly affected by it.

2.9 Before the end of the sitting, the President of the Assembly noted that the 7 April 2009 marked the 15th anniversary of the start of the genocide in Rwanda. In all, over 800 000 people had been massacred. The genocide had been a tragedy for Rwanda, but it had also been a calamity for Africa and the entire world. During the slaughter, the world had stood by impassively, hesitating and debating over troop strength and mandates. The President appealed to the world gathering of parliamentarians to adopt a more far-reaching political vision and engage in greater concerted action to prevent the recurrence of such appalling violence. In memory of all those who had lost their lives in the genocide, he asked the Assembly to stand in observance of a minute of silence.

2.10 On Thursday, 9 April, Mr. Walter Kälin, the representative of the UN Secretary-General on the human rights of internally displaced persons, addressed the Assembly. He began by recounting the harrowing experiences of several internally displaced persons, including women who had been raped in camps. Internal displacement was among the most serious humanitarian issues but had been largely forgotten. Twenty-six million people had been displaced within more than 50 countries by either conflict or human rights violations. Nearly 50 million had been displaced by natural disasters and non-conflict-related causes. Parliaments and parliamentarians should address this challenge; in donor countries and parliamentarians should ensure funds were available for emergency assistance, and in affected countries they should protect the rights of internally displaced persons and ensure that those rights were incorporated into domestic law.

2.11 The Guiding Principles on Internal Displacement adopted by the Office of the High Commissioner for Human Rights (OHCHR) in 1998 were based on international

human rights and international humanitarian law. It did not always suffice, however, to incorporate the Guiding Principles into domestic law. The United Nations had developed a manual for legislators and policymakers that he hoped would be of assistance to parliamentarians when they drafted laws to mitigate the effects of displacement. In conclusion, Mr. Kälín thanked the IPU for its very encouraging commitment to that cause and hoped that it marked the beginning of fruitful cooperation between the IPU and the United Nations on internally displaced persons.

2.12 At the closing session of the 120th Assembly, on 10 April, Mr. S. Nash (New Zealand) reported briefly on the field visits carried out in Addis Ababa on Tuesday, 7 April. Organized in cooperation with UNICEF, the visits had focused on projects for adolescent girls. His report described the work carried out in the areas of education, health and nutrition, and the social cash transfer programmes to support vulnerable children and adolescents. Mr. Nash concluded by expressing renewed appreciation for the excellent cooperation between the IPU and UNICEF. The Speaker participated in these field trips.

Participation

2.13 Delegations from the parliaments of the following 123 countries took part in the work of the Assembly:

Afghanistan, Algeria, Angola, Armenia, Australia, Austria, Bahrain, Bangladesh, Belarus, Belgium, Benin, Bosnia and Herzegovina, Botswana, Brazil, Bulgaria, Burkina Faso, Burundi, Cambodia, Cameroon, Canada, Chile, China, Colombia, Congo, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Democratic Republic of the Congo, Denmark, Egypt, El Salvador, Estonia, Ethiopia, Finland, France, Gabon, Germany, Ghana, Greece, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Iraq, Israel, Italy, Japan, Jordan, Kenya, Latvia, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Lithuania, Luxembourg, Malaysia, Maldives, Mali, Malta, Mauritius, Mexico, Monaco, Mongolia, Montenegro, Morocco, Mozambique, Namibia, Netherlands, New Zealand, Niger, Nigeria, Norway, Oman, Pakistan, Palestine, Panama, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Russian Federation, Rwanda, San Marino, Sao Tome and Principe, Saudi Arabia, Senegal, Serbia, Sierra Leone, Singapore, Slovakia, Slovenia, Somalia, Spain, Sri Lanka, Sudan, Suriname, Sweden, Switzerland, Syrian Arab Republic, Thailand, Timor-Leste, Togo, Tunisia, Turkey, Uganda, Ukraine, United Arab Emirates, United Kingdom, United Republic of Tanzania, Uruguay, Venezuela, Viet Nam, Yemen, Zambia and Zimbabwe.

2.14 The following Associate Members also took part in the Assembly:

East African Legislative Assembly, Inter-Parliamentary Commission of the West African Economic and Monetary Union (WAEMU), Latin American Parliament, Parliament of the Economic Community of West African States (ECOWAS), and Parliamentary Assembly of the Council of Europe.

2.15 Observers included representatives of:

(i) the United Nations system: United Nations, International Labour Organisation (ILO), United Nations High Commissioner for Refugees (UNHCR), United Nations Children's Fund (UNICEF), World Health Organisation (WHO), World Bank, Organisation for the Prohibition of Chemical Weapons (OPCW), Comprehensive Nuclear-Test-Ban Treaty Organisation (CTBTO);

(ii) the International Organisation for Migration (IOM), the League of Arab States;

(iii) the African Parliamentary Union (APU), the AMANI Forum, the Arab Inter-Parliamentary Union, ASEAN Inter-Parliamentary Assembly (AIPA), the Asian Parliamentary Assembly (APA), the Association of Senates, *Shoora* and Equivalent Councils in Africa and the Arab World (ASSECAA), the Confederation of Parliaments of the Americas (COPA), the Association of European Parliamentarians for Africa (AWEPA), the Inter-Parliamentary Assembly of the Eurasian Economic Community, the Maghreb Consultative Council, the Nordic Council, the Pan-African Parliament, the Parliamentary Assembly of the Mediterranean (PAM), the Parliamentary Assembly of the Union of Belarus and the Russian Federation, the Parliamentary Union of the Organisation of Islamic Conference Members (PUOICM), the Southern African Development Community (SADC) Parliamentary Forum; and

(iv) the International Committee of the Red Cross (ICRC).

2.16 Furthermore, a delegation from the United States Congress participated as observers with a view to considering future affiliation.

2.17 Of the 1193 delegates who attended the Assembly, 597 were members of national parliaments. The parliamentarians included 28 presiding officers, 35 deputy presiding officers and 165 women (27.6 per cent).

Choice of an emergency item (Agenda item 2)

2.18 On 6 April, the President informed the Assembly of developments with regard to possible requests for the inclusion of an emergency item in the Assembly agenda. The delegation of Mexico had withdrawn its proposal on the global fight against organized crime, and requested that it be included in the agenda of the next Assembly.

2.19 Mr. K. Singh Yadav (India) stated that his delegation, which had submitted a proposal on cross-border terrorism, had agreed to withdraw it and asked the relevant Standing Committee to consider the subject at the earliest opportunity. Mr. A.M. Al-Issai (Oman), speaking on behalf of his delegation, those of the United Arab Emirates and the Islamic Republic of Iran, and of the Arab Inter-Parliamentary Union, denounced the situation in Gaza. However, as African parliamentarians had preferred to focus on the negative consequences of the financial and economic world crisis, those delegations had agreed to withdraw their proposal in the hope that it would be considered at the next Assembly. Mr. D. Vivas (Venezuela), speaking on behalf of his delegation, those of Canada and the Twelve Plus Group, and of the Group of Latin America and the Caribbean (GRULAC), submitted a proposal entitled

The role of parliaments in mitigating the social and political impact of the international economic and financial crisis on the most vulnerable sectors of the global community, especially in Africa.

2.20 The President of the Assembly noted that all other proposals having been withdrawn, the proposal submitted by the delegations of Venezuela and Canada remained and called on the Assembly to adopt it as an emergency item. The proposal was adopted and included in the Assembly agenda.

Debates and decisions of the Assembly and its Standing Committees

2.21 There were several debates conducted at the IPU and these were as follows:

General Debate on the political, economic and social situation in the world (Agenda item 3)

2.22 The theme of the general debate on the political, economic and social situation in the world, was:

Parliaments: Building peace, democracy and development in times of crisis

2.23 The debate took place in the mornings and afternoons of 6, 7, and 9 April. A total of 112 speakers from 104 delegations took part in the debate, which was chaired by the President of the Assembly.

2.24 The Speaker participated in the General Debate on: *Parliaments: Building peace, democracy and development in times of crisis* and specifically addressed issues relating to the emergency agenda item on *The role of parliaments in mitigating the social and political impact of the international economic and financial crisis on the most vulnerable sectors of the global community, especially in Africa.*

2.25 During the sittings, the President invited a panel of Vice-Presidents, comprising members of the delegations of Bangladesh, Congo, Malta, Mauritius, Morocco, the Netherlands, Portugal and the Republic of Korea, to replace him in the chair.

First Standing Committee on Peace and International Security (Agenda item 4)

2.26 The committee considered the following matter:

Advancing nuclear non-proliferation and disarmament, and securing the entry into force of the Comprehensive Nuclear-Test-Ban

2.27 The Committee held two sittings: one on 6 April and another on 8 April, with Mr. B. Boutouiga (Algeria), Vice-President, in the chair. In addition to reports and a preliminary draft resolution prepared by the co-rapporteurs, Mr. Roger Price (Australia) and Mr. Jack Mwiimbu (Zambia), the Committee had before it amendments and sub-amendments to the draft resolution submitted by the delegations of China, Congo, France, Germany, India, Indonesia, Iran (Islamic Republic of), Morocco, Pakistan, Philippines, Russian Federation, Spain, Switzerland, Turkey, United Arab Emirates and United Kingdom.

2.28 The first sitting began with the presentation of the individual reports and the joint preliminary draft resolution by the two co-rapporteurs. A total of 49 speakers from 43 parliaments and one international organisation took the floor during the debate, after which the Standing Committee appointed a drafting committee composed of representatives from Australia, Costa Rica, Ethiopia, France, Iran (Islamic Republic of), Kenya, Palestine, Russian Federation, Syria, United Kingdom and Uruguay. The co-rapporteur from Zambia was invited to participate in the work of the drafting committee in an advisory capacity.

2.29 The drafting committee met in the afternoon of 6 April and the morning of 7 April. It appointed Mr. Roger Price (Australia) as its chair and Mr. N. Abdi (Kenya) as its rapporteur. It examined 84 amendments and sub-amendments submitted by 16 delegations, and adopted 26 of them in full or in part. A number of other amendments were accepted, if not in letter, then in spirit, as many were similar in content to the initial draft or to other amendments that had been adopted.



Mr Price addressing the First Standing Committee during its deliberations on nuclear non-proliferation and disarmament

2.30 The First Standing Committee considered the consolidated draft in the afternoon of 8 April. Several delegations took the floor, seeking clarification on or expressing support for the text. Four delegations expressed reservations on certain paragraphs of the text. The Committee President proposed a compromise wording to satisfy the concerns expressed by several delegations. The Committee adopted the draft resolution by consensus and requested the rapporteur of the drafting committee to present it to the Assembly.

2.31 The draft resolution was submitted to the plenary sitting of the Assembly in the afternoon of 10 April and adopted by consensus, with reservations expressed by four delegations. The text of the final resolution appears at Appendix 1.

2.32 The Bureau of the First Standing Committee met on 8 April with Mr. B. Boutouiga (Algeria), Vice-President, in the chair. It examined proposals

submitted by IPU Members for the item to be debated by the First Standing Committee at the 122nd Assembly. The Bureau approved the subject item proposed by Mexico on the global fight against organized crime. Following further discussions in the First Standing Committee, it was agreed to incorporate elements from another proposal made by India. The Speaker, Mr Jenkins, facilitated agreement on this compromise resolution. The Committee agreed to propose the following subject item to the Assembly for inclusion in the agenda of the 122nd Assembly:

Cooperation and shared responsibility in the global fight against organized crime, in particular drug trafficking, illegal arms sales, human trafficking and cross-border terrorism.

2.33 The Assembly subsequently approved that item and appointed Ms. M.T. Ortuño (Mexico) and a member of parliament from Thailand (to be appointed) as co-rapporteurs.

Second Standing Committee on Sustainable Development, Finance and Trade (*Agenda item 5*)

2.34 The Committee held sittings on 7 and 9 April, with its President, Mr. P. Martin-Lalande (France), in the chair. In addition to a report and a preliminary draft resolution prepared by the co-rapporteurs, Mr. Á. Lins (Brazil) and Mr. H.-J. Fuchtel (Germany), the Committee had before it amendments to the draft resolution submitted by the delegations of Belgium, Canada, China, Cuba, France, Indonesia, Japan, Morocco, Philippines, Spain, Switzerland, Turkey and United Arab Emirates. Two sub-amendments were submitted by the delegation of Suriname. A separate set of amendments was submitted by the Meeting of Women Parliamentarians.

2.35 A total of 52 speakers, including Ms Annette Ellis (Australia) took the floor during the plenary debate, following which the Standing Committee appointed a drafting committee composed of representatives from Cambodia, Germany, Jordan, Monaco, Morocco, Namibia, New Zealand, Norway, Sudan, Switzerland, Uruguay, Venezuela and Zambia.

2.36 The drafting committee met all day on 8 April. It appointed Ms. N. Kaye (New Zealand) as its president and Ms. S. Tioulong (Cambodia) as its rapporteur. The committee examined 180 amendments and sub-amendments to the preliminary draft resolution and adopted 90 of them either fully or in part. A number of other amendments were accepted, if not in letter, then in spirit, as many were similar in content to those that had been adopted.

2.37 On the morning of 9 April, the Second Standing Committee considered the consolidated draft and made a few further changes to it, following which the amended draft was adopted by consensus. Following its adoption, the delegation of the Libyan Arab Jamahiriya took the floor to express its concern over biofuels.

2.38 In the afternoon of 10 April, the draft resolution was submitted to the Assembly, which adopted it by consensus. Following its adoption, the delegation of the Russian Federation expressed reservations on preambular paragraphs 36, 38 and

40, as well as on operative paragraphs 20 and 38. The delegation of Iran (Islamic Republic of) expressed reservations on preambular paragraph 25. The text of the final resolution is attached as Appendix 2.

2.39 The President of the Second Standing Committee, Mr. P. Martin-Lalande, took the floor to request that, in the future, the time allocated to the Committee's deliberations be increased so as to allow all delegates wishing to contribute to the debate to do so and the drafting committee to deal with particularly lengthy drafts and numerous amendments, as had been the case at the present Assembly.

2.40 The Bureau of the Second Standing Committee met on 9 April with the Committee President in the chair. It examined proposals submitted by IPU Members for the items to be debated by the Second Standing Committee at the 122nd Assembly. The Bureau approved the subject item:

The role of parliaments in developing South-South and Triangular Cooperation with a view to accelerating achievement of the Millennium Development Goals.

2.41 The Second Committee agreed to propose the subject item to the Assembly for its inclusion in the agenda of the 122nd Assembly. The item was subsequently approved by the Assembly, which appointed Mr. F.-X. de Donnea (Belgium) and Mr. G. Lubinda (Zambia) as the co-rapporteurs for that item.



Ms Ellis addressing the Second Standing Committee during its debate on climate change

Third Standing Committee on Democracy and Human Rights (*Agenda item 6*)

2.42 The Committee held three sittings, on 6, 7 and 9 April, with its President, Mr. D. Cánepa (Uruguay), in the chair. The Committee had before it a report and a preliminary draft resolution drawn up by the co-rapporteurs, Mr. K. Malaisamy (India) and Mr. A. Dismore (United Kingdom), along with amendments to the draft resolution submitted by the delegations of Belgium, Canada, China, Congo, Cuba, France, Indonesia, Iran (Islamic Republic of), Morocco, Philippines, Spain, Switzerland and

United Arab Emirates. In all, 59 speakers, including Mrs Bronwyn Bishop (Australia) took part in the debate, after which the Committee designated a drafting committee composed of representatives of Australia (Mrs Bishop), Bahrain, Canada, Chile, Congo, Germany, Iraq, Mali, Mexico, Switzerland and Zimbabwe. The drafting committee met on 8 April. It began its work by electing Mr. J.P. Winkler (Germany) as its president and Mrs Bishop (Australia) as its rapporteur. It considered the draft resolution in detail and incorporated some of the amendments proposed.

2.43 On 9 April, the Third Committee considered the consolidated text of the draft resolution presented by the drafting committee. In her report to the Assembly, Mrs Bishop stressed that the draft resolution concerned freedom of expression, not religious freedom, which was why the amendments submitted on the latter topic had been rejected as they were irrelevant. She noted that the text welcomed the expansion of freedom of expression and the right to information in the world and underscored the importance of new information and communication technologies (ICTs) to access to information and the right to freedom of expression. It also highlighted that the literacy of men and women was crucial to enjoying that right. It stressed the need to protect freedom of the press and by extension, journalists, who should not be forced to reveal their sources. During the committee's deliberations, ten amendments had been accepted either fully or in part.



Mrs Bishop addressing the Third Standing Committee on its debate on freedom of expression and freedom of information

2.44 The Assembly met in plenary on 10 April and adopted the resolution by consensus. The delegation of Australia expressed a reservation in respect of operative paragraph 23. In its view, ensuring access to information was primarily the responsibility of the government authorities and that responsibility should not be extended to non-State actors. The text of the final resolution appears at Appendix 3.

2.45 The Bureau of the Third Standing Committee met on 8 April with the Committee President in the chair. It examined various proposals submitted by IPU Members for debate by the Committee at the 122nd Assembly.

2.46 At its sitting on 9 April, the Third Standing Committee decided to place the following matter on the agenda of the 122nd Assembly:

Youth participation in the democratic process

2.47 It also appointed Ms. M. Lugarić (Croatia) and Mr. A.K. Bagbin (Ghana) as co-rapporteurs. The item and the proposed co-rapporteurs were subsequently approved by the Assembly.

Emergency item (*Agenda item 9*)

2.48 The Assembly considered the following matter:

The role of parliaments in mitigating the social and political impact of the international economic and financial crisis on the most vulnerable sectors of the global community, especially in Africa

2.49 The Assembly referred the emergency item it had adopted on 6 April to a drafting committee composed of representatives of Bahrain, Canada, Colombia, Congo, India, Indonesia, Iran (Islamic Republic of), Namibia, Spain, Switzerland, Uganda and Venezuela. The drafting committee appointed Mr. J. Moscoso del Prado (Spain) as its president and Ms. R. Kadaga (Uganda) as its rapporteur. It met on 7 and 8 April, and drafted a resolution that was adopted unanimously by the Assembly on 10 April. The text of the final resolution appears at Appendix 4.

Amendment to the Statutes and rules of the Inter-Parliamentary Union

2.50 At its last sitting on Friday, 10 April, the Assembly had before it a proposal, previously endorsed by the Governing Council, to amend Articles 4 and 5 of the Statutes in order to enhance the clarity of the text relating to the suspension of membership. The Assembly adopted the amendments to Articles 4.2 and 5.3 of the Statutes unanimously.



Mr Price, Senator Troeth, Mrs Bishop and Ms Ellis at plenary meetings of the IPU Assembly

Chapter 3

184th Session of the Governing Council

Membership of the IPU

3.1 At its sitting on 6 April, the Governing Council approved a request for reaffiliation from the Parliament of Bangladesh, and on 10 April it suspended the parliaments of Guinea and Madagascar on the grounds that their dissolution had been unconstitutional. The IPU currently comprises 153 Member Parliaments.

3.2 At its first sitting, the Governing Council approved a request for observer status from the Socialist International. It also agreed to add organisations with which the IPU shared general objectives and had a close and mutually beneficial working relationship as a new sub-category of international organisations to which it could grant observer status, and subsequently granted observer status to the Geneva Centre for the Democratic Control of Armed Forces (DCAF).

3.3 At its second sitting, the Governing Council heard a report by the President on the Executive Committee's deliberations on the subject of the representation of Palestine in the IPU. The delegation of Palestine had voiced disagreement with the terms the Governing Council had used at its previous session to define the status of full member. It had wanted the Governing Council to accept as a parliament the institution which the Palestine Liberation Organisation had designated to represent all Palestinians. The Executive Committee had concluded, however, that that would have been irreconcilable with the Governing Council's duty to uphold the IPU's Statutes and Rules as amended at its previous session. Following an exchange of views in which the delegations of Palestine and several other Members took part, the President of the Governing Council ruled that the matter could not be submitted for any decision at that sitting.

Financial results for 2008

3.4 The Governing Council considered the Annual Financial Report and Audited Financial Statements for 2008. The Financial Statements showed that the IPU had had an operating surplus of CHF 582,148 in 2008 before posting the CHF 1,296,000 increase in the net actuarial liability of the legacy Staff Pension Fund. As a result, the balance of the Working Capital Fund had fallen to CHF 5 082 251. Meanwhile, the reserve funds for repairs to the House of Parliaments and for carbon offsetting had risen by a net amount of CHF 88,894.

3.5 The internal auditors, Mr. H.-J. Fuchtel (Germany) and Mr. P.C. Appiah-Ofori (Ghana), reported that they were satisfied with the financial performance of the IPU in 2008 and with the presentation of the Financial Statements. For the future, they recommended that management systems and structures should be strengthened, budgets made more realistic and project implementation accelerated, and that care should be taken to limit travel expenditures and that sanctions should be imposed

more promptly on Members who were in arrears in the payment of their contributions. The Secretary General informed the Governing Council of the procedures that were already in place to ensure proper management and respect for existing rules.

3.6 On the recommendation of the internal auditors, the Governing Council approved the Financial Statements, the withdrawal of CHF 12 306 from the reserve for major repairs, and the Secretary General's financial administration of the IPU in 2008.

Financial situation

3.7 The Governing Council was given an overview of the IPU's financial situation at the beginning of 2009. Erratic currency markets, low yields on investments, collapsing equity values and fiscal restraint all represented risks to financial operations. Nevertheless, the IPU had a strong balance sheet and was well positioned to weather the economic crisis. Funding for three unforeseen activities, namely the parliamentary conference on the economic and financial crisis, IPU participation in the UN Conference on Climate Change, and a world opinion survey in the context of the International Day of Democracy, would be found from existing resources. Revenues and expenditures would be monitored carefully throughout the year to ensure they were balanced.

Environmental policy of the IPU

3.8 The Governing Council unanimously adopted an environmental policy framework within which the IPU would carry out its future activities. The policy sets out environmental objectives and requirements, including the requirement for regular reporting on environmental performance. The Governing Council also approved a supplementary appropriation in the amount of CHF 80 400 from the funds set aside to offset carbon emissions in 2008 and 2009, to be applied to the cost of the parliamentary activity at the UN Conference on Climate Change.

Cooperation with the United Nations system

3.9 The Governing Council took stock of recent developments in IPU-United Nations cooperation, considered reports on a variety of UN-related activities and approved a calendar of forthcoming initiatives and meetings. For the list of activities undertaken in cooperation with the United Nations system since the 119th IPU Assembly.

3.10 The Governing Council welcomed the adoption by consensus, in November 2008, of a substantive General Assembly resolution on cooperation between the United Nations and the IPU sponsored by 67 UN Member States. The resolution encouraged closer cooperation between the IPU and the UN system, in particular its new bodies: the Peace building Commission, the Development Cooperation Forum and the Human Rights Council. It called for a regular exchange between the IPU's leadership and the UN Chief Executives Board for Coordination (CEB), and provided for a new and separate agenda item allowing future sessions of the General Assembly

to focus on cooperation between the United Nations, national parliaments and the IPU. The resolution welcomed the growing practice of including legislators in national delegations to major UN meetings, which enhanced the visibility of joint UN-IPU hearings.

3.11 The Governing Council welcomed recent IPU initiatives to place greater emphasis on the global development agenda. The conclusions of the 2008 Development Cooperation Forum (DCF) highlighted the role of parliaments in support of the aid effectiveness agenda. Building on its partnership with the DCF, the IPU participated in the International Review Conference on Financing for Development (Doha, November 2008), held a parliamentary hearing on the eve of the main event, addressed the plenary with a parliamentary message endorsed by the full IPU membership and welcomed the strong reference to parliaments in the Doha outcome document. The current programme of joint UN-IPU activities focused in particular on implementation of all the Millennium Development Goals, as reflected in the calendar of recent and upcoming events.

3.12 The Governing Council heard a brief overview of the report on the recent field trip to Viet Nam conducted by the Advisory Group of the IPU Committee on United Nations Affairs. The report, which would be discussed in greater detail during the 121st IPU Assembly, formulated a series of recommendations on implementation of One United Nations reform at the national level and the role and responsibility of parliaments in that process. Particular emphasis was placed on the preparation of national development plans and the organisation of the consultation and decision-making process among national authorities, donors and the UN system in support of such development plans. The broader question of how national parliaments organized their work vis-à-vis the United Nations would also be considered during the 121st IPU Assembly.

3.13 The Governing Council took note of some of the main United Nations activities that were of particular importance to parliaments and the IPU. It endorsed the budget allocations needed for the IPU to convene a parliamentary meeting on the global economic crisis and the response of the international community (including the United Nations, the International Monetary Fund, the World Bank and the G20) in Geneva on 7 and 8 May 2009. The conclusions of that meeting would serve as the IPU's input to the UN High-level Conference on the world financial and economic crisis and its impact on development, to be held in New York in early June. The Governing Council was also informed of the preparations being made by the IPU and the Parliament of Denmark for a parliamentary meeting to be held in Copenhagen on 16 December in the context of the UN Conference on Climate Change, which is expected to adopt a new international agreement to replace the Kyoto Protocol, set to expire in 2012. In approving the event, the Governing Council recognized its political importance and the fact that parliaments would be called on to help build support for a favourable outcome and ensure the early ratification and implementation of the new international agreement.

Consolidation of the reform of the Inter-Parliamentary Union

3.14 Acting on its decision to conduct an evaluation of the second Assembly of the year, the Governing Council received a consultation paper from the Executive Committee and agreed that the geopolitical groups should continue consultations on the questions set out in the paper with a view to submitting the matter for decision at the next session.

3.15 The Governing Council also discussed the question of parliamentary organisations and networks and relations between the IPU and the different types of bodies. It agreed that the IPU could do more to strengthen collaboration with those organisations, and endorsed a proposal that they be invited to a debate during the next meeting of the IPU Committee on United Nations Affairs in order to discuss their relationship and cooperation with the United Nations.

3.16 The Council also looked at the role of the six Vice-Presidents, agreeing that one of them would also act as Vice-President of the Executive Committee in accordance with Rule 5.2 of the Committee's Rules. The Council noted that the six Vice-Presidents would assist the President, who would assign tasks to them as he saw fit. Primarily, the President would ask the Vice-Presidents to represent him in their own region, or at events organized by the IPU or to which the IPU had been invited. The President could also assign tasks to the Vice-Presidents in specific subject areas.

Action by the IPU to strengthen parliaments and democracy

3.17 The Governing Council took note of a report on activities carried out by the IPU in the four focal areas of its democracy work, namely: strengthening parliaments, promoting human rights, promoting women's participation in political life, and generating knowledge and setting standards for democratic parliaments.

3.18 The vast majority of those activities were aimed at helping parliaments operating in post-conflict situations play an active role in national reconciliation processes, promoting dialogue and inclusiveness in decision-making and encouraging tolerance. In 2008, the IPU provided technical support to 15 parliaments, seven of which were operating in the aftermath of conflict. It backed parliamentary efforts to establish standards of integrity for parliamentarians and develop long-term strategic plans for parliamentary development. It adopted innovative modes of delivering assistance to parliaments. For instance, in cooperation with the World Bank Institute, it designed a poverty-reduction training programme for parliaments in conflict-affected countries using distance-learning technologies. Increasingly, the IPU also lent support to parliamentary efforts to contribute to efficient management of development aid. As part of those activities, the IPU worked closely with the Organisation for Economic Co-operation and Development (OECD) and the UN Development Cooperation Forum to promote aid effectiveness.

3.19 In the area of human rights, the IPU had cause to rejoice as many parliamentarians whose cases had been pending before the IPU Committee on the Human Rights of Parliamentarians had been released from jail. That was the case of

parliamentarians from Colombia, Egypt and Palestine. However, the continuing imprisonment and victimization of parliamentarians in many countries, such as Afghanistan, Burundi, the Democratic Republic of the Congo, Ecuador and Sri Lanka, remained a cause for concern. In early 2009, the IPU initiated a study that would analyse political party control of party members in parliament and its implications for freedom of expression. A project to promote the involvement of French-speaking African parliaments in the work of UN human rights treaty bodies had been successfully wrapped up, with many beneficiary parliaments adopting enabling legislation and other measures.

3.20 Apart from tracking and publishing data on women's participation in politics, the IPU continued to support efforts to encourage greater involvement of women in political life, mainly in those regions where they were grossly underrepresented, namely the Gulf States and the Asia-Pacific region. Many advocacy and capacity-building activities were carried out in those regions. A major project was also launched in 2008 to promote parliament's contribution to combating violence against women.

3.21 In 2008, the IPU published a self-assessment toolkit for parliaments. The kit was intended to enable parliaments to assess their own performance against a set of universally agreed criteria, with a view to identifying shortcomings that could be corrected through a variety of measures, including parliamentary reform. The toolkit was used successfully in a number of strategic planning exercises, notably in Algeria, Cambodia, Rwanda and Sierra Leone. The IPU also initiated a project to promote more inclusive parliaments, in terms of representation for minorities and indigenous groups. The project mapped such representation and the mechanisms that parliaments had put in place to ensure that those groups, where they existed, participated meaningfully in parliament. The findings of an initial survey would be used to advocate more inclusiveness and build the capacity of parliaments in that area.

3.22 The IPU, in cooperation with the joint UN-IPU Global Centre for ICT in Parliament, had published an updated version of the IPU 2000 Guidelines for Parliamentary Websites. The new version took into account recent developments in information and communication technologies (ICTs) and how parliaments were using them to publicize their work.

3.23 Overall, the IPU's democracy work expanded in 2008, thanks to the availability of increased resources resulting from a determined mobilization effort based on a longer-term and more strategic approach.

3.24 The Governing Council took note of activities undertaken by the IPU and national parliaments to celebrate the first International Day of Democracy on 15 September 2008. It endorsed proposals for the celebration of the second International Day in 2009, under the theme *Democracy and political tolerance*. Activities planned by the IPU included:

- A conference on democracy for African parliaments in Gaborone, Botswana, from 14 to 16 September 2009: the Conference would focus

on the African Charter on Democracy, Elections and Governance and would help entrench democracy in Africa;

- A study on political control over the parliamentary mandate: it would analyse the current situation regarding the power of political parties to remove a parliamentarian from office and the implications of party dictatorship for free representational mandates and effective parliamentary oversight;
- A worldwide public opinion survey in some 20 countries on the theme of democracy and political tolerance: its findings would be made available to parliaments before 15 September 2009, so that they could incorporate them into their own media communications; and
- A media strategy to position parliaments and the IPU in the media spotlight on 15 September 2009.

HIV-related travel restrictions

3.25 The Governing Council endorsed a set of recommendations developed by the UNAIDS International Task Team on HIV-related Travel Restrictions, in which the IPU had participated. The recommendations, directed at governments, international and intergovernmental organisations, the private sector and civil society, call for the elimination of HIV-related restrictions on entry, stay and residence.

Recent specialized conferences and meetings

3.26 The Governing Council took note of the results of the meeting on *Informing democracy: Building capacity to meet parliamentarians' information and knowledge needs*, the Annual Parliamentary Hearing at the United Nations, the Seminar on *Maternal Health and Child Survival*, the Parliamentary Hearing at the Follow-up International Conference on Financing for Development to Review the Implementation of the Monterrey Consensus, the Third Conference for members of parliamentary committees on the status of women and other committees dealing with gender equality and the Regional seminar on *Developing a protective framework for children: The role of parliamentarians to prevent and respond to sexual exploitation of children and*, the Third Regional Conference of Women Parliamentarians and Women in Decision-making Positions of the GCC States, the Regional training seminar on HIV/AIDS for the parliaments of the Southern African Development Community and the East African Community, the Regional Seminar for West African French-speaking Parliaments on women's rights, the Parliamentary Meeting on the occasion of the 53rd session of the United Nations Commission on the Status of the Region, the Regional seminar for French-speaking African parliaments on human rights treaty bodies and the Regional Seminar on the role of parliaments in promoting peaceful and sustainable societies in South East Asia.

Reports of plenary bodies and specialized committees

3.27 At its sitting on 10 April, the Governing Council took note of the reports on the activities of the Meeting of Women Parliamentarians and its Coordinating

Committee, the Committee on the Human Rights of Parliamentarians, the Committee on Middle East Questions, the Group of Facilitators for Cyprus, the Committee to Promote Respect for International Humanitarian Law, the Gender Partnership Group, and the Advisory Group on HIV/AIDS.

Future inter-parliamentary meetings

3.28 In addition to the meetings previously approved, the Governing Council approved the Conference on MDG5 (maternal health), to be organized jointly by the IPU and WHO in November 2009 at a venue to be decided, the World e-Parliament Conference (Washington, D.C., November), and the Regional Seminar on HIV/AIDS (Viet Nam, November/December). It also approved the Parliamentary meeting on the occasion of COP15 (Copenhagen, 16 December).

3.29 The Governing Council approved the venue of Panama City for the 124th IPU Assembly from 16 to 21 April 2011. It endorsed the conclusions of a paper on the provision of visas and other matters relating to the attendance of delegates at IPU Assemblies. It emphasized that the IPU was founded on the fundamental principle that differences are resolved through discussion and dialogue. It was therefore of fundamental importance to the Organisation that the representatives mandated by Member Parliaments to take part in IPU Assemblies could do so.

3.30 Since the IPU was not part of the United Nations and was therefore not covered by any of the international conventions relating to privileges and immunities, the Governing Council agreed that it should continue to conclude agreements with host parliaments in respect of its Assemblies and other meetings. Such agreements should restate the basic provision guaranteeing that all delegates could effectively attend the events.

3.31 At the same time, noting that the IPU was an international organisation inspired by the same ideals as the United Nations, whose objectives it shared and with whom it had concluded an agreement of cooperation, the Governing Council agreed that the IPU would respect travel bans decided by the United Nations.

3.32 The Council recommended that the IPU should codify its positions on some of the other issues that might arise when enforcing the basic principle, and that in so doing it should draw inspiration from United Nations practice. With regard to possible exceptions on national security grounds, it recommended observance of the practices described in the 1985 UN Juridical Yearbook, whereby in the rare instances where security concerns had been invoked by the host country as a reason to restrict the travel of delegates, the United Nations did not insist on the entry of persons in respect of whom substantial evidence of improper activities had been presented, the burden of proof in such matters lying with the host country.

Appointment of the Secretary General

3.33 The Governing Council discussed the procedure to be put in place to appoint a Secretary General when the incumbent's mandate expired in 2010. The Executive

Committee having unanimously decided to endorse a new mandate for Secretary General Mr. A.B. Johnsson, the Governing Council agreed to take a final decision through a secret ballot at its next session to be held in Geneva in October.

3.34 If the proposal were rejected by the Council, a competitive process for electing a new Secretary General would be launched immediately after the session in October.

Chapter 4

254th Session of the Executive Committee

Work of the Executive

4.1 The Executive Committee held its 254th session in Addis Ababa on 3, 4 and 9 April 2009. The President chaired the meetings.

4.2 The following titular and substitute members took part in the session: Ms. E. Papademetriou (Greece), Vice-President of the Committee, Mr. G. Versnick (Belgium), Ms. J. Fotso (Cameroon), Mr. J.A. Coloma (Chile) on 4 April and substituted by Mr. A. Vargas on 9 April, Mr. T. Toga (Ethiopia), Mr. R. del Picchia (France), Mr. A. Toha (Indonesia), Mr. A. Alonso Diaz-Caneja (Mexico), Ms. F. Ben Amor (Tunisia) substituting for Ms. P. Cayetano (Philippines), Mr. Chin Young (Republic of Korea), Mr. A. Kozlovskiy (Russian Federation, absent on 9 April) Mr. R.M.K. Al Shariqi (United Arab Emirates) and Mr. N. Anh Dzung (Viet Nam). Ms. Z. Drif Bitat (Algeria), was absent, and substituted on 9 April by Mr. B. Boutouiga. Mr. M. Nago (Benin), was absent, and substituted by Mr. E. Quenum, Mr. G. Tchocodo, and Mr. I. Gnonlonfoun. Ms. Á Møller (Iceland) was absent.

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

4.4 The Committee considered ways of helping parliaments of countries with small economies to join the IPU and participate in its activities. A variety of policy options were introduced, including the possibility of lowering assessed contributions. The Committee agreed that the matter should be taken up by the Working Group on Contributions that was to be reconvened for a mid-term review of the new scale of assessment being introduced in six steps between 2007 and 2012.

4.5 The Committee was asked for a clear opinion on the arrears of the US Congress, should that parliament request reaffiliation to the IPU. The Executive Committee noted that the US Congress had stopped participating in IPU Conferences in 1995 and that both houses of Congress had passed resolutions withdrawing from the IPU in 1998. However, the IPU had not taken any steps to suspend its membership, and the arrears had therefore accumulated up to the suspension of the US Congress in 2003. They had then been written off the accounts of the IPU in 2004 by a decision of the 174th session of the Governing Council. The Executive Committee agreed that any Member which withdrew from the IPU through a formal process should not be held accountable for contributions assessed after its withdrawal. The members of the Committee indicated that they would welcome an application from the US Congress to reaffiliate on the clear understanding that they would pay assessed contributions on the same basis as all other Members, which, in the case of the Congress, would amount to some 15 per cent of the regular budget. The Committee

directed the Working Group on Contributions to review the scale of contributions taking all issues into consideration.

4.6 A request from the Parliament of the Gambia for forgiveness of contributions for 2008 was not entertained by the Executive Committee, which stated that payment of contributions was an obligation of all Members and that it was not within their purview to waive contributions.

4.7 The Committee received the management letter from the External Auditor and the management response. The Committee heard a report on the fiscal situation of certain staff members residing in France and noted that in 2008, the IPU had reimbursed CHF 52 614 in staff assessment to staff members to cover their tax bills. The Committee noted that negotiations so far had not achieved a satisfactory resolution of the problem, the crux of which was the recognition of the IPU as an international organisation, rather than as an entity under Swiss law.

4.8 The Secretary General reported on changes in the Secretariat, including the forthcoming retirement of the Director of Support Services and the recruitment of two professionals, both women. The members of the Executive Committee applauded the achievement of gender equity in the Secretariat and endorsed the continuation of a policy of affirmative action to achieve better geographical representation in the Secretariat.

4.9 The President briefed the Executive Committee on his plans to prepare for a Third Conference of Speakers of Parliament, to be held in 2010. A Preparatory Committee of Speakers of Parliament, composed of some twenty Speakers from all the IPU geopolitical groups, would meet for three sessions before the Conference.

4.10 The Committee also discussed the topic of the establishment of a Parliamentary Assembly of the United Nations (UNPA). The members echoed the misgivings they had already expressed about the establishment of such a body and how it would not be commensurate with the principle of the separation of powers.

4.11 The Committee encouraged all Members to continue to lobby against the establishment of a UNPA and agreed that the matter should figure on the agenda of the Third Conference of Speakers of Parliament.

Chapter 5

Meeting of Women Parliamentarians

Work of the meeting

5.1 The Fourteenth Meeting of Women Parliamentarians took place on 5 April 2009 and brought together 107 women and five men from the following 78 parliaments:

Afghanistan, Angola, Australia, Austria, Bahrain, Belarus, Belgium, Benin, Botswana, Brazil, Bulgaria, Burkina Faso, Cambodia, Cameroon, Canada, Chile, China, Congo, Costa Rica, Cuba, Czech Republic, Democratic Republic of the Congo, Denmark, Egypt, Ethiopia, Finland, France, Gabon, Germany, Ghana, Greece, Indonesia, Iran (Islamic Republic of), Iraq, Italy, Jordan, Kenya, Lesotho, Libyan Arab Jamahiriya, Lithuania, Malaysia, Mali, Mexico, Monaco, Morocco, Mozambique, Namibia, Netherlands, New Zealand, Niger, Norway, Oman, Palestine, Peru, Philippines, Portugal, Republic of Korea, Russian Federation, Rwanda, Sao Tome and Principe, Senegal, Singapore, Spain, Sri Lanka, Sudan, Sweden, Switzerland, Timor-Leste, Thailand, Togo, Tunisia, Uganda, United Kingdom, United Republic of Tanzania, Uruguay, Viet Nam, Zambia and Zimbabwe.

5.2 The meeting was also attended by the following Associate Members and international organisations: the East African Legislative Assembly, the Latin American Parliament, the Inter-Parliamentary Committee of the West African Economic and Monetary Union, the International Committee of the Red Cross (ICRC), the International Labour Organisation (ILO), UNICEF and the World Health Organisation (WHO).

5.3 Senator Troeth and Ms Ellis attended the meeting of Women Parliamentarians.

5.4 The President of the Coordinating Committee of Women Parliamentarians, Ms. P. Cayetano (Philippines), opened the meeting, which began its work by electing Ms. S. Minale, Deputy Speaker of the House of Peoples' Representatives of Ethiopia, as its President. Ms. Minale welcomed the participants and outlined the agenda. The Speaker of the House of Peoples' Representatives of Ethiopia, Mr. T. Toga, and the IPU President, Dr. T.-B. Gurirab, addressed the meeting and welcomed the participants.

5.5 The Rapporteur of the Coordinating Committee, Ms. F. Ben Amor (Tunisia), presented a brief report on the Committee's work at its nineteenth and twentieth sessions (April and October 2008), and at its twenty-first session held that morning in Addis Ababa.

5.6 Ms. E. Papademetriou (Greece) briefed the meeting on the work of the Gender Partnership Group during its session in Addis Ababa. The Group's activities included monitoring the level of women's participation in delegations to IPU Assemblies, examining the IPU budget from a gender perspective and monitoring the situation of parliaments with no women members.

5.7 The meeting was also briefed on IPU gender activities since its session at the 118th IPU Assembly in Cape Town. It examined in particular activities related to eliminating violence against women and to achieving Millennium Development Goals 4 and 5.

5.8 It also examined reports on IPU-UN-related initiatives, including the IPU-UN Division for the Advancement of Women (UNDAW) parliamentary event held on the occasion of the 53rd session of the Commission on the Status of Women and seminars on the Convention on the Elimination of All Forms of Discrimination against Women.

5.9 As its contribution to the Assembly, the meeting considered the item debated by the Second Standing Committee: *Climate change, sustainable development models, and renewable energies*.

5.10 The meeting divided into two discussion groups; one discussed "The gender dimensions of climate change", while the second debated "Gender and renewable energies". Ms. J. Fotso (Cameroon) and Ms. M. Griefahn (Germany) were elected as chairs, and Ms. G. Gautier (France) and Ms. L. Menchaca (Mexico) as rapporteurs of the groups. The groups' reports were consolidated into proposed amendments to the resolution of the Second Standing Committee. Most of the proposed amendments were adopted.

5.11 Ms. Azeb Mesfin, First Lady of Ethiopia, delivered a keynote address to the meeting in which she stressed that women were vital voices in their communities. The meeting then heard the findings of the IPU annual report on progress and setbacks with regard to women in parliament during parliamentary renewals in 2008.

5.12 The meeting held a dialogue session between men and women on *The role of women in ensuring financial stability and contributing to economic development*. The session was introduced by two panellists, Ms. M. Chigaga (Senior Gender Specialist, ILO) and Mr. P. Moriau (Member of Parliament, Belgium). It examined the gender dimensions of the financial and economic crisis.

5.13 The ensuing debate highlighted the specific impact of the economic crisis on women, and noted that women must play a central role in addressing the current challenges, preventing future instability and contributing to economic development. The participants underscored that the economic crisis had entrenched and even reinforced gender gaps. They recognized, however, that while that was undoubtedly a time of crisis, it was perhaps also an opportunity to change and review discriminatory and outdated economic concepts.

Coordinating Committee of Women Parliamentarians

5.14 The Coordinating Committee of Women Parliamentarians met on Thursday 9 April. It evaluated the results of the 120th IPU Assembly from the standpoint of women and began preparations for its next meeting in Geneva.

Chapter 6

Subsidiary bodies and committees, other activities and elections and appointments

Introduction

6.1 During the Assembly, a number of subsidiary bodies and committees took place as well other meetings attended by members of the Australian delegation. These are as follows:

- Committee on the Human Rights of Parliamentarians;
- Committee on Middle East Questions;
- Committee to Promote Respect for International Humanitarian Law;
- Gender Partnership Group;
- Other events;
- Other IPU sponsored activities; and
- Bilateral and other meetings attended by Australian delegates.

6.2 This chapter also includes a list of elections and appointments made at the 120th Assembly.

Committee on the Human Rights of Parliamentarians

6.3 The Committee on the Human Rights of Parliamentarians held its 125th session from 5 to 9 April 2009. Ms. S. Carstairs (Canada), Ms. R. Green (Mexico), Mr. P. Mahoux (Belgium) and Mr. A. Pimentel (Philippines) participated in their titular capacity, while Mr. K. Jalali (Iran, Islamic Republic of) and Ms. A. Boumediene-Thiery (France) participated in their capacity as substitute members.

6.4 During the session, the Committee examined 67 cases in 32 countries affecting 289 parliamentarians. It held nine meetings with official delegations. The Committee also met with the victims or their representatives in six of the cases. The resolutions submitted for the approval of the Governing Council concerned the cases of 238 parliamentarians in 19 countries around the world. Four of the cases were presented for the first time.

6.5 As usual, because of the significance it places on the work of this IPU committee and its relevance to all parliamentarians, the delegation includes the full report at and resolutions of the committee at Attachment 5.

Committee on Middle East Questions

6.6 The Committee on Middle East Questions met on 7 and 9 April. The titular members present were Mr. F.-X. de Donnea (Belgium) and Mr. H. Raidel (Germany).

The substitute members in attendance were Ms. L. Coutinho (Portugal), Mr. S. Janquin (France), and Mr. M. Sahin (Turkey). In the absence of the chairperson, the Committee agreed to appoint Mr. de Donnea to chair the meetings.

6.7 The Committee received the IPU President, who gave a report on his visit to the Middle East in early March. Dr. Gurirab explained that his principal port of call had been Gaza, where he had seen for himself the destruction caused by the recent Israeli bombardment. His journey had also taken him to Ramallah, Sharm el-Sheikh, Cairo, Amman and Muscat. The President regretted that he had not been able to include a visit to Israel in his itinerary because of the elections and subsequent negotiations to establish a government in that country, and said that he would only consider his purpose fulfilled when he had also held talks with the Israeli side.

6.8 The Committee noted with regret that the political atmosphere was such that the delegations of Israel and Palestine were not willing to engage in a dialogue within the Committee. It agreed that a visit to the region would serve no purpose in the immediate future, and that its objective should be to seek out the voices of moderation in the respective parliaments with a view to convening meetings in Geneva. In the past, such meetings had tended to produce a better dynamic for dialogue. To achieve that objective, the Committee agreed to pursue contacts within the two parliaments in the hope of setting up a meeting in Geneva in July, and requested the Secretary General to do likewise.

6.9 The Committee took note of the forthcoming meeting of the UN Committee on the Exercise of the Inalienable Rights of the Palestinian People, to be held in Nicosia (Cyprus) on 7 May 2009, and agreed that it should be represented at the meeting.

Committee to Promote Respect for International Humanitarian Law

6.10 The Committee to Promote Respect for International Humanitarian Law met on Wednesday, 8 April, 2009. The sitting was chaired by Ms. B. Gadiant (Switzerland). The International Committee of the Red Cross (ICRC) and a representative of the Brookings Institute attended and provided background information on various topics.

6.11 The Committee examined the results of the survey it had carried out to assess follow-up of the resolution on missing persons adopted by the 115th IPU Assembly (Geneva, 2006). Forty-seven parliaments and one regional parliamentary assembly had responded to the questionnaire it had sent to Member Parliaments in 2008.

6.12 The survey results showed that a large majority of States were party to most humanitarian law and human rights instruments. The one exception was the Protocol additional to the Geneva Conventions of 12 August 1949, and relating to the Adoption of an Additional Distinctive Emblem (Protocol III), which had only been ratified by 40 States to date.

6.13 Regarding the International Convention for the Protection of All Persons from Enforced Disappearance, the Committee recalled that 20 ratifications were necessary for it to enter into force. As at 7 April 2009, there were 81 signatory States and 10 States party to the Convention. The Committee invited the Members of the IPU to follow up this question in their respective parliaments and encouraged prompt ratification.

6.14 The responses also confirmed that the question of missing persons had a very low profile in parliament. The Committee concluded that more work needed to be done within parliaments to address the matter. While noting that the issue might not be a priority for many countries, it nevertheless recommended that preventive action be taken, as it was more difficult for countries to react in crisis situations.

6.15 The Committee proceeded to discuss the draft version of a handbook for parliamentarians on missing persons. The handbook was intended to help guide parliamentary action to prevent disappearances, ascertain the fate of missing persons and outline the legal bases for protecting and assisting the families of missing persons. It was scheduled to be produced in time for the 121st IPU Assembly, to be held in October 2009 in Geneva.

6.16 The Committee was briefed on developments regarding the publication entitled *Nationality and Statelessness: A Handbook for Parliamentarians*, which had been launched in 2005 by the IPU and the United Nations High Commissioner for Refugees (UNHCR). The Handbook currently existed in 12 different languages and arrangements were being made for its translation into several others.

6.17 Following up on interest expressed at its last session, the Committee was briefed on recent developments related to internally displaced persons. It heard the representative of the ICRC and a representative of the Brookings Institute, which had just produced the *Manual for Law and Policymakers on Protecting Internally Displaced Persons*. The Committee also welcomed the participation of the United Nations Secretary-General's Representative on internally displaced persons at the 120th IPU Assembly.

6.18 A special session, open to the public, was organized within the framework of the Committee's work to brief members of parliament on the newly adopted Convention on Cluster Munitions. The Committee strongly urged IPU Members to raise the question of ratification within their parliaments.

6.19 The year 2009 marked the sixtieth anniversary of the 1949 Geneva Conventions. The Committee invited the IPU to commemorate the event at the 121st Assembly.

Group of Facilitators for Cyprus

6.20 The Group of Facilitators for Cyprus met on 7 April 2009. The meeting was attended by Mr. A. Dismore (United Kingdom), the newly elected facilitator, Mr. N. Anastasiades and Mr. D. Hadjinicolas of the House of Representatives of the Republic

of Cyprus, and Mr. A. Barcin of the Turkish Republican Party, representing the Turkish Cypriot Political Parties.

6.21 The meeting took place in a very cordial and constructive atmosphere. It was the first since September 2008, when negotiations on the Cyprus problem were launched under UN auspices on a bicomunal, bizonal federation with single sovereignty, a single international personality and single citizenship, based on the UN principle of political equality. Both parties expressed a strong wish for a lasting, functional and viable solution and for the establishment of a State that could represent Cyprus in Europe and the rest of the world. They acknowledged the difficulties that lay ahead, but were nevertheless positive about the ongoing negotiations.

Gender Partnership Group

6.22 The Gender Partnership Group held its 23rd session on 4 and 9 April 2009. The session was attended by Mr. R. del Picchia (France), Ms. P. Cayetano (Philippines), Mr. N. Anh Dzung (Viet Nam) and Ms. E. Papademetriou (Greece). Mr. del Picchia acted as moderator.

6.23 The Group examined the composition of the delegations attending the 120th IPU Assembly and compared it to that of previous IPU statutory meetings. Of the 597 delegates attending the Assembly 165 (27.6 per cent) were women. That was slightly lower than at the previous Assembly held in Geneva (30.8 per cent) but on a par with participation at the 118th Assembly in Cape Town. Participation fell short of the 30 per cent target. It was therefore necessary to remain vigilant, enhance awareness, and engage delegations as well as geopolitical groups.

6.24 Of the 122 delegations attending the 120th Assembly, 114 were composed of two delegates or more. Of those, 15 (13.1 per cent) were all-male, up from 7.9 per cent at the previous Assembly held in Geneva. Those delegations were from the parliaments of Benin, Colombia, Democratic People's Republic of Korea, Hungary, India, Israel, Japan, Lebanon, Maldives, Malta, Mauritius, Mongolia, Nigeria, Qatar and Saudi Arabia. There were no all-female delegations. The delegations from the following countries were subject to sanctions at the Assembly as they were single-sex for the third consecutive time: Democratic People's Republic of Korea, Malta, Qatar and Saudi Arabia.

6.25 The Group discussed the gender sensitivity of the IPU's budget, which it had been examining from the point of view of gender parity since 2004. It noted that the financial report for expenditure during 2008 provided detailed information on gender-specific allocations in the budget. The report also presented more gender-related information and indicators regarding mainstream budget allocations and expenditure. The Group welcomed that improvement.

6.26 The Group considered the status of parliaments that did not have women members. Six parliaments had no women members at all, two of which had renewed their membership in the previous six months. Another two parliaments had no women members in the lower chamber. The parliaments concerned were concentrated in the

Pacific Islands and the Gulf Cooperation Council States. The Group agreed that more needed to be done to monitor progress and exert pressure on the relevant States to begin including women in their parliaments. It discussed strategies such as organizing subregional meetings with leaders and working through the geopolitical groups.

6.27 At its second sitting, the Group held a dialogue session with the delegation from Qatar, which briefed it on the situation and challenges facing women in the political arena in the country. The Group noted that several women currently occupied ministerial positions and high-level decision-making offices in Qatar. It welcomed the fact that an electoral law, which had yet to be approved and enter into force, provided for the participation of both men and women in parliament.

Other events

Panel discussion on Adolescent girls: The girls left behind?

6.28 On 8 April 2009, the IPU and UNICEF organized a panel discussion on *Adolescent girls: The girls left behind?* The event was opened and chaired by Hon. Azeb Mesfin, the First Lady of Ethiopia, Member of Parliament and Chair of the Social Affairs Committee. The panellists were Dr. N. Alipui, Director of Programmes, UNICEF, Ms. C. Gill'ard, Member of Parliament, Netherlands, Ms. D. Watson, US Congresswoman, and Mr. P. Awasthi, United Nations Population Fund (UNFPA).

6.29 The panel discussion was received with much interest and saw the participation of over 200 men and women parliamentarians, including members of the Australian delegation.

6.30 The event aimed to engage parliaments and their members and inform them of the different challenges faced by adolescent girls. Participants focused on several ways they could improve the life of adolescent girls. Those included investing in the education of adolescent girls, promoting an end to violence against girls in all settings, building partnerships with the private sector and government to ensure that girls were provided with opportunities to make a successful transition from school to work, and engaging men.

6.31 Participants highlighted the key role of parliamentarians in drafting and enacting legislation to protect adolescent girls, allocating adequate resources from national budgets, and using the instrument of parliamentary inquiry to hold governments to account. The basis for action was therefore well-established and resources were at hand. Participants agreed that political will was needed in order to achieve progress.

Panel discussion on Managing Diversity

6.32 The panel discussion, part of a joint IPU-UNDP project on promoting inclusive parliaments, examined various aspects of managing diversity, with a particular focus on the political participation of minorities and indigenous peoples. Mr. R. Monreal of Mexico moderated the panel. Mr. D. Oliver of Canada spoke on the topic, *A Parliamentary View on Pluralism and Diversity Today*. Mr. N. Asfew of the

Ethiopian House of People's Representatives presented, *Managing Diversity: the Ethiopian Experience*. Prof. J. Packer from the University of Essex, United Kingdom, addressed the topic, *Meeting the Challenges of Difference: Managing Diversity in a Globalised World*.

6.33 Approximately 90 delegates attended the panel, including members of the Australian delegation. Interventions from the floor were made by Bahrain, France, Iran (Islamic Republic of), Lesotho, Niger and the Pan-African Parliament. The discussion addressed the benefits of diversity in the global economy, the international agreements and protocols that supported the rights of minorities and indigenous groups, and various mechanisms for ensuring the political participation of all sectors in society. Several speakers highlighted the challenges inherent to the peaceful management of diverse interests, while others presented positive examples of the ways in which their parliaments reflected the composition of their societies. The need to protect the rights of minorities, and provide for their political participation in the face of majority rule, was affirmed.

Panel discussion on Countdown to 2015

6.34 A debate was held on Tuesday, 7 April, during the Assembly to discuss parliamentary action to achieve Millennium Development Goals (MDGs) 4 and 5 on child survival and maternal health.

6.35 The panel discussion, attended by members of the Australian delegation, aimed to follow up on the first IPU-*Countdown to 2015* event, held in Cape Town in 2008. The *Countdown to 2015 Initiative* was a multi-partner project which tracked coverage levels of health interventions proven to reduce maternal, newborn and child mortality, identified knowledge gaps and proposed new actions to achieve MDGs 4 and 5.

6.36 The debate was chaired by Ambassador T. Toga, Speaker of the Ethiopian House of Peoples' Representatives, and launched by Dr. T. Adhanom, Minister of Health of Ethiopia and co-Chair of the Partnership for Maternal, Newborn & Child Health (PMNCH), who gave a keynote address. Dr. N. Alipui, Director of Programmes at UNICEF, delivered a statement on behalf of the Countdown partners on the role of parliaments in achieving MDGs 4 and 5. Ms. J. Kapata, Chairperson of the Parliamentary Caucus on Children and a member of the Committee on Health, Community Development and Social Welfare of Zambia, shared her parliament's recent experience in establishing a specific body on promoting the rights of the child. Mr. B. Contini (Italy), spoke on a bill recently submitted to the Italian Parliament to increase development aid targeting maternal, newborn and child health.

Briefing session on the Convention on Cluster Munitions

6.37 The Committee to Promote Respect for International Humanitarian Law organized a briefing session, open to the public, on the newly adopted Convention on Cluster Munitions. The ICRC provided a comprehensive presentation on the

Convention, its requirements and the obligations it included. A video on cluster munitions was also viewed.

6.38 Cluster munitions had been a persistent problem for decades. Although used in only a few dozen armed conflicts over the past 40 years, they had killed or maimed tens of thousands of civilians in war-affected countries. They posed a serious threat to civilian men, women and children when used and long after the fighting had ended.

6.39 The 2008 Convention on Cluster Munitions prohibited the use, development, production, stockpiling and transfer of cluster munitions. It required countries possessing such weapons to destroy their stockpiles, and obliged those with unexploded sub-munitions on their territory to clear them, stipulating that other countries were to help them to do so. It also contained provisions on assistance for victims.

6.40 The Committee welcomed the briefing. It recalled the importance of heightening the visibility of the cluster munitions issue and strongly urged IPU Members to raise the question of ratification within their parliaments. The ICRC expressed its readiness to provide additional information to interested parliaments.

Other activities

Press conferences

6.41 Besides the official opening and closing press conferences, which were held in the presence of the IPU President, the President of the 120th IPU Assembly and the IPU Secretary General, daily press briefings and individual interviews took place throughout the Assembly. Journalists from the international media (including the BBC, Radio France Internationale, Agence France Presse, Voice of America, Reuters, Deutsche Welle, Inter-Press Service, Radio Suisse Romande, Xinhua News Agency, Mena News Agency and WAM UAE News Agency) and from Ethiopian TV networks, radio stations and newspapers were briefed on IPU activities in various topics such as: women in politics, with the participation of the President of the Coordinating Committee of Women Parliamentarians, Ms. P. Cayetano (Philippines); adolescent girls, with Dr. N. Alipui, UNICEF Director of Programmes; and the human rights of legislators, with the President of the Committee on the Human Rights of Parliamentarians, Ms. S. Carstairs (Canada), and Committee members Ms. R. Green (Mexico), Mr. P. Mahoux (Belgium) and Mr. A. Pimentel (Philippines).

Field visits organised by the IPU and UNICEF to projects for vulnerable children and adolescents (education, health and nutrition, and social cash transfers)

6.42 Three field visits for parliamentarians took place on 7 April 2009. The visits were to education, health and nutrition, and social cash transfer projects for vulnerable children and adolescents, in particular adolescent girls.

6.43 The Speaker participated in the field trips organised by the IPU and UNICEF.



Mr Jenkins participating in the UNICEF-IPU field trips

6.44 During the education field visit, the Speaker and other parliamentarians met with government officials and visited a primary school, where they were briefed by the principal and observed various extra-curricular and other student activities. The Girls' Education Initiative addresses the gender gap in enrolment. It provides girl-friendly facilities equipped with water, sanitation and hygiene amenities, arranges community dialogues for effective capacity-building on the importance of educating girls and eliminating harmful traditional practices, and instructs teachers in gender-sensitive teaching and learning methodologies.

6.45 The health and nutrition field visit included paying a call on a health post and meetings with families in their homes and with relevant officials. In Ethiopia, poverty is a key factor in the health and nutrition situation of most children and women. Ethiopia's under-five mortality rate stands at 123 per 1,000 live births. Sixty to 80 per cent of the causes of morbidity and mortality are related to communicable diseases and malnutrition, which affect mainly mothers and children. Five years ago, the Government of Ethiopia institutionalized a community health approach called the Health Extension Programme (HEP). Under the program, a health post is established in each rural *kebele* (smallest administrative unit) and staffed by female health extension workers (HEWs) deployed after one year of pre-service training on comprehensive public health and nutrition activities. The country has trained and deployed more than 30 000 HEWs throughout the country. Members of parliament visited a health post in the Oromia region.

6.46 The social cash transfer visit involved travel to the poverty-stricken area of Abebech Gobena, visits to beneficiary households and business locations, and discussions with social cash transfer recipients. Vulnerable children and adolescents are provided with protection, care and support in two ways: by improving the institutional framework and by bolstering the capacity of ministries and civil society. An overarching goal is to have the justice system provide effective protection for the rights of children. The social cash transfer programme was initiated in response to the growing number of children forced into the streets by a wide range of socio-economic problems and the HIV/AIDS epidemic. The experience gained in other regions prone to drought and conflict shows that the social cash transfer package has a lasting and

effective impact at the household level. Parliamentarians visited the Abebech Gobena project, which comprises social cash transfers for orphans and other vulnerable children.

Launch of the joint IPU-UNODC-UN.GIFT publication: Combating trafficking in persons: A handbook for parliamentarians

6.47 The afternoon sitting of the Assembly on Tuesday, 7 April, opened with the launch of *Combating trafficking in persons: A handbook for parliamentarians*, a publication issued jointly by the IPU, the United Nations Office on Drugs and Crime (UNODC) and UN.GIFT (the Global Initiative to Fight Human Trafficking). The launch was held in the presence of the IPU President, UNODC Executive Director, Mr. A.M. Costa, and Ms. B. Prammer, Speaker of the Austrian National Council.

6.48 Ms. Prammer stressed that trafficking in persons affected thousands of people, violated fundamental human rights, destroyed families and communities, and destabilized economies. The 2008 Vienna Forum to Fight Human Trafficking had adopted a guiding framework of three Ps: prevention, protection and prosecution. Those were all areas in which parliaments played a fundamental role in scrutinizing government efforts to tackle trafficking and initiate international projects to share information on it.

6.49 Mr. Costa recalled the vital role parliaments could play, for example by ratifying the UN Convention against Transnational Organized Crime and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, and by ensuring that anti-human trafficking legislation was in place in their country. The *Handbook* offered guidance to parliamentarians on how to fight human trafficking and gave examples of the steps some countries had already taken. The United Nations *Global Report on Trafficking in Persons* indicated that about half of all UN Member States did not have anti-trafficking legislation or action plans. Parliamentarians should act on behalf of their citizens by following the steps set out in the *Handbook* and joining the Blue Earth campaign against human trafficking, in the hope that its symbol would become as familiar as the red ribbon used to support the fight against AIDS.

Bilateral meetings

6.50 The delegation had very useful and constructive bilateral discussions with delegates from Mongolia, Iran and Timor Leste.

Other meetings

6.51 Senator Troeth, as Acting Leader of the delegation (standing in for the Speaker who was unavailable) and Mr Price called on His Excellency, Mr Teshome Toga, Speaker of the House of Peoples' Representatives of Ethiopia to express the thanks of the Australian delegation for the warm welcome and hospitality it received in Ethiopia. Senator Troeth and Mr Price also discussed matters of mutual interest to the Parliaments of Australia and Ethiopia.

Visit

6.52 Delegates visited the Addis Ababa Fistula Hospital and had the honour of meeting Dr Catherine Hamlin and her staff, inspecting the hospital and receiving a briefing on its work and also midwifery colleges located in Addis Ababa and regional Ethiopia.

6.53 The delegation was left in no doubt that the inspirational work that Dr Hamlin and her late husband have undertaken over many decades is a fantastic tribute to them and does Australia proud.

6.54 The delegation was delighted to see at first hand the excellent facilities at the hospital in Addis Ababa and the outstanding results being achieved, to experience the commitment and enthusiasm of the team of people who work with Dr Hamlin and to be reassured that her work is expanding and enduring. The delegation noted that the Australia Government will contribute a further \$2.3 million for the expansion of the hospital and maternity colleges.

6.55 The visit left a lasting impression on each and every member of the delegation and reinforced its regard and respect for the many Australians who, like Dr Hamlin, make wonderful contributions to those in need in many countries around the world.

6.56 Members of the delegation were also thrilled to personally deliver to the hospital hand-made dolls and “love rugs” made by ladies from the St George and Sutherland Shire in New South Wales and assembled by the Hon. Danna Vale MP, the Federal Member for Hughes.



Members of the delegation with Dr Catherine Hamlin and the staff of the Fistula Hospital, Addis Ababa

Elections and Appointments at the IPU

6.57 The following elections and appointments were made at the IPU:

Office of the President of the 120th Assembly

Mr. Teshome Toga, Speaker of the House of Peoples' Representatives of Ethiopia, was elected President of the Assembly.

Standing Committee on Peace and International Security

President Mr. T. Boa (Côte d'Ivoire)

(African Group)

First Vice-President Mr. E. Zialcita (Philippines)

(Asia-Pacific Group)

Vice-Presidents

African Group

Mr. Z. Madasa (South Africa) – substitute

Arab Group

Mr. B. Boutouiga (Algeria) – titular Mr. A. El Kadiri (Morocco) – substitute

Asia-Pacific Group

Mr. J.D. Seelam (India) – substitute

Twelve Plus Group

Mr. A. Destexhe (Belgium) – titular Mr. J. Pflug (Germany) – substitute

Eurasia Group

Mr. V. Likhachev (Russian Federation) - titular Mr. V. Popov (Belarus) - substitute

Latin American Group

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

Standing Committee on Sustainable Development, Finance and Trade

President Mr. P. Martin-Lalande (France) (Twelve Plus Group)

First Vice-President Mr. S. Al Hossaini (Saudi Arabia)

(Arab Group)

Vice-Presidents

African Group

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

-substitute

Arab Group

Mr. M. El Said (Egypt) - substitute

Asia-Pacific Group

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

Twelve Plus Group

Mr. F. Notari (Monaco) - substitute

Eurasia Group

Mr. V. Baikov (Belarus) – titular Mr. B.Z. Zhambalnimbuev (Russian Federation) – substitute

Latin American Group

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

Standing Committee on Democracy and Human Rights

President Mr. D. Cánepa (Uruguay)

(Latin American Group)

First Vice-President Mr. Y. Zhumabayev (Kazakhstan)

(Eurasia Group)

Vice-Presidents

African Group

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

Arab Group

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

Asia-Pacific Group

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

Twelve Plus Group

Ms. R.M. Albernaz (Portugal) – titular Mr. J. Winkler (Germany) – substitute

Eurasia Group

Mr. A. Felaliev (Tajikistan) – substitute

Latin American Group

Mr. D. Cortez (Panama) - substitute

Rapporteurs of the Standing Committees to the 122nd Assembly

Standing Committee on Peace and International Security - Cooperation and shared responsibility in the global fight against organized crime, in particular drug trafficking, illegal arms sales, human trafficking and cross-border terrorism

Co-rapporteurs: Ms. M.T. Ortuño (Mexico) To be appointed (Thailand)

Standing Committee on Sustainable Development, Finance and Trade - The role of parliaments in developing South-South and Triangular Cooperation with a view to accelerating achievement of the Millennium Development Goals

Co-rapporteurs: Mr. F.-X. de Donnea (Belgium) Mr. G. Lubinda (Zambia)

Standing Committee on Democracy and Human Rights - Youth participation in the democratic process

Co-rapporteurs: Ms. M. Lugarić (Croatia) Mr. A.K. Bagbin (Ghana)

Committee on Middle East Questions

Mr. L.H. Ishaq (Indonesia) was elected titular member for a four-year term of office ending in April 2013.

Committee to Promote Respect for International Humanitarian Law

Ms. L. Ponomareva (Russian Federation) was elected substitute member for a four-year term of office ending in April 2013.

Group of Facilitators for Cyprus

Mr. A. Dismore (United Kingdom) was elected facilitator for a four-year term of office ending in April 2013.

Chapter 7

Meetings of the Association of Secretaries General of Parliaments

Introduction

7.1 Mr Ian Harris, Clerk of the House, and Ms Claressa Surtees, Deputy Serjeant-at-Arms, of the House of Representatives, attended the meetings of the Association of Secretaries General of Parliaments (ASGP) held in conjunction with the deliberations of the 120th IPU Assembly in Addis Ababa. The meetings of the ASGP were held from 6 to 10 April 2009. Mr Harris participated in the meetings of the Executive Committee, of which he is a member, and of the ASGP. Ms Surtees participated in the proceedings of the ASGP as the substitute of the Deputy Clerk of the House, Mr Bernard Wright.

Relations between the ASGP and the IPU

7.2 Mr Martin Chungong, Director of the Division for the Promotion of Democracy, IPU Secretariat, together with his colleague Mr Andy Richardson, Information Specialist, attended a meeting and led debate on recent activities of the IPU to strengthen parliaments and democracy. Mr Chungong referred to IPU initiatives with the World Bank Institute in assessing development needs of parliaments. He also noted the research partnership on professional development and capacity building being carried out by a project team at Monash University. Mr Richardson commented that there was a pleasing level of support from the members of the ASGP for the initiative on self evaluation of parliaments.

7.3 Mr Chungong commended to the attention of members the *Guidelines for Parliamentary Websites* published in March 2009. He also encouraged members to ensure the completion of a questionnaire on how parliaments organise their work related to the United Nations.

7.4 Mr Chungong announced that Panama had been proposed to host the 124th IPU Assembly in 2011 and that a world conference of Speakers was being proposed for June/July 2010.

7.5 Mr Chungong hailed the success of the conference conducted by the IPU and the ASGP on 16 October 2008 following the Geneva meetings, which focussed on the role of parliamentary library and research services in the context of informing democracy. He concluded by inviting members to propose topics for consideration at this year's conference in Geneva.

7.6 Mrs Daniela Giacomelli, Programme Officer of the Global Centre for ICT in Parliament made an intervention to introduce to members a survey to be launched in

May 2009 of ICT in parliaments. She commented that the survey is to be more extensive than the 2007 survey, which was considered to have been very successful, and concluded by encouraging members to ensure the completion of the survey.

Consideration of parliamentary matters

7.7 The general meetings of the ASGP continued the format of selected general thematic debates. The chosen subjects were:

- Questions to ministers;
- Measures to limit the impact of parliament on the environment;
- Election of the Speaker;
- Administrative self-evaluation within Parliaments; and
- Observing parliamentary traditions and meeting expectations of members and electors (a topic suggested jointly by Australia and the Netherlands).

7.8 Each subject was open to discussion and each was fully debated at the meeting. In addition, there was agreement by the members to establish a working group to explore further the subject of administrative self-evaluation within Parliaments. Ms Surtees accepted a personal invitation from Dr Hafnaoui Amrani (Algeria), President of the ASGP, to be a member of the working group.

7.9 There were also presentations and discussions on specific parliamentary topics:

- Parliamentary system of the Federal Democratic Republic of Ethiopia;
- Promoting e-democracy in the global era;
- Parliamentary privileges: legislature and judiciary interface – the Indian experience;
- The reception of MPs at the beginning of a new term of parliament;
- The ordinance: legislation by the executive in India;
- Afghanistan: the beginning of democracy – achievements and challenges;
- First speeches in Parliament by new members of parliament (a topic suggested by Australia);
- Functions of the chamber of the House of Representatives of Uruguay during non-working periods; and
- The interaction of the Council of the Federation with the legislative assemblies of the subjects of the Russian Federation in the law-making processes.

7.10 During the presentation on promoting e-democracy in the global era, Mr Park Kye Dong (Korea) invited and encouraged members to participate in the Secretaries-General Forum of Asia-Pacific Parliaments, which he will be launching from 7–11 July 2009 in Korea, with a focus on e-Parliament.

Administrative matters

New members

7.11 A number of new members were admitted to the ASGP. Most were replacing existing members who had retired or moved to other employment. A new member from each of the National Assembly of Chad and the Legislative Assembly of El Salvador was admitted because the country was joining the ASGP for the first time. A new member from the Maghreb Consultative Council was admitted because the Council was joining the ASGP for the first time.

Other membership matters

7.12 Dr Amrani reported that a proposal had been received for Mme H el ene Ponceau to be admitted as an honorary member of ASGP. Her admission was agreed to by acclamation.

Executive committee matters

7.13 Dr Amrani reported a vacancy on the Executive Committee. At the deadline for nominations only one had been received, and Dr Ulrich Sch oler (Germany) was declared elected to the Executive Committee.

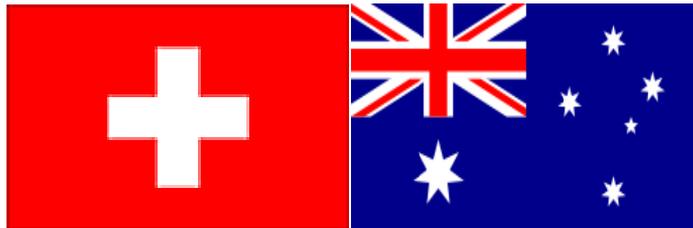
7.14 Dr Amrani reported that the Executive Committee had been discussing and reviewing the rules of the Association throughout the week and that this work would continue.

Next meetings

7.15 Mr Pitoon Pumhiran (Thailand) made a communication on Thailand, the host of the 122nd IPU Assembly and associated ASGP meetings in March/April 2010.

7.16 A draft agenda for the next session, in the northern hemisphere Autumn 2009 in Geneva, was circulated. When further developed it will be placed on the ASGP website <http://www.asgp.info/en/home>

Part Two
Bilateral visit to Switzerland



Chapter 8

Bilateral visit to Switzerland

Aims and Objectives

8.1 The aims and objectives of the delegation's visit were as follows:

- Strengthen relations with the National Council and the Council of States
- Explore the potential for an expansion of trade with Switzerland, especially in information and communication technology, biotechnology, business and financial services, education, health and medical services, as well as manufacturing
- Gain an appreciation of the Switzerland's position and response to key international developments, including the global financial crisis and climate change
- Gain an insight into Swiss perspectives on the issue of asylum seekers
- Explore the potential for further development of Australia as a destination for Swiss students, researchers, academics and other professionals
- Explore the potential for expansion of people-to-people links through cultural and other exchange programs.

Overview

8.2 Australia and Switzerland enjoy friendly relations based on shared political and economic interests. A key element of the contemporary bilateral relationship is Switzerland's significant investment in Australia. Cultural ties have traditionally been close, and many Swiss have made significant contributions to Australia. There are numerous exchanges across various fields including musical and medical exchanges. Tourism and education exchanges are growing.

8.3 The Australian Ambassador to Germany, based in Berlin, is also accredited to Switzerland. Australian representation in Switzerland, based in Geneva, comprises our Consulate-General and the Australian missions to the United Nations (UN) and World Trade Organisation (WTO).

Political Overview

8.4 The Federal Council, or Cabinet, is made up of seven Councillors, or Ministers. A new Federal Council was elected by the Federal Assembly on 18 December 2007 following the October 2007 parliamentary elections. The Federal Council then elected Mr Pascal Couchepin as the 2008 Federal President and this position is rotated annually. Hence in December 2008, the Federal Council elected Finance Minister Hans-Rudolf Merz as Switzerland's President for 2009. He took up office on 1 January 2009.

8.5 The Federal Assembly is Switzerland's national legislature. It has two chambers, namely the National Council and the Council of States. The National Council has 200 members elected on a mostly proportional representation basis. The Council of States has 46 members, two members from each canton and one from each half-canton. The two chambers serve concurrent four-year terms. The next parliamentary elections will be held in 2011.

8.6 At the October 2007 parliamentary elections, the Swiss People's Party (SVP) won the largest share of the votes at 29 per cent followed by the Social Democrat Party (SP) at 19.5 per cent; the Radical Democrat Party (FDP) at 15.6 per cent, the Christian Democrat Party (CVP) at 14.6 per cent and the Greens at 9.6 per cent.

8.7 The new Federal Council was then formed from the four major parties - two each from the SVP, FDP and SP and one from the CVP. This was in accordance with a power-sharing arrangement between the four largest parties on a pro rata basis established in 1959, known as the "magic formula".

8.8 Swiss politics became more unsettled during 2008 following a splintering of the SVP party in June 2008 and the formation of the new Conservative Democratic Party (BDP). The two SVP members elected to the Federal Council subsequently joined the new BDP but they retained their positions as members of the Federal Council. Since the SVP, the largest party, was no longer represented on the Federal Council, the "magic formula" power sharing arrangement no longer applied. Switzerland for the first time in many years had a major party, the SVP, in opposition. These developments also created further political anomaly. The BDP, with only a few parliamentary members, did not have sufficient numbers to form a parliamentary faction. The party subsequently formed at the national level on 1 November 2008 and will contest local and cantonal elections before tackling the general election in 2011.

8.9 Switzerland's political landscape changed again in December 2008. Under mounting pressure Defence Minister Samuel Schmid (BDP) resigned. The Federal Assembly then voted SVP candidate Ueli Maurer to the Federal Council, marking a return of the SVP. While the SVP's return marks a renewal of concordance politics, the SVP still does not have proportional representation in the Federal Council.

8.10 A unique aspect of Switzerland's political system is the frequent requirement of national referenda which adds to difficulties in getting legislation passed.

Foreign Policy

8.11 Switzerland has become increasingly integrated with the EU through ongoing bilateral issue-specific accords rather than full EU accession. Currently Switzerland is seeking to negotiate a Swiss-EU free trade agreement on unprocessed agricultural products and a framework agreement on European electricity sharing. Trade in processed agriculture products was liberalised as part of a 2004 package of bilateral accords. The relationship was enhanced in November 2006 by a Swiss referendum which approved a €30 million (\$A1.2 billion) package of aid to the ten new EU member states.

8.12 Switzerland became a member of the Schengen area on 12 December 2008. The Swiss government is also seeking closer relations with the United States, particularly in trade.

8.13 Switzerland plays a role in the Asia-Pacific region, primarily through significant investment activity, but it is also promoting economic reform, for example, in North Korea by funding the privately-run Pyongyang Business School. During 2008, Switzerland has developed a closer bilateral relationship with China.

8.14 Switzerland's policy of neutrality means it does not belong to NATO. Since 1953, it has participated in peacekeeping missions, including NATO's Partnership for Peace (PfP) in 1997. It is one of four members, along with Sweden, Poland, and the Czech Republic, of the UN Neutral Nations Supervisory Commission monitoring the demilitarised zone between North and South Korea. Switzerland joined the United Nations in 2002.

8.15 Switzerland is a member of the Council of Europe (CoE), the Europe-Atlantic Partnership Council (EAPC), the European Bank for Reconstruction and Development (EBRD), the European Free Trade Association (EFTA), the International Bank for Reconstruction and Development (IBRD), the International Monetary Fund (IMF), the Organisation for Economic Cooperation and Development (OECD), the Organisation for the Security and Cooperation in Europe (OSCE), the United Nations (UN), the World Trade Organisation (WTO), and the Schengen area.

Economic Overview

8.16 Switzerland is an open economy with one of the highest standards of living in the world. Switzerland's Gross Domestic Product (GDP) was estimated at \$US493 billion in 2008 with one of the highest per capita incomes in the world. Switzerland's prosperity is based on labour skills and technological expertise in manufacturing, as well as earnings from services such as tourism and banking. In the 2006 World Economic Forum, in its Competitiveness Index, ranked Switzerland number one for the first time.

8.17 Switzerland is an important trading nation and a net exporter. In 2007, goods and services exports were estimated at \$US238 billion, exceeding imports by \$US39 billion. The strong growth over the year was due in part to services exports which increased by 21 per cent.

8.18 Switzerland's export of goods and services amount to more than half of its GDP. Major merchandise exports are machinery, chemicals and pharmaceuticals, watches, jewellery and telecommunications; and the main services exports are in the banking and insurance sectors. Its major trading partner, Germany, accounts for a fifth of exports and a third of imports.

8.19 In response to the global financial crisis, the Federal Assembly approved a financial rescue plan including a loan of CHF59 million (approximately \$A77.5 million) and CHF billion (approximately \$A7.9 billion) cash injection for a leading Swiss bank, United Bank of Switzerland (UBS). The Federal Banking Commission has imposed a higher capital adequacy ratio both on UBS and Credit Suisse, but they have until 2013 to comply. Credit Suisse, which has survived the financial crisis better, announced in December 2008 job losses and cost cutting following financial losses in the previous months.

8.20 The Swiss Government's key economic priority is to address the expected recession in 2009. The Swiss National Bank cut interest rates in December 2008 in

response to company retrenchments, faltering export demand, decreasing consumer confidence, and tight credit conditions. Other measures to boost GDP growth include improving competition policy, and reducing high price levels by liberalising sectors such as electricity, energy, telecommunications and postal services.

8.21 Switzerland's agriculture sector remains highly protected. Farm subsidies are the highest in the world, with some Swiss farmers receiving support equivalent to three-quarters of the value of production.

8.22 Germany's sustained strong GDP growth and the rise in global demand prior to 2008 led to a surge in Swiss exports and a rise in Swiss GDP growth of 3.4 per cent in 2006 and 3.3 per cent in 2007. However, the global financial crisis led to a downgrading of Switzerland's economic growth forecasts in 2008 and 2009. Switzerland's significant financial sector exposes the Swiss economy to a higher risk in the event of a systemic banking crisis. Swiss GDP growth eased to 1.6 per cent in 2008 and is forecast to contract around 1.6 per cent in 2009 due to lower investment and weaker export demand. Inflation is forecast to fall to zero per cent in 2009 from 2.5 per cent in 2008. The budget balance is forecast to fall into deficit in 2009 due to fiscal stimulus measures. The Swiss National Bank cut official interest rates to 1 per cent in December 2008 and to 0.5 per cent in January 2009.

Bilateral Relations

8.23 Australia and Switzerland have a number of bilateral agreements including:

- Double Taxation;
- Defence and Supply;
- Nuclear Safeguards, covering the import of Australian uranium for peaceful purposes,
- Extradition;
- Mutual Assistance on cooperation on law enforcement agencies;
- a Memorandum of Understanding (MOU) on exchanges on health regulations;
- an MOU on Exchange of Trainees;
- Social Security; and
- Aviation.

8.24 The social security agreement was signed on 9 October 2006 and gives improved social security protection to people who have lived and/or worked in both countries. The social security agreement also exempts Australian employers from the need to provide Swiss social security support for Australian employees sent temporarily to work in Switzerland, provided the employee remains covered in Australia by compulsory superannuation arrangements. An air services agreement between Australia and Switzerland was signed on 28 November 2008.

8.25 Australian ministers regularly visit Switzerland for meetings in Geneva or to attend the annual World Economic Forum (WEF) in Davos. The Deputy Prime Minister, Ms Gillard and the Minister for Trade, Mr Crean, attended in January 2009.

And also in January 2008. The Australian Ambassador in Berlin regularly visits Berne for dialogue on current issues.

8.26 Swiss Foreign Minister Ms Calmy-Rey visited Australia in August 2005 and met the then Foreign Minister, Mr Downer. The Minister for Home Affairs, Mr Couchepin, visited Australia in October 2006 and signed the MOU on Social Security.

Trade and Investment

8.27 In 2007-08, Switzerland was ranked as Australia's 24th largest merchandise trading relationship, worth \$A3.1 billion, with the trade balance heavily in Switzerland's favour. The trade deficit reached \$A1.2 billion due mainly to the fall in gold exports over the year. Total merchandise exports were around \$A0.9 billion and total merchandise imports \$A2.1 billion. The major Australian export to Switzerland was gold. Major Australian imports were medications and pharmaceuticals. Two-way services trade amounted to around \$A1.7 billion in 2007-08. Australia's services exports amounted to \$A632 million and imports from Switzerland to \$A1.1 billion. Australia had a deficit of \$431 million. Australia's services exports include transportation, recreational travel, business services, education, with over 1 500 Swiss student enrolments in Australia and biotechnology.

8.28 Switzerland is a significant investor in Australia. Switzerland was ranked as Australia's fifth largest source of foreign direct investment in 2007 at \$A20 billion.

8.29 Notable Swiss companies with a base in Australia include Xstrata, Nestlé, Bernina and financial services companies Credit Suisse, Zurich and UBS.

8.30 Switzerland's advanced economy and highly skilled labour force make it a good location for licensing sophisticated product and process licences. The country itself depends on exports of product and process licenses. It is one of the few nations with a positive balance in licensing transactions. Sectors that are particularly important include pharmaceuticals, watch-making and precision machining, food and drink.

8.31 Switzerland has a large pharmaceuticals industry. The market has well established international networks and offers Australian companies opportunities for forming alliances and export markets to the rest of Europe - European investors are optimistic about the longer-term prospects of the industry. Because of the size and scope of the European biotech industry, there are many large and small opportunities in many different sectors, including human health, environmental remediation and agricultural biotech.

8.32 Switzerland's importance as a leading financial centre reflects a number of factors, including its central geographic location in Europe, high political stability, a strong currency, low inflation, strict laws protecting bank secrecy, although these have been the subject of recent change, and a well regulated and highly developed financial services industry.

8.33 Two large banks, United Bank of Switzerland (UBS) and Credit Suisse, control around two-thirds of the banking sector. The best opportunities for Australian offshore private banking are in niche markets in the banking sector. Opportunities for Australian providers of insurance services are also in niche markets in superannuation

and life insurance. The Swiss population is among the most heavily insured in the world, reflecting the high reliance on obligatory and voluntary private life insurance contracts for old-age retirement savings.

8.34 The large Australian investment firm, Macquarie Bank, with offices in Zurich and Geneva, is active in the Swiss market.

8.35 More than 40 Australian education providers achieved Austrade-assisted export success in Switzerland in 2006-07, with a combined total value of \$A12 million. Leading providers include the University of Melbourne and Macquarie University.

8.36 Invetech (health and medical products) completed a deal in Switzerland after participating in the 2007 Medica trade show in Düsseldorf, Germany.

8.37 Disc Brakes Australia (designer, manufacturer of disc brake rotors and brake drums) registered a sale in Switzerland after participating in the 2006 Automechanika trade show in Frankfurt, Germany. Tasmanian Wet Blue has sold leather product in Switzerland as a result of Austrade assistance to connect with potential customers.

Delegation's Visit

8.38 The following section of the delegation's report outlines its program of meetings and visits.

Credit Suisse

8.39 Founded in 1856, Credit Suisse provides companies, institutional clients and high-net-worth private clients worldwide, as well as retail clients in Switzerland, with advisory and banking services. Credit Suisse is active in over 50 countries and employs more than 47 000 people from approximately 100 different countries.

8.40 The delegation noted that Credit Suisse has three main areas of activity, namely private banking, investment banking, and asset management.

8.41 Credit Suisse offers a wide range of banking services and advice to private, corporate, and institutional clients. The private banking division serves approximately 700 000 high-net-worth individuals worldwide and corporate and retail banking serves about 1.7 million clients in the retail, corporate and institutional sectors.

8.42 Credit Suisse activities provide "customized solutions in protecting, optimizing, and financing client wealth". In 2007, total market volume in free investable assets amounted to approximately \$US40 trillion. Credit Suisse estimates that by the end of 2008 total assets under management will be CHF 646 billion. Credit Suisse is the second largest private bank worldwide. Credit Suisse anticipates that "the global market looks set to grow significantly medium-term, despite the current market disruption driven by economic development in emerging markets, generational transfers of funds, and ongoing wealth concentration".

8.43 Credit Suisse offers a broad range of investment banking and securities products and services to corporate, institutional and government clients around the world. Clients include corporations, governments, institutional investors and private individuals around the world.

8.44 Credit Suisse's activities in Australia include sales; trading, financing, equity related securities, derivatives, options, futures, risk management and hedging products. Credit Suisse had the fourth largest turnover market share on the Australian Stock Exchange in 2007 and operates branches in Sydney and Melbourne.

8.45 The delegation was pleased to meet with Mr Urs Rohner, Chief Operating Officer and General Counsel, Credit Suisse, Mr Rene Buholzer, Head of Public Policy, and Mr Rudolf Escher, Head of Marketing in Asia Pacific.

8.46 The delegation noted that Credit Suisse suffered a record loss of CHF8.2 billion (\$A10.6 billion) in 2008, compared with a profit of CHF7.8 billion in 2007. After cutting 1 800 jobs in mid-2008, Credit Suisse announced a further cut in December 2008 of 5 300 jobs, equivalent to 11 per cent of its global workforce.

8.47 Unlike UBS which lost \$US55 billion and accepted a Swiss Government bailout package, Credit Suisse declined public money and, instead, sought an injection of private capital. Credit Suisse raised CHF 10 billion (\$A12.65 billion) from the Qatar Investment Authority and other private investors.

8.48 Despite these setbacks, Credit Suisse entered 2009 with a strong capital ratio (percentage of the firm's capital compared to risk of its assets) of 13.3 per cent. Credit Suisse retains an A rating with rating agency Standard and Poor's.

8.49 Mr Rohner advised the delegation that in December 2008, the financial situation was serious with losses of about \$US200 million per day. However in early 2009 the situation has stabilised and certainly has not worsened with solid revenues.

8.50 The delegation discussed several issue of interest with Mr Rohner and his colleagues including:

- the causes of the global financial crisis, its effect on Switzerland, Germany, Eastern European countries and Europe generally;
- the activities of Credit Suisse in the Asia Pacific region and in particular Australia;
- the sub-prime mortgage crisis and its consequences for banks and financial markets around the world;
- toxic assets;
- the implications of the 2009 G-20 London summit;
- appropriate regulatory regimes; and
- the Financial Stability Forum and its successor, the Financial Stability Board which has been established to address vulnerabilities and to develop and implement strong regulatory, supervisory and other policies in the interest of financial stability and which the Reserve Bank of Australia is a member.

8.51 In relation to sub-prime products, Credit Suisse advised that as banking is one of the most globalised of industries, European banks actively bought these products and some banks, particularly in Germany, heavily invested in sub-prime products. Credit Suisse "bought less" and "got out earlier".



Mrs Bishop with Mr Urs Rohner, Chief Operating Officer and General Counsel, Credit Suisse

Swiss National Bank (SNB)

8.52 The delegation was pleased to meet with Dr Jean-Pierre Roth, Chairman of the Governing Board, Swiss National Bank, who, since 2007, has also been a Swiss representative on the Financial Stability Forum, noted above.

8.53 Article 99 of the Swiss Constitution provides that the Swiss National Bank, as an independent central bank, shall pursue a monetary policy serving the interests of the country as a whole. Legislation relating to the role of the Swiss National Bank also provides that the Bank shall ensure price stability and in doing so shall take due account of the development of the economy.

8.54 The Bank is a joint-stock company with registered shares, listed on the stock exchange. Fifty-five per cent of shares are held by public shareholders, including cantons and cantonal banks, and 45 per cent are in the hands of private individuals. The Confederation of Switzerland does not hold any shares but appoints members to the Governing Board of the Bank.

8.55 The Governing Board is made of 3 members who head the three operational departments of the bank which, in turn, are responsible for management, monetary policy asset investment strategy and international monetary cooperation.

8.56 The Bank Council oversees and controls the conduct of business by the SNB. The term of office of the 11 members of the Bank Council is four years and the full term of office cannot exceed twelve years. Six members are appointed by the Federal Government and 5 are appointed by shareholders.

8.57 Under legislation, the SNB maintains currency reserves at the level which is necessary for monetary policy. A dividend not exceeding six percent of the share capital shall be paid from the net profit. One-third of any net profit remaining after the distribution shall accrue to the Confederation and two-thirds to the cantons. At

present, the annual sum being paid out to the Confederation and the cantons amounts to CHF2.5 billion.

8.58 In a comprehensive briefing, Mr Roth provided information on the work of the SNB in relation to:

- price stability, including inflation forecasts;
- financial stability and international cooperation, including the prevention of financial crises by emergency liquidity assistance and oversight of the payment and securities settlement systems;
- analysis and assessment of the banking sector;
- independence, accountability and the SNB's relationship with the Confederation.



Mr Jenkins and Dr Jean-Pierre Roth, Chairman of the Governing Board, Swiss National Bank

8.59 The delegation noted that, although independent, the operations of the SNB are subject to a number of accountability mechanisms. For example, the SNB conducts regular reviews of the economic situation and monetary policy with the Federal Council. It publishes a written annual report to the Federal Assembly of the Parliament on how it has fulfilled statutory tasks. It also appears before, and explains monetary policy to relevant committees of the Parliament and provides information on the economy and monetary developments to the general public.

8.60 During the briefing Mr Roth provided the delegation with the following useful paradigm in which to consider the Swiss economy and financial system:

Switzerland is:

- a small open economy; Area: 41 300 km
- Population: 7.5 million
- GDP per capita: \$US55 000
- GDP growth: 1.6 per cent
- Unemployment: 2.6 per cent
- Inflation: 2.4 per cent
- Exports: 50 per cent of GDP;
- a monetary zone surrounded by the Euro-Zone;
- a global platform - highly trade oriented, highly diversified export markets, highly service-orientated, highly competitive, open labour market and major investor abroad; and
- an international financial centre – widely used currency, country of savers, in surplus, net exporter of capital, low cost of capital, global banking system and strong position in foreign exchange reserves.

8.61 Mr Roth drew the attention of the delegation to the 2008 Annual Report of the Bank and discussed in detail recent developments and actions taken by the SNB in response to the economic and financial crisis as recorded in the report.

8.62 The report noted that global economic growth had weakened considerably in 2008 and that the US and European economies were particularly affected by the downturn, and both slipped into recession in the second half of the year. This was due in part to the price of oil, which had risen sharply in the first half-year, and to the financial crisis, which hit the US in June 2007. United States and European banks came under intense pressure, and financing conditions for companies and households tightened. This, coupled with high asset losses, had a noticeable dampening effect on demand for goods and services. The effect of the economic slowdown in the US and Europe was being increasingly felt in other parts of the world, particularly in emerging markets in Asia. The crisis in the financial markets escalated dangerously in late 2008. In an attempt to prevent the financial system from collapse, governments and central banks took comprehensive support measures. The report also noted that, having risen sharply up to mid-year, inflation around the world dropped back considerably in the following months.

8.63 Mr Roth noted that the Swiss economy increasingly felt the negative impact of the financial crisis and the downturn in global trade. Economic growth came to a halt in the second half of 2008, and unemployment rose for the first time in five years. Two of the most seriously affected areas were the financial sector and the export industry, with the latter seeing a major slump in demand in the fourth quarter. Owing to rising incomes, household consumption, meanwhile, continued to underpin economic activity.

8.64 The SNB's monetary policy was faced with major challenges in 2008. As a result of the price spike in the commodities markets and the high level of capacity

utilisation in the economy, inflation climbed steadily until August. Despite the considerable inflationary pressure, the National Bank decided to leave its target range for the three-month unchanged at 2.25 to 3.25 per cent at its quarterly assessments in March, June and September.

8.65 The escalation of the international financial crisis in mid-September and the rapidly deteriorating global economic situation prompted the National Bank to reassess the situation. In early October, it joined with other central banks in a coordinated move to relax monetary policy. It decided to bring the three-month Libor, which had been in the upper end of the target range, back down to 2.5 per cent and, to this end, to lower the target range to 2.0 to 3.0 per cent. In the subsequent weeks, it became apparent that the global economic outlook was deteriorating more severely than anticipated and that the threat of recession in Switzerland was rising. The National Bank therefore decided to further relax its monetary policy and lowered the target range for the three-month Libor at the beginning of November by 50 basis points to 1.5 to 2.5 per cent. The next interest rate adjustment came less than two weeks later, when the SNB lowered the target range by 100 basis points to 0.5 to 1.5 per cent. At its last ordinary quarterly assessment in December, the National Bank saw the necessity for further adjustment and lowered the target range for the three-month Libor by 50 basis points to 0.0 to 1.0 per cent.

8.66 In 2008, international money markets were in the grip of the financial crisis. The SNB reacted decisively to the tense situation in the money market and, where necessary, provided the banking system with generous amount of liquidity at different maturities. The Swiss National Bank also took a series of coordinated liquidity measures together with leading central banks with US dollar liquidity. Together with the European Central Bank (ECB) and the Polish central bank, it conducted coordinated auctions for Euro/Swiss Francs foreign exchange swaps.

8.67 Mr Roth advised that the SNB is charged with helping to secure the stability of the financial system and endeavours to identify risks to the system at an early stage and works to create an environment conducive to stability. The National Bank's activities in the area of financial stability in 2008 were largely shaped by the financial crisis. It has been clear since summer 2007 that the Swiss big banks would be hit hard by the financial crisis as a result of their exposure to the market for mortgage-backed securities and their commitments in the area of leveraged finance. This applied in particular to UBS, which had to take extensive measures to strengthen its capital base. In spite of the steps taken in this regard, the bank came under intense pressure in autumn 2008. Consequently, the Federal Council, the Swiss Federal Banking Commission (SFBC) and the SNB adopted a package of measures in mid-October to strengthen the Swiss financial system.

Swiss Business Federation

8.68 The delegation received a comprehensive briefing on the work of Economiesuisse from Dr Urs Rellstab, Deputy Chief Executive Officer and Head of Public Communication, Dr Jan Atteslander, Head of the Foreign Trade.

8.69 The Swiss Business Federation (Economiesuisse) is an umbrella group representing the Swiss business and industry sector. The organisation seeks to improve business conditions and Switzerland's global competitiveness, with the aim

of promoting sustained GDP growth. Economiesuisse's membership is broad-based, and includes trade and industry associations, chambers of commerce and many individual businesses.

8.70 Economiesuisse lobbies the Swiss Government on issues of interest to its membership. Recent examples include tax policy, European integration, e-commerce and climate protection.

8.71 Economiesuisse has the support of more than 30 000 businesses of all sizes, employing a total of 1.5 million people in Switzerland. It is the result of a merger between the Swiss Federation of Commerce and Industry and the Society for the Promotion of the Swiss Economy. Economiesuisse's direct membership includes 100 trade and industry associations, 20 cantonal chambers of commerce and several individual companies. Economiesuisse works conjointly with the Swiss Employers Association and maintains close contact with the Swiss Association of small and medium-sized enterprises.

8.72 Economiesuisse's membership includes advertising and advisory services, banking, cement, chemicals and pharmaceuticals, communication and media, construction, energy, engineering, food products, hotel and tourism, information technology, insurance, machinery, electrical and metalworking industries, packaging, paper and cardboard, plastics, telecommunications, textile and clothing, tobacco, trading, transport and distribution, watchmaking.

8.73 Economiesuisse's aims to create an optimal economic environment for Swiss business. In order to achieve this, it strives to preserve entrepreneurial freedom for all businesses, to continuously improve Switzerland's global competitiveness in manufacturing, services, and research, and to promote sustained growth as a prerequisite for a high level of employment in Switzerland.

8.74 The organisation is centred on a general assembly of members, the board of directors and the committee of the board of directors as well as permanent commissions, ad hoc working groups and various expert committees and has offices in Zurich, its head office, Geneva, Berne, Lugarno and Brussels, and employs about 55 people.

8.75 The organisation is involved in a range of activities including economic and monetary policies, public finance and taxation, international economic relations, education and research, energy and environmental policies, competition policy and legal issues as well as regional and structural policies, transport, post, telecommunications and information society, issues concerning small and medium-sized companies, export promotion and financing, agriculture and security policy.

8.76 Economiesuisse maintains close and regular contact with the Swiss government, the administration and parliament. During the briefing the representatives of the organisation advised the delegation that one of its tasks is to recognise important economic policy issues at an early stage and to lobby intensively at all stages of the legislative process. In practice this means participating in various commissions and working groups of experts, preparing legislation, participating in the legislative approval process, continuously monitoring governmental and parliamentary decisions and actively participating in public referendums. Officers of the organisation

gave members of the delegation specific examples of the work that Economiesuisse has undertaken to promote a 'Yes' or 'No' case in various referenda conducted in Switzerland.

8.77 Examples of issues addressed in these referenda include retirement age, European integration issues, the movement of peoples between EU countries and Switzerland and climate protection.

8.78 In relation to the Swiss economy, the officers of Economiesuisse advised the delegation that Switzerland, with a nominal gross domestic product of around CHF400 billion and a per capita income of CHF46 000, is one of the most prosperous countries in the world. The delegation was told that Switzerland has excellent qualifications for continued success in the global economy of the future.

8.79 The delegation was also pleased to meet with Mr Gerold Bühler, President of Economiesuisse. He has been President of the Federation since 2006, having been a member of the National Council in the Swiss Parliament from 1991 to 2007 and a member of the Grand Council of the Canton of Schaffhausen from 1982 to 1991.

Federal Department of Finance

8.80 The Federal Department of Finance and is responsible for the administration of the government's budget and financial planning. It is also involved in national and international finance and currency matters. In addition, it is responsible for banking and monetary legislation and international financial law matters.

8.81 The delegation was pleased to meet with, and receive a briefing from, Mr Urs Plavec, Deputy Head of the International Finance and Monetary Policy Division, Mr David Gerber, Head of the Financial Markets and Financial Services Section, and Mr Paul Inderbinen, Head of the IMF and International Finance Section.

8.82 The meeting discussed the recent G20 meeting held in London and noted that the summit had agreed to a \$US1.1 trillion package of new measures to restore growth and jobs and rebuild confidence and trust in the financial system. These included:

- an additional \$US500 billion for the IMF;
- \$US250 billion in International Monetary Fund Special Drawing Rights available to all IMF members;
- a trade finance package worth \$US250 billion over two years to support global trade flows; and
- at least \$US100 billion of additional lending by the Multilateral Development Banks.

8.83 The meeting also discussed specific agreements reached at the G20, including the strengthening of financial regulations, reforming international financial institutions to overcome the crisis and prevent future ones and reforming the global banking system. This reform would include bringing the shadow banking system, including hedge funds, within the global regulatory net; new international accounting standards; regulation of credit rating agencies; and an end to tax havens that do not transfer information on request.

8.84 The delegation also raised the issue of banking secrecy with the officers of the department as Switzerland has been under increasing international pressure to ease its banking secrecy laws and to avoid being placed on a blacklist of “uncooperative” countries, as threatened by the OECD.

8.85 The delegation was advised of the distinction between fiscal fraud and fiscal evasion and that Switzerland would allow the exchange of information with other countries in individual cases and based on legal requests. The government will begin negotiations to revise double taxation agreements. It was noted that Switzerland has double taxation agreements with more than 70 countries, including Australia.

Swiss Department of Foreign Affairs

8.86 The delegation was pleased to meet with Ambassador Dr Anton Thalmann, Deputy State Secretary of the Swiss Federal Department of Foreign Affairs. Dr Thalmann has been Deputy State Secretary since 2006, before which he was Ambassador to Canada from 2003 to 2006 and to Belgium and Head of the Swiss Mission to NATO, Brussels from 1999 to 2003.

8.87 The Federal Department of Foreign Affairs formulates and coordinates Swiss foreign policy as directed by the Federal Council, or Cabinet. The Department has its headquarters in Berne and has over 300 foreign representations, including embassies, missions, consulates, and liaison and coordination offices.

8.88 The delegation welcomed the opportunity to share views and perspectives on several major international issues, including:

- the strong bilateral relations that exist between Australia and Switzerland;
- the high level of cooperation that underpins this relationship;
- the situation in the Middle East and initiatives taken by Switzerland to promote dialogue;
- international security challenges, including Afghanistan and Iraq; and
- Switzerland’s significant and dedicated role in peacekeeping and humanitarian assistance around the globe.

Swiss Office for the Environment

8.89 The Federal Office for the Environment is the Federal Government’s central unit for environmental matters. It is part of the Federal Department of the Environment, Transport, Energy and Communication. A large proportion of the resources of the Office are used to financially and legally support the cantons in fulfilling their environmental responsibilities.

8.90 The delegation was pleased to meet with Mrs Christine Hofman, Vice Director, Federal Office for the Environment, Dr Franz Xaver Perrez, Head of the International Affairs Division, Mrs Andrea Burckhardt, Head of the Climate Section and Mr Sebastian Truffer, Scientific Officer, Europe, Trade and Cooperation on Development Section.

8.91 The delegation noted that Switzerland is an Annex I party to the United Nations Framework Convention on Climate Change (UNFCCC) and has an emissions reduction target under the Kyoto Protocol. It is currently projected to overshoot its target of minus eight per cent of 1990 levels and may purchase offsets in order to meet it.

8.92 Switzerland is a member of the Environmental Integrity Group (EIG), which also includes the Republic of Korea, Mexico, Monaco and Lichtenstein and aims to achieve 'environmental integrity' in the post-2012 climate change outcome.

8.93 In 2008 Switzerland submitted a proposal to the UNFCCC for financing through a Global Carbon Levy. The levy would impose a uniform tax on carbon of \$US2 per tonne of CO₂ on all fossil fuel emissions above 1.5 tonnes of CO₂ equivalent per person. The funds would be proportioned to a new Multilateral Adaptation fund and national climate change funds.

8.94 Switzerland's current climate policy is based on the Swiss CO₂ law that expires in 2012. It aims to reduce CO₂ emissions from fossil fuels by 10 per cent on 1990 levels by 2010.

8.95 Switzerland launched a domestic CO₂ trading scheme in mid-2008. Companies can opt to be covered by the scheme instead of paying the existing carbon tax of CHF12 per tonne of CO₂. Emissions caps are set by the government, which can adjust the caps after actual emissions have been reported.

8.96 The Swiss government published a public paper in December 2008 which presented two options for domestic emissions reductions post-2012. The first option provides for a 20 per cent cut in domestic emissions. The Swiss will consider increasing the target to 30 per cent if the EU commits to the same. The additional 10 per cent would be achieved through the purchase of carbon credits. The second option provides for a 50 per cent cut in emissions and 30 per cent of the cut would come from purchasing UN carbon credits.

8.97 The officers of the Department told the delegation that the CO₂ tax was not designed to raise revenue but rather an incentive to encourage alternative energy use.

8.98 The delegation noted that air quality in Switzerland has improved greatly over the past 25 years, however, since 2000, progress has been minor. The principal sources of pollution are transport, industry, households and agriculture. Measures to combat this situation include deploying the best available technology in vehicles and facilities, and establishing incentive instruments such as vehicle and other levies. At the international level, it is recognised that increased efforts need to be made to combat trans-boundary air pollution.

8.99 The delegation also noted that over the past 30 years, the rise in average temperatures in Switzerland has been about 1.5 times the average over the land surface of the northern hemisphere. Signs of climate warming include glacier retreat, permafrost thawing and changes in vegetation. Switzerland's greenhouse gas emissions remained at about the same levels between 1990 and 2006. Under the Kyoto Protocol, these emissions need to be cut between 2008 and 2012 by 8 per cent on average from the 1990 baseline. Purchasing foreign emission certificates can be taken into account to offset emissions, as can forest sinks.

8.100 The delegation understands that CO₂ accounts for some 86 per cent of Switzerland's total greenhouse gas emissions. The CO₂ Act prescribes that emissions from the consumption of fossil fuels must be reduced by 10 per cent by 2010. In order to achieve this goal, a "climate cent" levy on motor vehicle fuels was introduced in 2005 and a CO₂ levy on heating fuels came into effect on 1 January 2008. Since 1 July 2008, tax exemptions have applied to fuels derived from natural gas and certain biogenic sources. Estimates produced in late 2008 indicate that Switzerland will succeed in meeting the Kyoto Protocol target.

Swiss Parliament

8.101 The delegation was delighted to accept an invitation to lunch from Dr Alain Berset, President of the Council of States in the Swiss Parliament and attended by a number of Swiss Federal parliamentarians. This followed a visit by the delegation to the Swiss Parliament.

8.102 Dr Berset is President of the Council for 2008 to 2009. He is self-employed in the public relations sector and since 2003 has been the member of the Council of States for the Canton of Fribourg.

8.103 The Council of States, comparable to the Australian Senate, is one of two chambers that constitute Switzerland's Federal Parliament, the Federal Assembly. It has forty-six members, two from each canton and one from each half-canton.

8.104 The Council of States has powers equal to the National Council, the equivalent of the Australian House Representatives. For example, laws can be initiated in either house, but approval is needed from both houses before a law can come into effect.

8.105 The President of the Council of States is elected for one year and chairs the Council's debates. Apart from ceremonial representational duties, tasks include setting the agenda for meetings and heading the Council Office.

8.106 Current issues under debate in the Council of States have included the strengthening of Switzerland's largely non-military contribution in Afghanistan (currently valued at CHF 20 million a year), countering the effects of the financial crisis on the Swiss economy, and responding to international pressure on Switzerland to ease its strict banking secrecy rules.

8.107 At the lunch, the Speaker told Mr Berset that the delegation found the visit to Switzerland a fascinating and rewarding experience and welcomed the opportunity, provided at the luncheon and also at the meeting of the Inter-Parliamentary Union (IPU) in Addis Ababa, to share views and perspectives on matters of mutual interest and also several major international issues with parliamentary colleagues.

8.108 He emphasised that good relations and close ties exist between Australia and Switzerland and that these relations are underpinned by the high level of cooperation that exists between the two countries in a variety of international fora, including the IPU.

CSL Behring

8.109 The delegation was pleased to meet with Mr Uwe E. Jocham, Senior Vice-President and General Manager, CSL Behring.

8.110 CSL Behring is a subsidiary of CSL Limited, a bio-pharmaceutical company with headquarters in Melbourne and employs over 900 people at its facility in Berne. CSL Behring is a global leader in the plasma protein biotherapeutics industry. It manufactures and markets a range of safe and effective plasma-derived and recombinant products and related services. The company's therapies are used in the treatment of immune deficiency disorders, haemophilia, von Willebrand disease, other bleeding disorders and inherited emphysema. Other products are used for the prevention of haemolytic diseases in the newborn, in cardiac surgery, organ transplantation and in the treatment of burns. The company also operates one of the world's largest plasma collection networks, ZLB Plasma.

8.111 CSL Behring AG in Berne works in close collaboration with the CSL Behring sites at Marburg, Switzerland and Kankakee, USA, as well as CSL Bioplasma in Broadmeadows, Australia, on the development of new processes and products.

8.112 In a comprehensive briefing, Mr Jocham advised that CSL Limited has approximately 9 000 employees in 27 countries and over 90 years experience in developing and manufacturing vaccines and plasma protein biotherapies. Sales revenue in 2007-08 amounted to about \$A3.8 billion and the company is listed on the Australian Stock Exchange.

8.113 The delegation also inspected the CSL Behring plant which has 920 employees, its core products being immunoglobulins and specialty products including albumin, anti-D-hyperimmune and CMV-hyperimmune.

8.114 The members of the delegation appreciated seeing at first hand the innovative and exciting work that is being undertaken in Berne and the obvious enthusiasm that Mr Jocham and his staff have for this company of Australian heritage.

International Committee of the Red Cross (ICRC)

8.115 The delegation noted that the ICRC is an independent, neutral organisation ensuring humanitarian protection and assistance for victims of war and other situations of violence. The ICRC has a permanent mandate under international law to take impartial action for prisoners, the wounded and sick, and civilians affected by conflict. This mandate is based on the 1949 Geneva Conventions which are binding instruments of international law, and the Statute of the International Red Cross and Red Crescent. With its HQ in Geneva, Switzerland, the ICRC is based in around 80 countries and has a total of more than 12 000 staff. In situations of conflict the ICRC coordinates the response by national Red Cross and Red Crescent societies and their International Federation.

8.116 The ICRC is funded by contributions from governments that are parties to the Geneva Convention; national Red Cross and Red Crescent societies; supranational organisations, such as the European Commission; and public and private sources. All funding is voluntary. At the end of each year the ICRC launches two budget appeals, for headquarters and the field, to cover the coming year. Operational information and statistical and financial tables (based on the original appeals) are combined in an annual report.

8.117 The annual report for 2007 indicates that the ICRC provided food for more than 2.5 million people and emergency supplies such as tents and blankets for almost

4 million people. Its water, sanitation and construction projects supported 14.3 million people. Around 2.9 million, more than half of them children, benefited from ICRC supported health care facilities. Delegates visited 518 277 people deprived of their freedom in 2 425 places of detention in 77 countries. In collaboration with National Red Cross and Red Crescent Societies around 485 000 messages were exchanged between family members separated by hostilities and other crises.

8.118 The delegation was pleased to meet with Ms Christine Beerli, Vice President of the ICRC and a number of her colleagues and to discuss the work of the ICRC.

8.119 ICRC programs cover four areas:

- Protection: Designed to ensure protection of the victims of armed conflict and other situations of violence;
- Assistance: To preserve or restore the dignity of conflict victims and improve their living conditions in order to reduce their dependence on outside aid and to enable them to maintain an adequate standard of living in the relevant cultural context;
- Preventive Action: Covers all pre-emptive steps taken to prevent or reduce the suffering of people directly affected by armed violence. These activities are carried out both in peacetime and in times of war;
- Cooperation with National Societies: To improve and strengthen the capacity of National Societies to provide humanitarian services to victims of armed conflict and internal strife, particularly in the fields of: assistance (preparedness and response), re-establishment of family links, and promotion of humanitarian law.

8.120 The ICRC's neutral, impartial, and independent humanitarian status has enabled the organisation to provide its services as a neutral intermediary, for example, facilitating the release of captured civilians or handover of human remains, as was the case in Colombia, Afghanistan, Ethiopia and Niger.

8.121 The ICRC Donor Support Group, formed in 1998, is a regular forum for senior level representatives of ICRC government donors who contribute at least CHF 10 million per annum to the ICRC. The group meets annually to discuss operational, thematic or managerial-related issues involving the ICRC. Through this mechanism, donors can influence the directions set by the ICRC Directorate for ICRC operations. Each meeting is organised and chaired by a host government either in its own country or in Geneva. Australia last hosted and co-chaired a DSG meeting in 2004 at Maroochydore, Queensland, and President Kellenberger and then-Minister Downer attended. Australia welcomed the opportunity to pursue issues relating to the Asia-Pacific, to progress policy dialogue on humanitarian concerns in the region and reinforce Australia's position as a key member of the international donor community.

8.122 The International Committee of the Red Cross is a key partner in the Australian aid program for international humanitarian assistance. Over the past several years, Australia has steadily increased core funding to ICRC, in addition to responding to ICRC appeals. Thus far in 2009 Australia has provided \$A16 million (\$A14.8

million of this is a core contribution). In 2008, Australia contributed approximately \$A23.5 million to ICRC, of which \$A12 million was core funding.

World Trade Organisation (WTO)

8.123 The delegation was pleased to meet with Mr Alejandro Jara, the Deputy General of the WTO.

8.124 The meeting discussed a variety of issues including:

- non-tariff trade barriers;
- the need to resist protectionism, particularly in the context of the global financial crisis; and
- progress on the Doha round of trade negotiations and the likelihood of an agreement.

8.125 The Speaker advised Mr Jara that at the recent IPU Assembly in Addis Ababa in his address to the plenary session he noted the WTO forecast that global trade will fall by 9 per cent in 2009 and that there can be no recovery in the global economy without a revival of world trade.

8.126 The delegation emphasised that the Australian Government's top trade negotiating priority is a successful outcome to the Doha Round and that concluding Doha in 2009 is vital to stimulating economic confidence in the current economic climate and would help prevent a retreat to protectionism.

8.127 The delegation noted that Doha can be advanced in 2009 if there is political will. Significant progress was made in the negotiations last year with only a small number of issues unresolved – indeed over 80 per cent of the Doha negotiations agenda is now settled. It was also noted that at the G20 Leaders Summit on 2 April 2009, the Australian Prime Minister urged Leaders to send a clear and strong message on the importance of concluding the Doha Round as soon as possible. The G20 meeting agreed that the primary vehicle stimulating trade is the Doha free-trade round and rejected protectionism and competitive currency devaluations.

8.128 Mr Jara concluded the meeting by sharing with the delegation the following epithet: 'Keep markets open: keep opening markets'.



Senator Troeth and Mr Alejandro Jara, the Deputy General of the WTO

Dinner hosted by Ambassador Grey with Dr Francis Gurry, Director-General of the World Intellectual Property Organisation (WIPO)

8.129 The delegation was delighted to attend a dinner hosted by Ambassador Grey and was particularly pleased to be able to extend, at first hand, its congratulations to Dr Francis Gurry, an Australian who recently was elected as Director-General, WIPO, and to participate in a stimulating discussion, with him, Ambassador Peter Grey and Mr Keith Rockwell from the WTO on intellectual property, trade issues and the global economic crisis.

8.130 Mr Rockwell is Spokesman and Director, Information and External Relations Division of the WTO and is responsible for overseeing WTO interaction with the media, non-governmental organisations, parliamentarians and the UN.

World Meteorological Organisation (WMO)

8.131 The WMO has its origins in the International Meteorological Organisation founded in 1873 and has a membership of 188 member states and territories, including Australia.

8.132 In 1951, the WMO became the specialised agency of the United Nations for meteorology, including weather and climate, operational hydrology and related geophysical sciences.

8.133 WMO promotes cooperation to establish networks for making meteorological, climatological, hydrological and geophysical observations, as well as the exchange, processing and standardisation of related data, and assists technology transfer, training and research.

8.134 The WMO plays an important support role on climate change through its hosting of World Climate Conferences and through the secretariat services it offers to the Intergovernmental Panel on Climate Change (IPCC).

8.135 The development of meteorology and operational hydrology is dependent upon a high level of international cooperation at a global scale, as weather, climate and the water cycle know no national boundaries. WMO provides the framework for this international cooperation. Since its establishment, WMO has played a significant role in contributing to the safety and welfare of the peoples of the world. It does this in cooperation with national meteorological services, and contributes substantially to the protection of life and property against natural disasters, to safeguarding the environment and to enhancing the economic and social well-being of all sectors of society in areas such as food security, water resources and transport.

8.136 The WMO is organised as follows:

- The World Meteorological Congress is the supreme body of the organisation and brings together the delegates of members, every four years, to determine general policies for the fulfilment of the purposes of the WMO, to approve long-term plans, to authorize maximum expenditure for the following financial period, to adopt technical regulations relating to international meteorological and operational hydrological practice, to elect the President

and Vice-Presidents of the organisation and members of the Executive Council and to appoint the Secretary-General;

- The Executive Council, the executive body of the WMO, is responsible to the Congress for the coordination of programs and the allocation of budgetary resources in accordance with the decision of Congress. It is comprised of 37 directors of national meteorological or hydrometeorological services, meets at least once a year to implement the programs approved by Congress and review the activities of the Organisation. Australia is currently a member of the Executive Council; and
- The Secretariat, headed by the Secretary-General, serves as the administrative, centre of the WMO. The Secretariat hosts regional offices for Africa, Asia and the South West Pacific, the Americas, and Europe and these in turn supervise related WMO offices in the field. Australia's Permanent Representative to the WMO is the Director of the Bureau of Meteorology, Dr Greg Ayers.

8.137 The delegation was pleased to meet with Mr Michel Jarraud, the Secretary-General of the WMO and had a fascinating discussion with him on the work of the WMO and, in particular, the significant role and level of cooperation that the Australian Bureau of Meteorology plays in the work of the WMO. Mr Jarraud emphasised that international cooperation is important and that this has been maintained over many years notwithstanding strained relations between countries, such as the Cold War, and even conflict situations, such as the Falklands War. With increases in technology and the use of satellites, weather forecasts and predictions have improved considerably. Mr Jarraud informed the delegation that the accuracy of a current five day forecast is now comparable to the accuracy of a one day prediction made 20 or 30 years ago. There have also been improvements in seasonal forecasts with positive impacts, such as allowing farmers to make high level decisions based on sound seasonal predictions.

8.138 Mr Jarraud briefed the delegation on the el nino-southern oscillation and its impact in the Pacific region and beyond as well as a number of significant climatic events such as the tsunami, the European heat wave in 2003 and bushfires in Australia. He emphasised that research indicates a significant positive cost/benefit return on investing in meteorological services.



Mr Jenkins and Mr Michel Jarraud, Secretary-General of the WMO

8.139 The delegation also noted that a World Climate Conference 3 will be held in Geneva on 31 August to 4 September 2009 and will have the theme of '*Climate prediction and information for decision-making: focusing on scientific advances in seasonal to inter-annual timescales, taking into account multi-decadal prediction*'. Mr Jarraud indicated that it is hoped that the conference will establish an international framework to facilitate efforts to reduce the risks and realise the benefits associated with current and future climate conditions by incorporating climate prediction and information services into decision-making. The delegation was pleased to note that an Australian, Dr John Zillman AO, is the Chair of the Conference Organising Committee.

8.140 The delegation noted that the WMO has been involved with climate change for over two decades and has done this through the holding of World Climate Conferences. The First World Climate Conference, organised in 1979, influenced the establishment of a number of important international scientific initiatives, such as the Intergovernmental Panel on Climate Change, co-sponsored by WMO and the United Nations Environment Program.

8.141 The Second World Climate Conference called for the establishment of a climate convention, adding momentum to international efforts that resulted in the development of the UN Framework Convention on Climate Change in 1992. Building on these experiences, the Fifteenth World Meteorological Congress in 2007 approved the holding of the Third World Climate Conference (WCC-3) to be held in Geneva in August/September this year. Australia has been a major donor to WCC-3.

8.142 The delegation also noted that the Intergovernmental Panel on Climate Change (IPCC) is a scientific intergovernmental body set up by the World Meteorological Organisation and by the United Nations Environment Program. The IPCC was established to provide decision-makers and others interested in climate change with an objective source of information about climate change. WMO advised that "the IPCC does not conduct any research or monitor climate related data or parameters". It assesses "on a comprehensive, objective, open and transparent basis the latest scientific, technical and socio-economic literature produced worldwide, relevant to the understanding of the risk of human-induced climate change, observed and projected impacts and options for adaptation and mitigation". At elections in 2008, Australian specialists were elected to several positions in the technical committees that do the IPCC's work.

International Labour Organisation (ILO)

8.143 The ILO was founded in 1919, in the wake of the First World War, to pursue a mandate based on the premise that universal, lasting peace can be established only if it is based upon decent treatment of working people. The ILO became the first specialised agency of the UN in 1946.

8.144 The Australian workers are represented in the ILO by the Australian Council of Trade Unions and employers by the Australian Chamber of Commerce and Industry. The ILO has 182 member states.

8.145 The delegation was pleased to meet with Mr Juan Somavia, the Director-General of the ILO and Mr Kari Tapiola, Executive Director, Standards and

Fundamental Principles and Rights at Work Sector, and received a comprehensive briefing on the role and work of the ILO.

8.146 The main policy setting forum for the ILO is the International Labour Conference which is open to tripartite delegations, comprising two government delegates, an employer delegate and a worker delegate, from each member state.

8.147 The Governing Body is the executive council of the ILO and it meets three times a year in Geneva in March, June and November. The Governing Body establishes the ILO program and the budget, which is then submitted to the ILO Conference for adoption. It also elects the Director-General.

8.148 The Governing Body is composed of 28 government members, 14 employer members and 14 worker members. Government representatives are elected every three years at the ILO Conference, taking into account geographical distribution. The employers and workers elect their own representatives.

8.149 Australia was re-elected to the ILO Governing Body for 3 years at the ILC in June 2008. The ILO has five regional offices, including a regional office for the Asia Pacific in Bangkok, headed by an Australian. The country office covering the Pacific is based in Suva, Fiji. Australia is formally a member of the Asia and Pacific (ASPAG) regional grouping and is also a member of the informal Industrial and Market Economy Countries (IMEC).

8.150 The delegation noted that the ILO aims to advance opportunities for women and men to obtain decent and productive working conditions. It also aims to promote rights at work, encourage decent employment opportunities, enhance social protection and strengthen dialogue in handling work-related issues. The ILO considers that work is central to people's well-being. In addition to providing income, work can pave the way for broader social and economic advancement, strengthening individuals, their families and communities. Such progress, however, hinges on work that is decent. It is the view of the ILO that decent work sums up the aspirations of people in their working lives.

8.151 The delegation also noted the ILO's view that the main route out of poverty is work. This is particularly important as poverty remains deep and widespread across the developing world and some transition countries, with an estimated 2 billion people in the world today live on the equivalent of less than \$US2 per day.

8.152 The ILO is also the global body responsible for drawing up and overseeing international labour standards. Working with its member states, the ILO seeks to ensure that labour standards are respected in practice, as well as principle. International labour standards are backed by a supervisory system that helps to ensure that countries implement the conventions they ratify. The ILO regularly examines the application of standards in member states and points out areas where they could be better applied. If there are any problems in the application of standards, the ILO seeks to assist countries through social dialogue and technical assistance. The regular system of supervision is based on the examination by two ILO bodies, namely the Committee of Experts on the Application of Conventions and Recommendations and the International Labour Conference's Tripartite Committee on the Application of Conventions and Recommendations, of reports on the application in law and practice

sent by member States and on observations in this regard sent by workers' organisations and employers' organisations.

8.153 The ILO is in the process of finalising a revision to its field operations which is likely to see an enhanced ILO presence in the Pacific. Australia currently provides financial support to the work of the ILO on youth employment in Timor Leste. The ILO has been active on the ground in Burma countering forced labour that remains a serious problem in that country. Australia has been strongly supportive of the ILO's work in Burma through the Australian embassy in Rangoon and through statements on Burma in the ILO's governing bodies.

Lunch hosted by Ambassador Millar with Australians working within the UN system

8.154 The delegation was delighted to participate in a working lunch, hosted by Ambassador Millar, with several Australians who work within the UN system. These were:

- Mr Geoff Adlide: Head of Advocacy and Public Policy, GAVI Alliance: the Alliance is a unique organisation that aligns public and private resources in a global effort to create greater access to the benefits of immunisation;
- Ms Helen Evans: Deputy Executive Director, Global Fund to Fight AIDS, TB and Malaria: the Global Fund is a unique public/private partnership dedicated to attracting and disbursing additional resources to prevent and treat HIV/AIDS, tuberculosis and malaria. Since its creation in 2002, the Global Fund has become the main source of finance for programs to fight AIDS, tuberculosis and malaria, with approved funding of \$US15.6 billion for more than 572 programs in 140 countries. It provides a quarter of all international financing for AIDS globally, two-thirds for tuberculosis and three quarters for malaria;
- Mr Chris Lamb, Special Adviser, International Relations, International Federation of Red Cross and Red Crescent Societies: The Federation carries out relief operations to assist victims of disasters, and combines this with development work to strengthen the capacities of its member National Societies. The Federation's work focuses on four core areas: promoting humanitarian values, disaster response, disaster preparedness, and health and community care. The Federation's network covers almost every country in the world;
- Mr David Lamotte, Acting Director, Job Creation and Enterprise Development Department, ILO: with particular responsibility for SME development, multinational enterprises and corporate social responsibilities, cooperatives, women's and youth entrepreneurship and productivity upgrading programs;
- Dr Jane Connors, Head of the Treaty and Follow-up Unit, Office of the High Commissioner for Human Rights: with particular responsibility for coordinating support for the work of six treaty bodies serviced by the Office, the reform of the treaty body reporting process and a study on violence against children; and

- Mr Rory Mungoven, Asia Pacific Coordinator, Office of the High Commissioner for Human Rights.

8.155 The delegation found the discussion that took place over lunch on the work of the UN and these various agencies and the best ways for Australia to engage in these processes both informative and stimulating.

8.156 It was particularly gratifying for the delegation to meet with these talented and committed Australians and to hear at first hand how they are making a significant contribution to a range of important international issues. The delegation congratulates them.

United Nations High Commissioner for Refugees

8.157 The delegation was pleased to meet with Ms Ruvendrini Menikdiwela, Deputy Director of the Division of International Protection Services.

8.158 The delegation noted that the Office of the United Nations High Commissioner for Refugees was established on 14 December 1950 by the United Nations General Assembly.

8.159 The agency leads and co-ordinates international action to protect refugees and resolve refugee problems worldwide. In particular, it safeguards the rights and well-being of refugees and strives to ensure the right to seek asylum and find safe refuge in another State, with the option to return home voluntarily, integrate locally or to resettle in a third country.

8.160 The delegation noted that, by using its world wide field network of suppliers, specialist agencies and partners, UNHCR provides at least a minimum of shelter, food, water and medical care in the immediate aftermath of any refugee exodus. Projects can range from dispatching emergency teams to the scene of a crisis, providing emergency food, shelter, water and medical supplies, and arranging major airlifts for a large exodus of refugees or a flotilla of small boats for smaller numbers of fleeing civilians. UNHCR also has other projects that help protect the environment, build schools and raise awareness of such problems as HIV/AIDS.

8.161 UNHCR raises funds through governments, foundations and private donors so that refugees can be assisted immediately with food, shelter and other essentials distributed by the implementing NGO partners of the agency. Longer-term solutions also depend on the participation of civil society and refugees themselves. While UNHCR is directly concerned with the international protection of refugees, its overall mission is to provide operational support and co-ordination to a wide range of private and public actors who work in the interest of refugees.

8.162 The delegation was advised that staff of around 6 500 people in more than 116 countries help 34.4 million persons.

8.163 Australia's humanitarian program offers resettlement for refugees and others in humanitarian need and is one of the top three resettlement countries in the world, working in partnership with UNHCR. In 2008-09, 13 500 places were allocated for the humanitarian program. At the end of the 2008 calendar year, Australia was ranked at number 13 on UNHCR's donor table, with the total amount of funding for the 2008 calendar year at \$US28 229 902.

8.164 UNHCR statistics indicate that there are almost 11.4 million refugees or persons in a 'refugee-like' situation, 3 million stateless persons, 13.7 million IDPs protected or assisted by UNHCR out of 26 million whose displacement was conflict induced. Iraqis displaced both within and outside their country represented the single largest nationality.

8.165 UNHCR operates with an annual budget of around \$US1 billion, and is 97 per cent reliant on voluntary contributions to meet its budget. It was noted that the global economy, with world fuel and food prices increasing and exchange rate fluctuations, impacts heavily on UNHCR's ability to deliver its programs.

8.166 During High Commissioner Guterres' recent visit to Australia in February 2009, Minister Evans announced an increase of \$A4.4 million in core funding, which now brings Australia's core funding to UNHCR to \$A14.3 million.

8.167 In addition to this core funding, the Australian Government provides \$A4.2 million for UNHCR operations in the Asia Pacific region to build a stronger protection space and provide services to displaced populations, and another \$A2 million specifically to support UNHCR's delivery of protection assessments and undertake outreach activities in Indonesia.

8.168 The delegation welcomed the opportunity to discuss the work of the UNHCR with Ms Menikdiwela and her colleagues. Topics of discussions included:

- the work of the UNHCR in Bangladesh;
- the situation of Annuak people in Sudan;
- the refugee situation in Iraq and Afghanistan; and
- the work of the UNHCR in the Pacific region, including possible challenges arising in the future from the impact of climate change on Pacific nation states.

8.169 The delegation was particularly interested in how the global economic crisis will affect the work of the UNHCR to assist the vulnerable and the displaced. Concerns were expressed that, as contributions are often based on a percentage of GDP, these could decrease in line with decreases in GDP.

Inter-Parliamentary Union (IPU)

8.170 Having attended the 120th Assembly of the IPU in Addis Ababa, it was pleasing to inspect its headquarters at the House of Parliaments in Geneva and to hold discussions with the Secretary-General, Mr Anders Johnsson. At the meeting a number of issues were discussed including:

- closer association between the IPU and the UN;
- the IPU committee system and Mr Price's work as a co-rapporteur for the 1st committee debate on nuclear disarmament; and
- participation of Pacific countries in the work of the IPU.

8.171 In relation to Pacific countries and the IPU, the delegation shared with the Secretary-General its concern that few Pacific countries attend the IPU Assembly, no doubt because of the costs involved, and foreshadowed its commitment to explore

ways to address this matter. Mr Johnsson welcomed this advice, noting that the IPU President Dr Theo-Ben Gurirab is very much aware of this issue. The delegation assured the Secretary-General that it would welcome further discussions with him and the President on proposals to encourage the participation of Pacific countries in the work of the IPU.



Mr Price, Mr Jenkins and Senator Troeth with Mr Anders Johnsson, Secretary-General, IPU

Visit to Commonwealth War Graves at St Martin's Cemetery, Vevey

8.172 The delegation was honoured to visit and lay a wreath to pay homage to the eight Australians buried in the Commonwealth War Graves at St Martin's Cemetery, Vevey, near Montreux.

8.173 Mr Steve Thom, the First Secretary at the Australian Permanent Mission in Geneva, provided the delegation with the following moving account of the history associated with these brave young Australians:

Many people wonder why Australian and Commonwealth service personnel are buried in Switzerland, a country renowned for its non-involvement in Europe's wars of the last century. I was intrigued about the fate of these Australians and some of the facts revealed by my brief research says much. Here in the First World War section of the cemetery are buried Corporal Charles Bromfield (24 years) and Private Albert Greenwood (27 years), both from Victoria. Corporal Broomfield was wounded and captured at Reincourt in France in April 1917 and Private Greenwood was wounded and captured at Bullecourt in France at the same time. According to an agreement between the Swiss and the French, British and German governments, they were released to Switzerland by Germany and allowed to recover from their wounds at Interlaken, not far from here. While they had been grievously wounded, they died not as a direct result of these wounds but as a result of the Spanish Influenza that took away more lives in 1918 than did the hostilities of the previous four years. And this says much of relevance for our own times.

Moving to this section of the cemetery, this is where servicemen from the Second World War are buried: Flight Sergeant Bolger (20 years) of

Queensland; Flight Sergeant Brett (27 years) of Victoria; Pilot Officer Foulkes (28 years) of NSW; Flight Sergeant Maher (23 years) of Victoria; Flying Officer Mitchell (20 years) of South Australia; Flying Officer St. George (22 years) of Queensland; Flight Sergeant Terry (22 years) of Victoria and; Private O'Rafferty (28 years) of NSW.

The largest number of Australians buried here (Bolger, Maher, Mitchell, St. George and Terry) served together on a Lancaster bomber – ED531 - part of a Royal Australian Air Force Squadron (#467) based in the UK. Their plane was part of a force of 295 that participated in a raid on Turin in Italy on the night of 12/13 July 1943.

It was a night of bad weather. The bombers were to fly to Annecy in France and near to Geneva where the pathfinders – aircraft that went ahead to drop flares to mark the way for the bombers – would have lit up the alpine lake there. The bombers were then to turn towards Turin and bypass the threat posed by Mt. Blanc's near 5km high peak. But things went awry. On that sultry night, a storm front moved in over the Alps. In my time in Geneva, I have been witness to these summer storms in the mountains and they can be sharp and violent. You can only imagine what it must have been like for this aircrew flying in the night with no radar to assist them and being engulfed. It appears that ED531 may have become lost in the inky soup through which it was flying and strayed into Swiss airspace. For the Swiss anti-aircraft battery on the Jura Mountains reported opening up on unidentified aircraft that night. The fact of the matter is that ED531 crashed deep inside Switzerland, near the town of Sion. Now, I have been to Sion many times. It is located in a long trough of a valley flanked by high mountains. Buffeted by the storm, possibly shot at and lost at night, I can hardly imagine what it must have been like for those young men on that bomber, trapped in a valley, caught like a bird in a cage, eventually ploughing into a mountainside in a lonely flash that consumed the twenty-something year old children of men and women like us. When I think about their fate, I remind myself that a young man in his twenties was flying a bomber at night over enemy-occupied France and Italy. I think back to myself at this age and can barely imagine being able to find the courage to do something like this. What an example this is for us all. Another Australian, Mid Upper Gunner Brett, with 467 Squadron died that night in another aircraft on the Turin raid – ED412 – that was also apparently fired upon by the Swiss for straying into their airspace and which crashed into a mountain just behind the Commonwealth cemetery at Vevey. I was unable to find any information in a short search on Pilot Officer Foulkes who died on 28 April 1944. The only member of the ground forces, Private Patrick O'Rafferty of the 2/24 Bn. of the A.I.F., is mentioned in one report I found as having died by "accident" in Italy. I can only guess with limited research but it would seem that he was captured, probably in North Africa where 2/24 Bn. was operating, and interned in Italy.

I am struck by the great distance of their graves from Australia which says much about our involvement in foreign wars. It also strikes me that all of them died not at the direct hand of the enemy. It was as a result of influenza, bad weather and, possibly, neutral flak. But their bravery – at such a young age – is what I am struck by the most. And the magnitude of

their sacrifice and that of their families. This truly stands as their monument and legacy for us all.

8.174 It was truly a privilege for the Australian delegation to honour these young Australians who died in the First and Second World Wars.



Members of the delegation laying a wreath at the Commonwealth War Graves at St Martin's Cemetery, Vevey, near Montreux, Switzerland

Appendix 1

First Committee – IPU Final Resolution on:

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

**ADVANCING NUCLEAR NON-PROLIFERATION AND DISARMAMENT,
AND SECURING THE ENTRY INTO FORCE OF THE COMPREHENSIVE
NUCLEAR-TEST-BAN TREATY: THE ROLE OF PARLIAMENTS**

*Resolution adopted by consensus * by the 120th IPU Assembly
(Addis Ababa, 10 April 2009)*

The 120th Assembly of the Inter-Parliamentary Union,

Determined to advance nuclear disarmament and non-proliferation with a view to strengthening international peace and security in accordance with the principles of the Charter of the United Nations, and *underscoring* that substantial progress in the field of nuclear disarmament requires active support and dedicated contributions by all States,

Deeply concerned that the existence in the world of some 26,000 nuclear weapons, whose use can have devastating human, environmental and economic consequences, constitutes a threat to international peace and security,

Reaffirming the obligations of nuclear-weapon States under Article VI of the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) towards nuclear disarmament and their unequivocal undertakings under the 1995 and 2000 NPT Review Conferences in this regard,

Recalling past IPU resolutions designed to advance the progress of non-proliferation and disarmament and to encourage ratification of the Comprehensive Nuclear-Test-Ban Treaty (CTBT), in particular the one adopted by the 101st Inter-Parliamentary Conference (Brussels, April 1999),

Reaffirming the crucial importance of the NPT as the cornerstone of the nuclear non-proliferation and disarmament regime, which sets out legal obligations in these fields at the same time as it guarantees the right to develop nuclear energy for peaceful purposes,

Recalling international conventions and resolutions adopted by the UN Security Council and the IPU on the right to access nuclear technology for peaceful purposes,

Concerned that non-compliance with all provisions of the NPT by some States has undermined the three pillars of the NPT and eroded the benefits derived by all States,

Considering the importance of all States ensuring strict compliance with their nuclear non-proliferation and disarmament obligations,

Recognizing the progress made under the NPT and the resulting safeguards agreements, and *urging* the nuclear-weapon States to fully implement the commitments they undertook during the NPT Review Conferences in 1995 and 2000,

Concerned that, in spite of tireless efforts made by the international community for forty years to ban nuclear explosions in all environments, and thirteen years after it was opened for signature, the CTBT has yet to enter into force,

Convinced that the verified cessation of nuclear-weapon-test explosions or any other nuclear explosions constitutes an effective disarmament and non-proliferation measure and is a meaningful preliminary step towards nuclear disarmament, but *stressing* that the only way to remove the threat of nuclear weapons is the total elimination of such inhumane weapons,

Stressing that a universal and effectively verifiable CTBT constitutes a fundamental instrument in the field of nuclear disarmament and non-proliferation,

Underscoring the crucial role of the International Atomic Energy Agency (IAEA) in promoting nuclear cooperation, the transfer of nuclear technology for peaceful purposes to developing countries, and nuclear non-proliferation, and the need for every State to adopt the non-proliferation safeguards standard of a comprehensive safeguards agreement combined with an additional protocol,

Disappointed that after over a decade, the Conference on Disarmament, the UN multilateral disarmament negotiation body, has yet to agree on a programme of work and resume its important mandate, owing to the divergent views on disarmament negotiation priorities,

Considering the important role played by bilateral disarmament treaties, such as the Strategic Arms Reduction Treaty, *welcoming* the cuts made by some nuclear-weapon States to their nuclear arsenals and *urging* deeper, faster and irreversible cuts to all types of nuclear weapons by all nuclear-armed States,

Convinced that the best way to guarantee world peace and stability is to take effective measures for international security, including disarmament and the non-proliferation of nuclear weapons,

Recognizing the benefits of confidence-building measures, such as the de-emphasizing of nuclear weapons in national security doctrines and the removal of nuclear weapons systems from high alert status, and *mindful* of the mutual confidence engendered by freely agreed regional nuclear-weapon-free zones, such as those in the South Pacific, Africa, South-East Asia and Latin America,

Underscoring the importance of establishing a nuclear-weapon-free zone in the Middle East, without exception,

Deeply concerned by the risk of accidental or unauthorized use of nuclear weapons and by the resulting toll in human life, environmental damage, political tensions, economic loss and market instability,

Pledging to bring about fuller parliamentary involvement in the disarmament process, particularly in respect of nuclear weapons, in the form of greater pressure on governments and detailed scrutiny of military budgets and procurement programmes allocated for nuclear weapons development,

Mindful of the fact that national defence policies should not compromise the fundamental principle of undiminished security for all, and thus *recalling* that any unilateral deployment or build-up of strategic anti-ballistic missile assets affecting the deterrent capacity of nuclear-weapon States might hinder the process of nuclear disarmament,

1. *Calls on* all nuclear-armed States to make deeper, faster and irreversible cuts to all types of nuclear weapons;
2. *Urges* all States to redouble their efforts to prevent and combat the proliferation of nuclear and other weapons of mass destruction in accordance with international law;
3. *Underscores* the vital role of the CTBT as part of a framework for achieving nuclear non-proliferation and disarmament, and *expresses disappointment* that, thirteen years after it was opened for signature, the Treaty has yet to enter into force;
4. *Stresses* the vital importance and urgency of signature and ratification, without delay and without conditions, to achieve the earliest entry into force of the CTBT;
5. *Welcomes* the signatures/ratifications of the CTBT in 2008 by Barbados, Burundi, Colombia, Lebanon, Malawi, Malaysia, Mozambique and Timor-Leste;
6. *Calls upon* the parliaments of all States that have not yet signed and ratified the CTBT to exert pressure on their governments to do so;
7. *Especially urges* parliaments of all remaining States listed in Annex 2 of the CTBT, whose ratification is required to bring the treaty into force, to urge their governments to immediately sign and ratify the treaty;
8. *Calls on* all nuclear-armed States to continue to observe their moratoria on nuclear-weapon testing, on all States that have not already done so to proceed, on a voluntary basis, to dismantle their nuclear test sites, and on all States to maintain support for the CTBT Organization verification system until the CTBT enters into force;
9. *Urges* immediate commencement of negotiations on a non-discriminatory, multilateral and internationally verifiable treaty banning the production of fissile material for nuclear weapons and other nuclear explosive devices;
10. *Invites* States to initiate negotiations with a view to concluding a treaty on the prohibition of short-range and intermediate-range land missiles that carry nuclear warheads;
11. *Recommends* that States with ballistic missile capacity that have not acceded to the Hague Code of Conduct do so quickly in order to render this instrument completely effective against ballistic missile proliferation;
12. *Calls on* all nuclear-armed States to adopt confidence-building measures, including the de-emphasizing of nuclear weapons in national security doctrines and the removal of all nuclear weapons from high alert status;
13. *Reaffirms* the importance of achieving universal accession to the NPT, and of States not party to the NPT acceding to it promptly and unconditionally as non-nuclear-weapon States, and of all States party to the NPT fulfilling their obligations under the Treaty;
14. *Is hopeful* that the States concerned will be required to sign and comply with safeguards agreements and additional protocols, in particular those concluded in the framework of the IAEA, as a prerequisite for benefiting from international cooperation in the field of nuclear energy for civilian purposes;
15. *Calls on* all States to support the initiatives aimed at globalizing the obligations set forth in the Treaty signed between the United States and the former Soviet Union on the elimination of their intermediate-range and shorter-range missiles (INF Treaty) and to promote cooperative approaches to the issue of missile defence, beginning with a joint assessment of possible threats;
16. *Calls on* national parliaments to ensure State compliance with all their disarmament and non-proliferation obligations;
17. *Urges* parliaments to provide strong and effective support to all resolutions and recommendations on peace, disarmament and security previously adopted at IPU Conferences and Assemblies;
18. *Encourages* parliaments to monitor closely national implementation of all arms control, non-proliferation and disarmament treaties and UN resolutions, to engage their publics on nuclear issues and to report back to the IPU on progress made;

19. *Urges* IAEA Member States or parties to a safeguards agreement to lend strong and constant support to the IAEA so that it can honour its safeguards obligations and therefore to cooperate in good faith with the IAEA by providing it with all information requested;
20. *Calls on* States whose ratification is needed for the entry into force of general safeguards agreements to take the necessary steps to that end as soon as possible;
21. *Further calls on* the States party to a safeguards agreement which have not yet signed and/or ratified an additional protocol to do so as soon as possible;
22. *Recommends* that the United Nations, especially the Office of Disarmament Affairs, and the Preparatory Commission for the CTBT Organization, strengthen cooperation with the IPU;
23. *Invites* the IPU Secretary General to contact, on an annual basis, the parliaments of the States which have not signed and/or ratified the international treaties mentioned in the present resolution with a view to encouraging them to do so;
24. *Urges* parliaments to instruct governments to express their support for the UN Secretary-General's Five Point Proposal contained in his address, "The United Nations and Security in a Nuclear-Weapon-Free World";
25. *Encourages* parliaments to support the full ratification and implementation of existing nuclear-weapon-free zones, and to explore the possibility of establishing additional nuclear-weapon-free zones freely agreed by States in specific regions;
26. *Calls for* the necessary steps to be taken to declare the Middle East a nuclear-weapon-free zone, without exception, in keeping with the resolution endorsed by the NPT Review Conference in 1995;
27. *Encourages* all parliaments to remain seized of the issue at the highest political level and, where possible, to promote compliance with the NPT through bilateral and joint outreach, seminars and other means.

* The following delegations expressed reservations on parts of the resolution:

- China - operative paragraphs 10, 11 and 15;
- India - preambular paragraphs 4, 5, 7, 10 and 12 and operative paragraphs 3, 4, 6, 7, 8 and 13;
- Iran (Islamic Republic of) - preambular paragraph 18 and operative paragraphs 6, 10, 21 and 26;
- Pakistan - preambular paragraphs 7 and 13 and operative paragraphs 13, 14, 16, 17, 18 and 23.

Appendix 2

Second Committee - IPU Final Resolution on:

Climate change, sustainable development models, and renewable energies

CLIMATE CHANGE, SUSTAINABLE DEVELOPMENT MODELS, AND RENEWABLE ENERGIES

*Resolution adopted by consensus * by the 120th IPU Assembly
(Addis Ababa, 10 April 2009)*

The 120th Assembly of the Inter-Parliamentary Union,

- (1) *Recalling* the fundamental model for sustainable development contained in the 1987 report of the World Commission on Environment and Development, where sustainable development was defined as meeting the needs of the present without compromising the ability of future generations to meet their own needs,
- (2) *Emphasizing* that anthropogenic climate change is already observable and is a key issue for our generation that will impede the ability of future generations to meet their needs and exacerbate the needs of the poor, and that must be addressed urgently through technological and social change,
- (3) *Noting* that the development and deployment of renewable energies hold great promise in reconciling the increasing needs for energy, particularly in the developing world, and the ability of the environment to meet present and future needs,
- (4) *Commending* the work of the Nobel Peace Prize-winning Intergovernmental Panel on Climate Change (IPCC) to build up and disseminate greater knowledge about man-made climate change and to lay the foundations for the measures that are needed to counteract such change,
- (5) *Acknowledging* that 2009 is a watershed year for the United Nations Framework Convention on Climate Change (UNFCCC) as the parties move into full negotiating mode to complete the Bali Road Map for strengthening the global response to climate change in time for the 15th Conference of the Parties to be held in Copenhagen from 7 to 18 December 2009,
- (6) *Recalling* the resolution adopted at the 114th IPU Assembly (Nairobi, 2006) on the role of parliaments in environmental management and in combating global degradation of the environment,
- (7) *Taking note of* the establishment of the International Renewable Energy Agency (IRENA) on 26 February 2009 in Bonn, whose mandate is to advise and support industrialized and developing countries with a view to increasing the share of renewable energy in their energy production,
- (8) *Noting* that the protection of natural resources is a core concern of parliaments and governments worldwide, and *highlighting* the tension between natural resources and an increasing world population,
- (9) *Noting* that per capita emissions of greenhouse gases continue to be much higher in industrialized nations than in developing nations, and *recalling* that the industrialized countries committed in 1992 under the UNFCCC to limit their anthropogenic emissions of greenhouse gases and to protect and enhance their greenhouse gas sinks and reservoirs through policies and measures that would demonstrate that they are taking the lead in modifying longer-term trends in anthropogenic emissions,
- (10) *Aware* that energy is essential for sustainable development, in particular for the alleviation of poverty, but that current supplies are reliant on fossil fuels, the use of which has led to a build-up of greenhouse gases in the atmosphere that has had the unintended consequence of causing changes to the climate,
- (11) *Recalling* that, in addition to the depletion of the ozone layer, the sharp increase worldwide in greenhouse gas emissions is regarded as the main cause of global warming,
- (12) *Considering* that the accelerated reduction of the cryosphere (all ice and snow surfaces) and the subsequent rise in sea level is a clarion call for immediate action,
- (13) *Noting* that the IPCC has predicted that by 2100, the global average sea level will have risen by 9 to 88 centimetres, submerging coastal communities of both developed and developing countries,
- (14) *Noting* that the causes of global warming and effects of climate change are extremely uneven, that the historical difference in accumulative greenhouse gas emissions is clearly demonstrated by a comparison between developed and developing nations, and that particular importance should therefore be attached to the principle of common but differentiated responsibility, which is deeply rooted in the UNFCCC,
- (15) *Recalling* that the community of nations has been dealing since the late 1970s with climate change, its causes, consequences and necessary counter measures, in terms of cutting emissions but also of adapting to the effects of climate change,

(16) *Recalling* that the international community raised this issue at the First World Climate Conference (Geneva, 1979); the Vienna Conference for the protection of the ozone layer (1985); the International Conference on the protection of the ozone layer (Montreal, 1987); the Toronto Conference on global warming (1988), via the establishment of the IPCC in 1988, at the Second World Climate Conference (Geneva, 1990), the United Nations Conference on Environment and Development (Rio de Janeiro, 1992), known as the Earth Summit, the first Conference of the Parties to the Framework Convention on Climate Change (COP1 - Berlin, 1995) and the third Conference of the Parties (COP3 - Kyoto, 1997), in the Kyoto Protocol and at G8 summits and the United Nations Climate Change Conferences (Bali, 2007 and Poznan, 2008),

(17) *Recalling* that the industrialized countries party to the UNFCCC agreed to reduce emissions of anthropogenic greenhouse gases, alone or through cooperation, to 1990 levels and to stabilize greenhouse gas concentrations in the atmosphere at a level that would prevent dangerous anthropogenic interference with the climate system,

(18) *Subscribing* fully to the target of limiting to 2°C the average rise in temperatures since the pre-industrialization period, as set out in the above-mentioned resolution adopted by the 114th IPU Assembly,

(19) *Reaffirming* that the Parties to the UNFCCC agreed to protect the climate system on the basis of equity and in accordance with their common but differentiated responsibilities and respective capabilities,

(20) *Supporting* the agreement reached at the G8 Summit held in Hokkaido Toyako in 2008, whereby the G8 seeks "to share with all Parties to the UNFCCC the vision of, and consider and adopt in the UNFCCC negotiations, the goal of achieving at least 50% reduction of global emissions by 2050",

(21) *Aware* that that goal cannot be met unless developed countries take the lead in significantly cutting their greenhouse gas emissions, providing financial resources and transferring environment-friendly technologies to developing countries through mechanisms established under the UNFCCC, and unless the fight against poverty, an appropriate population policy, the reduction and elimination of unsustainable consumption and production practices, and the full involvement of the population in political decision-making are recognized as prerequisites of sustainable development,

(22) *Noting with satisfaction* the ambitious nature of the plan of action agreed by the European Union in December 2008 to achieve the following objectives by 2020: reduce by at least 20 per cent its greenhouse gas emissions (this percentage would increase to 30 per cent should a global post-Kyoto accord be concluded in Copenhagen in 2009), enhance its energy efficiency by 20 per cent and increase the share of renewable energies to at least 20 per cent,

(23) *Recalling* that under the Kyoto Protocol, agreed to at the COP3, the Annex I or developed countries individually or jointly undertook to reduce their overall emissions of six greenhouse gases or groups of greenhouse gases to at least 5 per cent below average 1990 levels between 2008 and 2012,

(24) *Considering* that, in addition to cuts in their own emissions, Parties to the Kyoto Protocol have three flexible mechanisms at their disposal to help them pursue this goal, namely: global trading of rights to emit greenhouse gases (emissions trading); the implementation of measures in developing countries within the framework of the Clean Development Mechanism; and project-based cooperation with other industrialized nations for the reduction of emissions, the cuts achieved being measurable against national reduction targets (joint implementation),

(25) *Recalling* the commitment made in the United Nations Millennium Declaration of September 2000, which established the Millennium Development Goals (MDGs), and *emphasizing* the following goals: Goal 1: eradicate extreme poverty and hunger; Goal 3: promote gender equality and empower women; Goal 7: ensure environmental sustainability; and Goal 8: develop a global partnership for development,

(26) *Recalling* that the responsibility of parliamentarians and governments in achieving the MDGs, which correspond to a number of human rights (the right to education, health, decent housing, etc.) enshrined in the Universal Declaration of Human Rights, forms part of a broader approach that seeks to promote sustainable development, justice, peace, good governance and the rule of law,

(27) *Considering* the final text of the agreements and commitments adopted at the International Conference on Financing for Development (Monterrey, 2002), known as the Monterrey Consensus, the Paris Declaration on Aid Effectiveness (2005), which reaffirmed the MDGs and emphasized the role of all stakeholders in the process of development financing, and the Doha Declaration on Financing for Development (December 2008),

(28) *Considering* that the participants at the Fourth Tokyo International Conference on African Development (TICAD IV, Yokohama, 2008) agreed to strengthen global efforts to tackle various challenges, including African development, environmental issues, climate change and poverty, and that they welcomed the Cool Earth Partnership, Japan's financial mechanism to assist developing countries to address climate change,

(29) *Underscoring* that, according to the Human Development Report for 2007/2008, climate change is undermining international efforts to fight poverty and hindering attempts to honour commitments to achieve the MDGs, that

ensuring environmental sustainability is therefore a major factor in the elimination of poverty, one of the unanimously agreed goals of the international community and that, moreover, efforts to address climate change should not prejudice the achievement of the MDGs,

(30) *Recognizing* that it is crucially important to build sound material-cycle societies through the 3R (reduce, reuse, recycle) Initiative, which was agreed at the G8 Sea Island Summit in 2004, for promoting sustainable development,

(31) *Concerned* that people from developing countries, especially women and children living in poverty, are particularly vulnerable to the effects of climate change because of their limited capacity and resources to respond, and that this gives them a particular claim on the solidarity and support of the industrialized nations,

(32) *Underscoring* the need to be aware that energy use is a prerequisite of economic and social progress, but that misuse of energy resources has a huge impact on the environment and hence on vital natural resources,

(33) *Aware* that the vast majority of humankind cannot live without electric power and liquid fuels and that approximately two billion people in the world have no access to electric power,

(34) *Pointing out* that poverty reduction is closely linked to the access of the most underprivileged populations to energy services that meet fundamental human needs and contribute to social development,

(35) *Considering* that there are stark imbalances even within societies with regard to people's capacity to cope with the impacts of climate change and that these are reflected especially in the precarious situation of women in developing countries, which is often a direct result of the link between the climate, the environment and an unstable supply,

(36) *Cognizant* of the fact that the industrialized nations and the countries with growing economies should honour their commitments to the fight against underdevelopment and poverty, notably by fulfilling the pledges made by the Members of the Organization for Economic Co-operation and Development (OECD),

(37) *Noting* that the increasing interdependence of energy-producing, -consuming and transit countries creates a need for dialogue in a spirit of cooperation and solidarity, which will enable these countries to benefit fully from their mutual dependence and promote global energy security with due regard for the interests of all stakeholders (Kyiv Declaration of the OSCE Parliamentary Assembly - 2007),

(38) *Recognizing* the work being developed in the energy field by some Latin American and Caribbean countries under the Bolivarian Alternative for the Americas (ALBA) integration project,

(39) *Strongly rejecting* all efforts to use energy issues as a means of exerting political pressure,

(40) *Underscoring* that the nations of the world should create mechanisms to prevent crisis situations and supply shortages, in other words an energy-crisis-management system that would facilitate capacity-building of the most vulnerable countries,

(41) *Aware* that good governance is an indispensable tool for combining economic development and environmental protection,

(42) *Underscoring* the adoption at the 107th Inter-Parliamentary Conference (Marrakech, 2002) of a resolution that encourages "States to create conditions enabling countries to maximize the use of renewable energy sources",

(43) *Considering* the results of the 2007 Fourth Assessment Report of the IPCC regarding biofuels, as well as inter alia the outcome of the discussions that took place during the International Conference on Biofuels, held in Sao Paulo, Brazil, from 17 to 21 November 2008, and the Declaration on "Parliaments and Biofuels" of Sao Paulo signed by 20 parliamentarians from all continents present at the Special Session for Parliamentarians held in the wings of that Conference,

(44) *Aware* that, in view of the effects of climate change, which are already recognizable today, little time is left for effective action to reduce the volume of greenhouse gases,

(45) *Noting* that all polluting vehicles, particularly used cars, in circulation in developed and developing countries are a huge source of CO₂ emissions,

(46) *Noting* that the Strategic Plan for the Convention on Biological Diversity, adopted in 2002, indicates that "biodiversity provides goods and services that underpin sustainable development in many important ways, thus contributing to poverty alleviation",

(47) *Considering* that land-use changes and deforestation are responsible for approximately 20 per cent of anthropogenic emissions of greenhouse gases and that these practices can also lead to soil erosion and biodiversity loss,

(48) *Recognizing* that renewables are a significant means of promoting low-carbon power generation, helping to cut CO₂ emissions, contributing to energy self-sufficiency and security of supply, reducing dependence on fossil fuels (oil, gas and coal) and mineral resources (uranium), and helping to boost regional economies and safeguard jobs through reliance on local energy sources,

1. *Urges* all parties involved in the UNFCCC Bali Road Map negotiations, particularly those whose parliaments are also Members of the IPU, to work diligently and in good faith towards an effective global response to the climate change crisis, to be concluded this year at COP15, knowing that such a response is not an option, but an imperative;
2. *Urges* governments to recognize that safeguarding natural resources in the spirit of the MDGs depends on both the creation of a global development partnership and a common commitment, in particular by the developed countries, to a vigorous struggle against global poverty and hunger; *further urges* them to recognize that sustainable development will require them to address gender-based discrimination and provide equal rights for women, including access to and control of resources and land;
3. *Requests* governments to carry out a national assessment of the impact of climate change on women with a view to developing evidence-based policies and national plans of action that address the differential impact of climate change and build on the potential of both men and women;
4. *Calls on* parliaments to understand that they bear a special responsibility for the protection of natural resources and for sustainable development of our planet, and *encourages* government action and citizen mobilization in favour of environmental protection;
5. *Calls on* parliaments and parliamentarians of the developed countries to urge their governments to honour their commitment to allocate 0.7 per cent of GNP to official development assistance, as stipulated in the Millennium Declaration;
6. *Believes* that parliaments have an important role to play in increasing international cooperation between States with a view to protecting and cleaning up the marine environment by strengthening synergies in common fields such as coastal zone management, eliminating pollution hot spots, protecting biodiversity, achieving sustainable fisheries, etc.;
7. *Maintains* that access to drinking water and a balanced diet are indispensable to public health; *also maintains* that access to drinking water is essential to reduce poverty and the diseases associated with water scarcity and, in this connection, *strongly supports* the UNDP proposal to declare the right to water a basic human right;
8. *Calls for* global action for climate protection, careful stewardship of valuable resources and worldwide sustainable development, as key challenges of the 21st century to be met by developed and developing countries acting together with genuine political will;
9. *Urges* those States that have not already done so to sign and ratify the Kyoto Protocol;
10. *Encourages* the development of the emissions-trading system in accordance with the Kyoto Protocol and the building of bridges between this system and other systems established by non-signatory States;
11. *Invites* States that emit large quantities of greenhouse gases and the regional organizations concerned to follow the example of the decisions taken by the European Union in December 2008 to limit its emissions, enhance its energy efficiency and increasingly resort to renewable energies, and to adopt action plans aimed at obtaining significant results in these three areas by 2020;
12. *Calls on* States to increase cost efficiency and flexibility in the pursuit of climate-related goals by means of a global emissions-trading system and geographical and sectoral extension of the project-based mechanisms established by the Kyoto Protocol;
13. *Encourages* both developed and developing countries that produce environmentally thoughtful technologies to promote the transfer of technology to developing countries in order to raise environmental, health and living standards in those countries, and to coordinate the pursuit of environmental, economic and development objectives;
14. *Encourages* developed countries to work with each other and with developing countries to support the transfer of new, low-cost, renewable energy technologies to developing countries, particularly in rural areas; *further encourages* all countries to support the implementation of energy-saving solutions through educational and training programmes that target women in particular and through microcredit initiatives;
15. *Encourages* countries to develop appropriate population policies, including planning, to find a balance between natural resources and increasing demand for them;
16. *Urges* States to step up implementation of the Clean Development Mechanism with a view to minimizing the cost of achieving the contractually agreed reduction targets while using the mechanism to promote the transfer of state-of-the-art technology to developing countries;
17. *Calls on* all States to participate in a constructive spirit in international climate negotiations with a view to defining a post-Kyoto mechanism in Copenhagen that is based on the principle of common but differentiated responsibility and under which each State contributes effectively to the necessary global reduction of greenhouse gases and is subject to inspections;
18. *Calls for* greater energy efficiency, particularly with regard to everyday appliances and devices, such as lighting, computers and televisions, and to transportation in cities, with the development of car-sharing initiatives and the improvement of public transportation, with a view to further reducing energy consumption;
19. *Encourages* countries to promote energy efficiency in the sectors of energy generation and distribution, heat production for heating buildings, and electrical engines;
20. *Encourages* countries to emulate the Japanese top-runner programme and to work to ensure that the most energy-efficient appliance is used as the benchmark for all other appliances;

21. *Urges* governments to involve all relevant stakeholders in the design, development and distribution of efficient and cost-effective energy-saving initiatives;
22. *Calls on* the relevant authorities to ensure that buildings to be constructed or renovated are designed so as to require less energy for heating and cooling and to use energy from renewable sources;
23. *Urges* governments to engage the automobile industry in greater production of low-emission vehicles;
24. *Urges* governments to invest in fast rail and public transport systems as a way to reduce CO₂ emissions, create new economic opportunities, increase mobility and reduce traffic congestion and pollution;
25. *Encourages* the automobile industry to promote the use of sustainable biofuels, recognizing the ever increasing importance of renewable energy sources in the context of a sound and sustainable climate policy;
26. *Encourages* governments to help coordinate and fund better urban planning, including public transportation, with the goal of reducing the number of vehicle-kilometres travelled each year;
27. *Recommends* that governments make clear that the increased use of biofuels should not result in diversion of arable land, cause environmental damage or restrict food production;
28. *Requests* the governments of countries with equatorial and tropical forests to put in place alternatives to the charcoal production and consumption patterns that are responsible for deforestation and the consequent disastrous climate change, soil erosion and extinction of animal species;
29. *Calls on* countries to take action to reduce the current rate of biodiversity loss, and *invites* them to strengthen cooperation with a view to the Convention on Biological Diversity COP10 and the Cartagena Protocol on Biosafety COP-MOP5 to be held in Nagoya, Japan, in 2010;
30. *Calls on* the parliaments of industrialized nations in particular to ensure that their governments take the lead in the global fight against climate change and in the reduction of greenhouse-gas emissions by equipping and retrofitting buildings with electricity, heating and cooling systems fuelled by renewable energy and by modernizing buildings and equipping them with energy-efficient technology;
31. *Calls on* countries to take into consideration pricing policies and subsidies for fossil fuel energy in the various relevant sectors with a view to promoting climate policy;
32. *Affirms* that a powerful commitment by the government and parliament in every country is of crucial importance to the implementation of common development strategies in every sector that can improve the quality of the environment (including fisheries);
33. *Urges* governments to support the global expansion of renewables (wind power, biomass and biogas, photovoltaics and solar energy, hydroelectricity and geothermal energy) as a major source of energy supply since renewables are the best means of promoting low-carbon power generation, helping to cut CO₂ emissions, contributing to energy self-sufficiency and security of supply, reducing dependence on fossil fuels (oil, gas and coal) and mineral resources (uranium), and helping to boost regional economies and safeguard jobs through reliance on local energy sources;
34. *Encourages* governments to support and fund research on development and promotion of renewable energies, including low-cost light technology, both nationally and internationally, giving consideration to the differential effects on men and women; *further encourages* parliaments to make use of gender-sensitive budgets to that effect;
35. *Calls on* governments to build national competence and expertise in order to master the energy technologies of today and tomorrow;
36. *Urges* governments to increase, through research and development, the ratio of renewables to conventional energy sources in the energy mix, in keeping with each region's specificities;
37. *Calls on* States to improve existing climate-protection technology through research and development in order to create more mechanisms for the fight against climate change; *urges* developing countries to actively participate in the Cool Earth Partnership;
38. *Encourages* States to take into account the following factors when choosing nuclear energy as an option for CO₂-free energy production: the finite nature of natural resources, including uranium; the highly complex and sensitive nature of this technology, which can entail malfunctions with serious consequences; the impact of nuclear accidents on the environment and people's lives, such as Chernobyl; the unresolved problem of final disposal; and the fact that the long-term problems posed by climate change cannot be solved by nuclear technology alone;
39. *Urges* States to support research and development of carbon capture and storage, recognizing that, while carbon capture and storage has great potential to reduce emissions, it has limitations in capacity, is currently expensive, and can only be one of a series of actions that should focus on deployment of renewable energy and increased energy efficiency;
40. *Calls on* States to give high priority to the development of energy-storage systems and alternative fuels and to intensify research efforts in the fields of hydrogen and other fuel cells;
41. *Urges* parliaments to support scientific research into biofuel energy, including second-generation biofuels, and *encourages* the establishment of an international centre of excellence;
42. *Urges* States to give serious consideration to the development of infrastructure, such as the so-called "hydrogen highways", for the use of hydrogen technology;
43. *Recommends* that research in the field of thermonuclear fusion should be supported and welcomes the ITER project;
44. *Encourages* States to attach greater importance in the future to a multilateral response to the challenge of sustainable climate protection in the context of a "global domestic policy", whereby nations commit to ensuring that every political decision is governed by the sustainable development imperative and the need to conserve our planet's vital natural resources;
45. *Encourages* countries to build sound material-cycle societies through the 3R (reduce, reuse, recycle) Initiative;
46. *Calls on* governments to pursue large-scale national and international public-awareness campaigns to highlight the need to combat climate change, underscore the importance of renewable energy sources, and draw attention to new technologies;
47. *Urges* governments to develop specialized educational and awareness programmes about climate change and its effects, targeting in particular children through the school curriculum and women in rural areas;

48. *Urges* the competent authorities to examine whether the close link between worldwide oil prices and regional gas prices in Europe can be justified over the long term;
49. *Insists* on the need to promote energy efficiency in all sectors of the economy and society through the rational use of energy in all its applications and the adoption of responsible behaviour in daily life in order to avoid all wastage and thereby save on energy;
50. *Calls on* States to encourage the decentralization of solar electricity and heating plants to avoid the transmission losses that result from long supply lines, while also engaging in regional supergrids of renewable energy sources;
51. *Calls on* States to support the dissemination of appropriate decentralized technologies at the local level, including small-scale composting and waste-recycling facilities, for green energy production;
52. *Urges* States to recognize that this applies in particular to the supply of electricity from solar plants in desert areas, which would make it possible to provide reasonably priced, reliable and sustainable electricity supplies in the desert areas of North Africa, for example, and to supply the countries of the Middle East and North Africa with drinking water from desalination plants, thereby giving fresh supranational impetus to the political struggle against climate change and defusing political tensions;
53. *Encourages* the establishment of an international centre of excellence in order to foster biofuel research and development;
54. *Calls on* governments to build national competence and expertise in order to master energy technologies associated with the development of renewable energies;
55. *Also encourages* IPU Member Parliaments to exchange information on technological development and international cooperation in the area of biofuels;
56. *Urges* governments and IPU Member Parliaments to intensify research and technical cooperation in the field of renewable energy, and to actively promote the participation of women in this field;
57. *Encourages* the competent authorities to examine the possibility of increasing funding and technological support with a view to developing the production of low-carbon energy in developing countries; *confirms* that promoting cooperation in this field should increase the number of energy users while reducing carbon emissions and strengthening efforts geared towards reducing poverty;
58. *Invites* States to put in place a strategy to combat deforestation, which has harmful consequences both for humankind and for the entire planet;
59. *Invites* governments and relevant international organizations to promote environment-friendly agricultural technology, including organic agriculture, in order to reduce greenhouse gas emissions and biodiversity loss stemming from agricultural activity in developing countries, as well as to enhance sustainable development in those countries;
60. *Encourages* States to put in place national strategies - and to enhance those that already exist - with a view to increasing the role of renewable energies in meeting basic energy needs while curbing the environmental effects of their systems;
61. *Encourages* the transfer of renewable energy technologies through agreements that guarantee active national participation in the production, marketing and maintenance processes, without neglecting regional cooperation in this field;
62. *Encourages* governments to implement appropriate measures to mitigate the negative effects of the current international economic crisis on investment in the energy and environment sectors and on the development of developing countries; *urges* governments to promote the establishment of an international financial institution - funded by industries that contribute to climate change - for financing the mitigation of severe consequences of climate change and environmental degradation in affected countries;
63. *Calls for* policy-making in the area of climate change and renewable energies to be more inclusive of women as key stakeholders and to build on best practices collected through specialized national and international networks, and for women's participation in overseeing the implementation of international conventions on climate change; *further calls for* greater cooperation between parliaments and their members, on the one hand, and United Nations agencies working in this field, on the other, especially the United Nations Environment Programme;
64. *Urges* governments to make every effort to achieve agreements for establishing a post-Kyoto regime at COP15 in Copenhagen;
65. *Encourages* greater awareness of the impact of climate change and optimization of renewable energy resources, including through media campaigns, and *urges* people to play their part in mitigating climate change through environmental protection programmes aimed at forestation and energy-rationing campaigns;
66. *Encourages* governments to invest in environment-friendly real-estate projects that avoid overuse of natural resources, following in the footsteps of the "Blue communities" initiative in Dubai;
67. *Encourages* the establishment of pollution-free cities, inspired by the Masdar City initiative launched by the United Arab Emirates in 2006;
68. *Underscores* that the global financial crisis and the ensuing economic meltdown should not thwart States' efforts to protect the environment and reduce the impact of climate change via the use of environment-friendly but costly clean energy; *considers* that funding for environmental projects and programmes should not be affected;
69. *Calls for* the establishment of international awards to recognize efforts aimed at environmental protection and climate change mitigation, said awards to be open to government agencies, private companies, non-governmental organizations and individuals.

* The delegation of the Russian Federation expressed reservations on preambular paragraphs 36, 38 and 40, as well as on operative paragraphs 20 and 38. The delegation of the Islamic Republic of Iran expressed reservations on preambular paragraph 25.

Appendix 3

Third Committee - IPU Final Resolution on:

Freedom of expression and the right to information

FREEDOM OF EXPRESSION AND THE RIGHT TO INFORMATION

*Resolution adopted by consensus * by the 120th IPU Assembly
(Addis Ababa, 10 April 2009)*

The 120th Assembly of the Inter-Parliamentary Union,

Recalling that under Article 19 of the Universal Declaration of Human Rights (1948), "Everyone has the right to freedom of opinion and expression",

Further recalling Article 19 of the International Covenant on Civil and Political Rights (1966),

Taking note of Article 10 of the European Convention on Human Rights (1950),

Taking note of Article 13 of the American Convention on Human Rights (1969),

Taking note of Article 9 of the African Charter on Human and Peoples' Rights (1981),

Taking note of the Chapultepec Declaration adopted by the Hemisphere Conference on Free Speech (1994),

Recalling the 63rd General Conference of the International Federation of Library Associations and Institutions (IFLA) held in Copenhagen (1997) on access to information and freedom of expression,

Taking note of the Aarhus Convention (1998) adopted by the Member States of the UN Economic Commission for Europe and the European Union,

Noting the 1998 Report of the UN Special Rapporteur on the protection and promotion of the right to freedom of opinion and expression,

Noting the 1999 and 2004 Joint Declarations of the UN Special Rapporteur on the right to freedom of opinion and expression, the Organisation for Security and Co-operation in Europe (OSCE) Representative on Freedom of the Media and the Organization of American States (OAS) Special Rapporteur on Freedom of Expression,

Noting the 2002 African Commission on Human and Peoples' Rights (ACHPR) Declaration of Principles on Freedom of Expression in Africa,

Recalling the May 2005 IPU Seminar on Freedom of Expression, Parliament and the Promotion of Tolerant Societies,

Noting the 2006 Joint Declaration of the UN Special Rapporteur on the right to freedom of opinion and expression, the OSCE Representative on Freedom of the Media, the OAS Special Rapporteur on Freedom of Expression and the ACHPR Special Rapporteur on Freedom of Expression and Access to Information in Africa,

Noting the outcome of the World Summit on the Information Society, held in two instalments (Geneva, 2003 and Tunisia, 2005), which seeks to build an information society with a humane and inclusive dimension that is conducive to development, in which each individual has the possibility to create, obtain, use and share information and knowledge, in keeping with the aims and principles of the Charter of the United Nations and the Universal Declaration of Human Rights,

Welcoming the Medellin Declaration on Securing the Safety of Journalists and Combating Impunity adopted on the occasion of the UNESCO Conference on Press Freedom, Safety of Journalists and Impunity in 2007,

Believing that the people's right to information as well as the generation and dissemination of information are indispensable elements of a functioning democracy and that access to information is an essential tool for strengthening government accountability, transparency and adherence to the rule of law,

Believing furthermore that the new digital communication tools, notably the Internet, can constitute powerful tools likely to facilitate the exercise of freedom of expression, access to information, transparency and diversity of opinions in the information society,

Recognizing the importance of freedom of expression and access to information in a democratic society for ensuring accountability, checking corrupt practices and enhancing good governance,

Recognizing also that freedom of expression should not be used to spread or promote hatred inciting to discrimination, hostility or violence,

Convinced that the protection of journalists' sources is an indispensable condition of press freedom,

Expressing concern that in some parts of the world, citizens are not sufficiently informed about their rights to freedom of expression and of access to information,

Expressing concern that denial of access to information on matters of public concern remains widespread in many government bureaucracies,

Expressing further concern that in some parts of the world illiteracy may affect citizens' ability to exercise their right to access information and freedom of expression,

Urging governments to inform their citizens of their legal rights, including freedom of expression and access to information,

Considering that education and literacy are crucial to the full enjoyment of access to information rights,

Concerned, however, that computer systems and new digital communication tools can be misused or abused to spread child pornography and racist or xenophobic propaganda,

Convinced of the need to strike a balance between freedom of expression, on the one hand, and the fight against incitement to hatred, on the other,

Convinced of the need to clearly define the lawful limits to freedom of expression that are necessary and proportionate in any democratic society,

Aware that appropriate measures should be taken, especially in the new information and communication environment, to protect minors from the harmful effects of content and behaviour likely to affect their well-being negatively,

Concerned about the widening digital divide between developing and developed countries, which impedes equal enjoyment of freedom of expression and the right to information by all people,

Aware that people's right to access information is more relevant today than ever, as modern democracy embraces a wider and more direct concept of accountability,

1. *Believes* that freedom of expression and access to information are fundamental to a democratic society;
2. *Welcomes* the expansion among States of freedom of information rights;
3. *Welcomes* the adoption and modernization of rights-based access to information legislation throughout the world;
4. *Welcomes also* the efforts of international institutions and organizations aimed at protecting freedom of expression and the right to information;
5. *Encourages* those parliaments that have not already done so to enact freedom of information legislation at the earliest opportunity, and *underscores* the need for the parliaments of States that already have such a legal framework in place to ensure that it is implemented effectively;
6. *Calls on* parliaments to enact laws that ensure respect for intellectual pluralism;
7. *Urges* parliaments to adopt the legislative measures needed to criminalize the dissemination or transmission of child pornography through any medium;
8. *Invites* parliaments to take legislative action to protect journalists from being compelled to reveal their sources;
9. *Condemns* restrictions imposed on, violence suffered by, victimization and even assassination of members of parliament, journalists and other opinion shapers in exercising the right of freedom of expression;
10. *Urges* parliaments to ensure that only those restrictions on freedom of expression that are absolutely necessary to protect the rights of others and provided for by law are allowed, and that any regulatory regime operates in this context;
11. *Recognizes* that freedom of expression and access to information may need to be restricted in case of war or other serious threat to public security, but *stresses* that such restrictions ought to be strictly limited in scope and duration by legislation that is proportionate to its purpose and whose implementation is subject to independent judicial oversight;
12. *Expresses its concern* that the concentration of media ownership will lead to the marginalization of the right to express unconventional views or views that are not in the mainstream;
13. *Invites* those parliaments that have not already done so to pass laws to guarantee the plurality of media, including public-interest and community broadcasters, as being essential to freedom of expression; furthermore *calls on* parliaments to combat arbitrary sanctions by the State on the media, press agencies and their agents;

14. *Believes* that plurality of media and public-interest broadcasters should be encouraged by parliaments as being essential to freedom of expression;
15. *Urges* the media to exercise their freedom of expression judiciously in all circumstances, particularly during armed conflicts, counter-terrorism operations and in other similar situations;
16. *Believes* in the importance of promoting a society in which a diversity of broadcasters, publishers, artists, and other persons or organizations can exercise their freedom of expression and participate fully and in which the public has access to a variety of opinions, perspectives and views;
17. *Invites* the Security Council to adopt a resolution recalling the scope of international humanitarian law for journalists present in conflict zones;
18. *Further calls* for parliaments to participate actively in an international dialogue on the future governance of the Internet to ensure that it constitutes a democratic medium of expression that respects the legitimate rights of others, particularly in the framework of the UN Internet Governance Forum (IGF), and of emerging networks linked to the IGF on the national and regional levels;
19. *Calls on* parliaments to ensure that education is compulsory, free and equally available to boys and girls until at least age 16 and that adult literacy and mastery of new information and communication technologies become widespread practices;
20. *Believes* that freedom of information is essential to full enjoyment of the right of freedom of expression and meaningful participation in a democratic society;
21. Encourages parliaments to take effective measures to narrow the digital divide, including by providing technical and financial assistance to developing countries and by strengthening international cooperation in this field;
22. *Urges* the IPU to encourage the exchange of experiences and good practices in the development of the right to freedom of information and to give technical support to parliaments wishing to take action to enhance the exercise and enjoyment of the right to freedom of information;
23. *Encourages* the development of freedom of information beyond State actors to encompass significant private-sector companies and bodies;
24. *Believes* that whistleblowers should be protected by law, if acting in the public interest;
25. *Stresses* that, in public administration, the basic principle should be in favour of transparency so that disclosure is subject only to narrowly defined restrictions permissible only in the public interest, or to protect the personal data of individuals;
26. *Urges* parliaments to eliminate the barriers to an effective freedom of information regime, including, but not limited to, public awareness, sufficient resources, limiting exceptions, effective guidelines, elimination of delays and excessive fees, and an independent regulatory mechanism to enforce compliance, and to encourage a culture of openness in the public service.

* The delegation of Australia expressed reservations on operative paragraph 23.

Appendix 4

IPU Final resolution on the Emergency Item on:

The role of parliaments in mitigating the social and political impact of the international economic and financial crisis on the most vulnerable sectors of the global community, especially in Africa

THE ROLE OF PARLIAMENTS IN MITIGATING THE SOCIAL AND POLITICAL IMPACT OF THE INTERNATIONAL ECONOMIC AND FINANCIAL CRISIS ON THE MOST VULNERABLE SECTORS OF THE GLOBAL COMMUNITY, ESPECIALLY IN AFRICA

*Resolution adopted unanimously by the 120th IPU Assembly
(Addis Ababa, 10 April 2009)*

The 120th Assembly of the Inter-Parliamentary Union,

Considering the consequences of the global financial crisis and its adverse impacts on the global economy, in particular in developing nations,

Concerned that the global financial crisis is affecting developed countries through lower exports and foreign earnings, reduced availability and higher cost of credit, lower levels of foreign direct investment and foreign aid, and in other ways,

Mindful of the interdependence of national economies and global economic systems,

Deeply concerned about the adverse impact of the international economic and financial crisis on the most vulnerable sectors of the global community; *bearing in mind* that the crisis has its origins in developed countries, and that its solution requires a broad international dialogue with the active participation of all countries under United Nations auspices to facilitate the thorough reconstruction of the global international financial architecture, including by setting up early warning systems,

Noting that the international economic and financial crisis necessitates the redesign of current development models to place the value of human life at the centre of their concerns,

Recognizing the need to establish a stable, fair and secure global economic system,

Recalling the communiqué issued at the close of the G20 London Summit on 2 April 2009, in which G20 leaders pledged to take measures to restore confidence, repair the financial system, promote global trade and investment, and build an inclusive, green and sustainable recovery, while at the same time recognizing their collective responsibility to mitigate the social impact of the crisis,

Recalling furthermore the commitment of the G20 States to achieve their respective official development assistance pledges, including commitments on aid for trade, debt relief and the Gleneagles commitments, especially to sub-Saharan Africa,

Recalling that at the United Nations International Conference on Financing for Development in Monterrey in 2002, developed countries signed the Monterrey Consensus, which recognizes that a substantial increase in ODA and other resources will be required if developing countries are to achieve the internationally agreed development goals, and urges developed countries to make concrete efforts to reach the target of 0.7 per cent of gross national product (GNP) as ODA to developing countries,

Mindful that, according to the United Nations, some of the most vulnerable sectors of society worldwide are located in Africa, home to more than 920 million people, 60 per cent of whom are aged under 25, that about two fifths of this population live on less than US\$ 1 a day, that in sub-Saharan Africa between 21 and 23 million people are infected with HIV and that each year there are 1.7 million new infections, that infant mortality stands at 166 per 1,000 live births and that 90 per cent of deaths caused by malaria annually worldwide occur on the African continent,

Recalling that it has been said at different multilateral forums that the greatest challenge facing the world today is poverty eradication and that this challenge is all the greater as a result of the international economic and financial crisis,

Recognizing that progress in both providing funding for and fulfilling the Millennium Development Goals (MDGs) and other internationally agreed development goals requires greater global efforts, that the MDGs are far from being fulfilled, and that these difficulties are compounded by the international economic and financial crisis,

Recognizing the valuable and little-known contribution of Africa to the development of culture, history and civilization,

Noting the impact of slavery and the forced removal of vital labour and natural resources that would have helped develop Africa,

Noting with concern that a global recovery will be delayed until well into 2010 even if countries adopt the correct policies to fight the recession, and that while most low-income countries escaped the early phases of the global crisis, they are now being hit hard,

Recognizing that countries, including 17 of the G20 countries that signed the November 2008 pledge to avoid protectionist measures, have implemented 47 measures that restrict trade at the expense of other countries, and that every 1 per cent drop in global economic growth could trap an additional 20 million people in poverty,

Considering the importance of parliament's role, in cooperation with the national government, in trying to reduce the negative impacts of the global financial crisis on the world's most vulnerable, and the importance of cooperation between parliaments and governments to advance the development goals set by the international community,

Bearing in mind the shared and differentiated responsibilities of all countries to address the global financial crisis for humanitarian and other reasons,

Welcoming the unanimous adoption by the 119th IPU Assembly (Geneva, 2008) of the resolution entitled "The role of parliaments in containing the global financial crisis and its economic impact, both on developing and developed countries", which called on the Governing Council to organize an international parliamentary conference to examine the causes and effects of the international financial crisis,

Convinced that this Assembly is an opportunity to demonstrate solidarity with African and other developing countries in the difficult situation they are currently facing,

1. *Calls* for urgent action by all parliaments to address the global financial crisis at the forthcoming IPU Parliamentary Conference on the Global Economic Crisis scheduled for 7 and 8 May 2009;
2. *Reaffirms* its full support for the June 2009 United Nations General Assembly high-level conference on the international financial and economic crisis and its impact on development, and *urges* the IPU to convey to the President of the United Nations General Assembly the hope that the conference will devote particular emphasis to the most vulnerable sectors of the global community, paying special attention to the African continent in light of its particular needs;
3. *Calls on* the parliaments and governments of the world to consider the eradication of poverty and social injustice and its root causes in Africa and other developing countries as a priority, and to implement actions to deal effectively with them;
4. *Urges* parliaments to explore ways to mitigate the social, political and economic effects of the global financial crisis, particularly on developing nations;
5. *Calls on* parliaments to ensure effective governance of financial systems, including regulatory measures, in order to avoid future financial crises and provide accountability;
6. *Urges* the governments of developed nations to assume appropriate responsibility to help remedy the negative effects on developing countries of the global financial crisis.

Appendix 5

**Report of the Committee on the Human Rights of
Parliamentarians**

Resolutions concerning the Human Rights of Parliamentarians

CASE No. AFG/01 - MALALAI JOYA - AFGHANISTAN

Resolution adopted unanimously by the IPU Governing Council at its 184th session (Addis Ababa, 10 April 2009)

The Governing Council of the Inter-Parliamentary Union,

Referring to the case of Ms. Malalai Joya, a member of the House of Representatives of Afghanistan, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/184/12(b)-R.1), and to the resolution adopted at its 183rd session (October 2008),

Taking into account the letter of the Chairperson of the Committee on Immunity and Privileges of the House of Representatives dated 5 February 2009 and of the information provided by the Afghan delegation at the hearing held with the Committee on the occasion of the 120th IPU Assembly; *also taking into account* the information provided at the meeting held between the Secretary General and the Permanent Representative of Afghanistan to the United Nations Office in Geneva, together with the information regularly provided by the sources,

Recalling that on 21 May 2007 the House of the People of Afghanistan (Wolesi Jirga) decided to suspend the parliamentary mandate of Ms. Joya, elected as a member of parliament for Farah province in the September 2005 elections for a 5-year period, until the end of her term for violating Article 70 of the Standing Orders in a television interview in which she spoke disparagingly of members of parliament, apparently in the context of her staunch criticism of the former warlords,

Recalling that, according to Article 70 of the Standing Orders (Rules of Procedure), the Speaker of the House of the People can apply as a disciplinary measure advice, warning, publishing the name of the offender in the Official Gazette of the Jirga and debarring the offending member from attending the session of that day, but that a member can be suspended for a longer period only at the request of the Administrative Board and with the subsequent approval of parliament; however, that procedure was not followed in Ms. Joya's case as the Administrative Board was not seized and did not issue any recommendation,

Recalling that, during the meeting held on the occasion of the 119th IPU Assembly (October 2008), the Deputy Speaker stated unequivocally that the suspension of Ms. Joya's mandate until the end of her term was unlawful and that she should be reinstated as quickly as possible, and he gave assurances that parliament would make every effort to reinstate Ms. Joya before the closure of the parliamentary session (early December 2008); *noting* that, in his meeting with the IPU Secretary General, the Permanent Representative of Afghanistan to the United Nations Office in Geneva also expressed the view that parliament should reinstate Ms. Joya as quickly as possible; *noting* that this has nevertheless not happened although several members of parliament had reportedly raised the issue in parliament; *considering* that the Chairperson of the Committee on Immunity and Privileges, in his letter of 5 February 2009, and the Afghan delegation to the 120th IPU Assembly stated that Ms. Joya could be reinstated if she offered an apology; when confronted with the Deputy Speaker's previous affirmation that the suspension had been unlawful and that efforts would be made to reinstate her, the delegation confirmed those statements but added that it had been impossible to reach Ms. Joya as she was often abroad and that the Standing Orders contained no procedure for reinstating her,

Recalling that, in February 2008, having found a lawyer willing to take up her case, Ms. Joya submitted a complaint regarding the suspension of her mandate to the Supreme Court; that, apart from asking parliament to assign a representative to respond to the case, the Court has reportedly taken no other legal action; *noting* in this respect that, according to the sources, the attorney assigned by the Court to follow the case, Mr.

Attallah Wais, has failed to take any action to speed up the proceedings; *noting further* that, according to the sources, the parliament has so far failed to assign a representative and that the Deputy Speaker and other parliamentary authorities contacted several times by Ms. Joya's lawyer were unwilling to speak to him; according to the Afghan delegation to the 120th IPU Assembly, however, Ms. Joya never contacted Parliament and her lawyer did so only once, but merely to collect documents,

Recalling lastly that Ms. Joya has constantly been receiving death threats and that her safety in Afghanistan is in jeopardy, as is that of many other members of parliament,

Bearing in mind that Afghanistan is a party to the International Covenant on Civil and Political Rights (ICCPR), which guarantees the right to life and to security and freedom of expression; that Afghanistan is also a party to the International Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), which enshrines the right of women to equality with men,

1. *Thanks* the parliamentary authorities for the information provided; *also thanks* the Afghan delegation for its cooperation;
2. *Remains deeply concerned* that after almost two years, a period exceeding the actual time that Ms. Joya served in parliament, her suspension is still in place; *reaffirms* in this respect that freedom of expression is a fundamental tenet of democracy which must be construed as broadly as possible in the case of parliamentarians, the elected representatives of the people who draw attention to the people's concerns and defend their interests, and which necessarily entails the right to be highly critical of the performance of parliament and the government, and should therefore be particularly cherished by parliament; *reaffirms also* that suspension is a disciplinary measure necessarily limited in time, and that a suspension for the entire term amounts to a revocation of the parliamentary mandate, which is wholly unlawful in this case;
3. *Firmly believes* that, in failing to reinstate Ms. Joya, the parliament is not only violating its own Standing Orders but also denying Ms. Joya her right to exercise the mandate entrusted to her by the people and depriving her electorate of representation in parliament, a situation which can only undermine parliament's legitimacy as the body representing the people, and is therefore highly detrimental to democracy;
4. *Deplores* the fact that the authorities, despite pledges by the Deputy Speaker, have failed to take any action to end Ms. Joya's suspension and are in fact perpetuating a situation which on several occasions they themselves have qualified as unlawful;
5. *Understands* that the parliamentary authorities and Ms. Joya have so far been unable to reach each other to discuss her return to parliament; *sincerely hopes* that it will be possible as quickly as possible to establish a direct dialogue for this purpose, responsibility for which rests with both parties; *nevertheless stresses* that there is no requirement for parliament to hear Ms. Joya in order to end her suspension; *therefore calls on* the parliament to take this step as soon as possible and thus prevent the remainder of her parliamentary mandate from being further reduced and becoming meaningless;
6. *Expresses concern* at the failure of the Supreme Court to act with the necessary diligence on Ms. Joya's complaint; *strongly believes* that a complaint concerning the unlawful suspension of a member of parliament should be dealt with as a matter of priority because of its implication for democracy; *therefore calls on* the Supreme Court to act on Ms. Joya's complaint without further delay;
7. *Recognizes* that the death threats against Ms. Joya are made in the context of generalized violence and insecurity in Afghanistan; *stresses* nevertheless that the authorities have the obligation to make a determined effort to prevent impunity since impunity only encourages the repetition of crime; *calls on* the authorities to make every effort to identify and bring to justice those making the death threats against her and other parliamentarians; *would appreciate* information on any steps taken by the parliamentary authorities to ensure that all competent authorities do their duty in this respect;
8. *Requests* the Secretary General to convey this resolution to the competent authorities and to the source;
9. *Requests* the Committee to continue examining this case and report to it at its next session, to be held on the occasion of the 121st IPU Assembly (October 2009).

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

Resolution adopted unanimously by the IPU Governing Council at its 184th session (Addis Ababa, 10 April 2009)

The Governing Council of the Inter-Parliamentary Union,

Referring to the case of Mr. Shah Ams Kibria, a member of the National Parliament of Bangladesh who was assassinated in January 2005, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/184/12(b)-R.1), and to the resolution adopted at its 183rd session (October 2008),

Noting that on 2 February 2009 a meeting was held between the IPU Secretary General and the Minister for Foreign Affairs and the Attorney General of Bangladesh at which they stated their commitment to ensuring that justice was done and provided further information on the case proceedings; *taking into account* the progress report provided by the Permanent Representative of Bangladesh to the United Nations Office in Geneva on 10 December 2008, and of the information which has been regularly provided by the sources,

Recalling that the persons initially suspected of committing the grenade attack of 27 January 2005 which killed Mr. Kibria retracted their statements and were finally released on bail in late 2008; that the main accused, Mr. Quayum, made public statements about how the Criminal Investigation Department (CID) had tortured him to extract a false confession and that the other suspects affirmed that the government of the time had paid individuals to testify against them; *considering* in this respect that, according to the sources, cases have been brought against investigating officers, one of whom, Mr. Munshi Atiqur Rahman, was for a time in charge of the investigation into Mr. Kibria's killing, for having deliberately shielded the true perpetrators and committed torture; that they were instructed to appear before the court but have not yet done so and are absconding,

Recalling further that, following several applications by Mr. Kibria's family for further investigation, the investigation was reopened in March 2007 and a new investigating officer took over in May 2007; that three Islamist militants belonging to the Horkatul Jihad al Islami (Huji), including their leader Mufti Abdul Hannan, were shown arrested in this case, as they had confessed to collecting several grenades to eliminate Awami League leaders, including Mr. Shah Ams Kibria; that however, Mufti Abdul Hannan and two of his co-accused have reportedly retracted their statements, affirming that they were obtained under duress, and denied any involvement in Mr. Kibria's murder; *noting* that, according to the source, they continue under investigation in this case, but without Mr. Kibria's family being informed or notified of the proceedings and hearings that have taken place in the past months before the Sylhet Speedy Trial Tribunal, which is examining this case,

Bearing in mind that in the legislative elections held in Bangladesh in December 2008 the Awami League obtained a large majority, and that former opposition leader Sheikh Hasina has taken office as the new Prime Minister,

1. *Welcomes* the commitment of the new authorities to the pursuit of justice in this case, which is all the more essential as the course of justice has been wilfully and seriously thwarted;
2. *Notes therefore with satisfaction* that action has been taken to hold to account the State officials who diverted the cause of justice and to establish responsibility for the alleged torture of suspects in custody; *is confident* that the authorities will make every effort to apprehend the officers in question in order that responsibility may be established and the appropriate sanctions handed down; *wishes to be kept informed* in this respect;
3. *Is confident* that these steps address not only the initial investigation but also the statement of the current main suspect that his confession was obtained under duress; *wishes*

therefore to ascertain whether or not the court has accepted his retraction and the grounds for its decision;

4. *Remains unclear* about the number and identity of the persons now suspected of the grenade attack, whether they have all been arrested in this case, the current stage of the proceedings before the Sylhet Speedy Trial Tribunal, and the reasons for the failure of the authorities to notify Mr. Kibria's family of the hearings in this case; *reiterates* therefore its wish to receive information on these points;

5. *Is confident* that the newly elected parliament will exercise its oversight function to ensure due administration of justice in this case;

6. *Requests* the Secretary General to convey this resolution to the parliamentary and judicial authorities, inviting them to supply the requested information;

7. *Requests* the Committee to continue examining this case and report to it at its next session, to be held on the occasion of the 121st Assembly of the IPU (October 2009).

CASE No. BGL/15 - SHEIKH HASINA - BANGLADESH

Resolution adopted unanimously by the IPU Governing Council at its 184th session (Addis Ababa, 10 April 2009)

The Governing Council of the Inter-Parliamentary Union,

Referring to the case of Sheikh Hasina, a member of the Parliament of Bangladesh at the time the communication was submitted, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/184/12(b)-R.1), and to the resolution adopted at its 183rd session (October 2008),

Noting that on 2 February 2009 a meeting was held between the IPU Secretary General and the Minister for Foreign Affairs and the Attorney General of Bangladesh at which they stated their commitment to ensuring that justice was done in this case and provided further information on the case proceedings; *taking into account* the progress report provided by the Permanent Representative of Bangladesh to the United Nations Office in Geneva on 10 December 2008, in addition to the information which has been regularly provided by the sources,

Recalling that the initial line of investigation into the grenade attack of August 2004 against Sheikh Hasina and other Awami League leaders, proved to be based on the "confession", reportedly obtained under duress, of a petty criminal, Joj Miah, who admitted to carrying out the attack with a criminal gang and that Joj Miah's family had been provided with a long-term government subsidy; *considering* in this respect that, according to the sources, cases have now been filed against three investigation officers for attempting to divert the course of justice and committing torture; that they have been instructed to appear before the court, but have not yet done so and are absconding,

Recalling further that, on taking office in January 2007, the Caretaker Government ordered a new investigation, which revealed that Horkatul Jihad al Islami (Huji) militants, including its leader Mufti Abdul Hannan, had carried out the attack, and enabled the police to arrest more suspects and to recover grenades, rifles and explosives; that, according to media reports, the investigation also revealed that one of the suspects, who was nevertheless at large, Moulana Tajudin, brother of the former deputy minister and Bangladesh National Party (BNP) leader Abdus Salam Pintu, had supplied the grenades used in the attack and that Mr. Salam Pintu himself had been arrested; that, according to media reports of August 2008, Mufti Abdul Hannan and two of his co-accused retracted their statements, affirming that they had been obtained under torture and that the court reportedly accepted their retraction petitions,

Considering that, according to the progress report provided by the Permanent Representative, 22 persons at present stand accused in this case, which is pending before the Speedy Trial Tribunal No. 1/Dhaka; that a

hearing was scheduled for 11 November 2008, but adjourned to 17 November 2008,

Noting that, in the December 2008 legislative elections, the Awami League won by a large majority and that Sheikh Hasina was sworn in as the new Prime Minister,

1. *Welcomes* the stated commitment of the new authorities to the pursuit of justice in this case, which is all the more essential as the course of justice has been wilfully and seriously thwarted;
2. *Notes therefore with satisfaction* that action has been taken to hold to account the State officials who diverted the course of justice, including by torturing a person, and to establish responsibility for that crime; *trusts* that these steps address not only the initial investigation but also the statement of the current main suspect that his confession was obtained under duress; *wishes therefore to ascertain* whether or not the court has accepted Mufti Hannan's retraction and the grounds for its decision;
3. *Trusts* that the authorities are making every effort to apprehend the investigating officers who have been summoned to court in order that responsibility for their action to divert the investigation may be established and the appropriate sanctions applied; *would appreciate* detailed information in this respect;
4. *Is confident* that the newly elected parliament will exercise its oversight function to ensure due administration of justice in this case;
5. *Requests* the Secretary General to convey this resolution to the parliamentary and judicial authorities, inviting them to provide the requested information;
6. *Requests* the Committee to continue examining this case and report to it at its next session, to be held on the occasion of the 121st Assembly of the IPU (October 2009).

CASE No. BLS/05 - VICTOR GONCHAR - BELARUS

Resolution adopted unanimously by the IPU Governing Council at its 184th session (Addis Ababa, 10 April 2009)

The Governing Council of the Inter-Parliamentary Union,

Referring to the case of Mr. Victor Gonchar, a member of the Thirteenth Supreme Soviet of Belarus, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/184/12(b)-R.1), and to the resolution adopted at its 183rd session (October 2008),

Taking into account the letter from the delegation of Belarus handed over to the Committee during the 120th Assembly, and of the information provided by one of the sources on 19 December 2008 and 15 January 2009,

Recalling that the investigation into the disappearance, on 16 September 1999, of Mr. Victor Gonchar and his friend Anatoly Krasovsky has as yet yielded no result and that the authorities have consistently refuted the conclusions of a report by the Parliamentary Assembly of the Council of Europe into disappearances for allegedly political reasons in Belarus (Pourgourides report), which provided evidence linking high officials to the disappearance of Mr. Gonchar and Mr. Krasvosky; *recalling* in this respect that Mr. Pourgourides gathered evidence, including a handwritten document from the then Police Chief, General Lapatik, the authenticity of which the Belarusian authorities have acknowledged, in which General Lapatik accuses Mr. V. Sheyman, then Secretary of the Belarusian Security Council, of having ordered the killing of Mr. Zakharenko, a former Minister of the Interior,

and that the order was carried out by a special task force (SOBR unit) under the command of Colonel Pavlichenko with the assistance of the then Minister of the Interior, Mr. Sivakov, who provided Colonel Pavlichenko with the official execution pistol temporarily removed from SIZO-1 prison, and that the same method was used in the execution of Mr. Gonchar and Mr. Krasovsky,

Considering that in their letter the Belarusian delegation reiterated that despite the extensive work of the prosecution which has followed all possible lines of inquiry, such as mercenary motives, personal ill will and political and business activities, and even examined the information contained in the Pourgourides report, Mr. Gonchar's whereabouts have still not been determined; that, however, the case has not been closed and that the investigation has been extended to 24 June 2009; *noting* also that, according to one of the sources, a new investigator, Mr. Y.V. Varavko, has been appointed and that he reportedly refused to meet with Mr. Gonchar's wife as there "was no reason to meet",

Considering that the delegation reported that, in 2008 alone, the House of Representatives had sent five requests for information to the Prosecutor General's office regarding this case, that it shared the IPU's concerns in this case and would therefore, on its own initiative, report any new development that might come to the knowledge of parliament,

Noting that Mrs. Krasovsky and her daughter submitted a communication under the Optional Protocol to the International Covenant on Civil and Political Rights to the Human Rights Committee, which on 16 October 2008 declared it admissible and invited the Belarusian authorities to provide observations regarding the admissibility and the merits of the communication; *noting also* that, according to the Belarusian delegation, the corresponding Belarusian law-enforcement agencies are responsible for considering this issue,

1. *Thanks* the delegation for the information and observations provided and *appreciates* the constant cooperation of the parliament with the IPU in this matter;
2. *Deeply regrets* that the investigation has remained at a standstill and *hopes* that the new investigator will lend it fresh impetus; *believes* in this respect that it would be normal practice for a new investigator to meet with interested parties, in particular the families of the victims, if only to show compassion and interest in the fate of the victims;
3. *Notes* that the petition lodged by Mrs. Krasovsky and her daughter is now pending before the United Nations Human Rights Committee, and *requests* the Secretary General to inform that Committee of the IPU's work on this case and its concerns;
4. *Points out* that the authorities have so far failed to provide convincing evidence to refute certain findings of the Pourgourides report, and *requests* the Secretary General to inform that new parliamentary authorities of the specific questions which it has raised in the past in this connection, especially in its October 2007 resolution;
5. *Requests* the Committee to continue examining this case and report to it at its next session, to be held on the occasion of the 121st Assembly of the IPU (October 2009).

BURUNDI

**CASE No. BDI/01 - S.
MFAYOKURERA**

**CASE No. BDI/05 - I. NDIKUMANA
CASE No. BDI/06 - G. GAHUNGU**

CASE No. BDI/07 - L. NTAMUTUMBA

CASE No. BDI/29 - P. SIRAHENDA

CASE No. BDI/35 - G. GISABWAMANA

Resolution adopted unanimously by the IPU Governing Council at its 184th session (Addis Ababa, 10 April 2009)

The Governing Council of the Inter-Parliamentary Union,

Referring to the case of the above-mentioned Burundian parliamentarians, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/184/12(b)-R.1), and to the resolution adopted at its 183rd session (October 2008),

Taking into account the information provided by the President of the Senate and other members of the Burundian delegation at the hearing held with the Committee on the occasion of the 120th IPU Assembly,

Recalling that the parliamentarians concerned were killed between 1994 and 1999 and that only in the case of Mr. Gisabwamana has the perpetrator - a military officer - been identified and brought to justice, although the victim's family has received no reparation; in 2004, Mr. Parfait Mugenzi, one of the suspects in the murder of Mr. Mfayokurera, was arrested in connection with another murder, that of Dr. Kassy Manlan, the representative of the World Health Organization in Burundi, in November 2001, and subsequently sentenced in June 2008 to life imprisonment; he escaped from prison, allegedly with the assistance of the former Attorney General; in 2004 one of the sources reported the return from Rwanda, where they had fled, of two suspects in Mr. Ndikumana's case, Mr. Ivan Bigendanko and Mr. Désiré Banuma, who were in hiding in Burundi; in the case of Mr. Sirahenda, a member of the military at Mabanda camp who subsequently deserted stated that he would be willing one day to testify to the horrendous manner in which Mr. Sirahenda was killed at the camp,

Recalling that the National Assembly set up a parliamentary working group to examine this and other cases, which, since its first meeting in October 2006 at which it worked out a strategy to obtain information on the cases in question, was long prevented from doing its work and has yet to be convened,

Considering the following information provided by the President of the Senate at the hearing with the Committee: the cases of the murdered parliamentarians cannot be separated from the many other cases of murder and killings committed at the time and can be addressed only by the Truth and Reconciliation Commission and the Special Criminal Chamber which were first envisaged in the 2000 Arusha Peace Accords; a Tripartite Commission composed of representatives of the United Nations, Government and Civil Society was set up in November 2006 but obtained financing only in June 2008; its mandate is to conduct popular consultations on questions where a consensus has not been reached between the United Nations and the Government; the Commission recently issued a memorandum laying down the basic principles of the consultations; it started its work in August 2008 and is expected to complete its mandate within 12 months,

1. *Thanks* the President of the Senate for the extensive information and for his cooperation;
2. *Recognizes* that the parliamentarians were murdered in a general context of violent conflict which claimed many lives and that a comprehensive approach, to which the authorities have repeatedly stated their commitment, is needed to address the legacy of abuse marking that period;
3. *Firmly believes* that establishing an effective National Truth and Reconciliation Commission and a Special Criminal Chamber is crucial to the pursuit of truth and justice in Burundi, notably in the cases of the murdered parliamentarians; *is convinced* that the important leads and evidence

available in several of these cases should significantly increase the likelihood that these institutions will succeed in elucidating these crimes and punishing those responsible; *trusts* that consultations and negotiations on their establishment will soon be successfully completed so that they can be set up and start their work;

4. *Reaffirms* that the Parliament of Burundi has a special responsibility to ensure that the murders of former members are elucidated and do not go unpunished; *trusts* that it will closely monitor progress regarding the prompt establishment of the Truth and Reconciliation Commission and the Special Criminal Chamber and pave the way for their work on the cases at hand, notably by meanwhile providing the parliamentary working group with the necessary assistance and support since it was set up to gather evidence which, with the passage of time, may well disappear;
5. *Decides* to suspend its examination of the case until the Truth and Reconciliation Commission and the Special Criminal Chamber are indeed in place; and *requests* the Committee to keep itself informed of progress in this respect.

CASE No. BDI/02 - NORBERT NDIHOKUBWAYO - BURUNDI

Resolution adopted unanimously by the IPU Governing Council at its 184th session (Addis Ababa, 10 April 2009)

The Governing Council of the Inter-Parliamentary Union,

Referring to the case of Mr. Norbert Ndiwokubwayo, a member of the Parliament of Burundi, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/184/12(b)-R.1), and to the resolution adopted at its 183rd session (October 2008),

Taking into account the information provided by the President of the Senate and other members of the Burundian delegation at the hearing held with the Committee on the occasion of the 120th IPU Assembly,

Recalling that two attempts were made on Mr. Ndiwokubwayo's life in 1994 and 1995, one of which left him severely injured, and that in 2004 one of the sources reported the arrest of Mr. Parfait Mugenzi, one of the alleged attackers, but in connection with the murder, in November 2001, of Dr. Kassy Manlan, the representative of the World Health Organization in Burundi; that Mr. Mugenzi was subsequently sentenced in June 2008 to life imprisonment in connection with the murder, but subsequently escaped from prison, allegedly with the assistance of the former Attorney General,

Recalling that the National Assembly set up a working group to examine this and other cases affecting parliamentarians, which, since its first meeting in October 2006 at which it worked out a strategy to obtain information on the cases in question, was long prevented from doing its work and has yet to be convened,

Considering the following information provided by the President of the Senate at the hearing with the Committee: the case of Mr. Ndiwokubwayo cannot be separated from the many other cases of attacks, murders and killings committed at the time and can only be dealt with by the Truth and Reconciliation Commission and the Special Criminal Chamber which were first envisaged in the 2000 Arusha Peace Accords; a Tripartite Commission composed of representatives of the United Nations, Government and Civil Society was set up in November 2006, but obtained financing only in June 2008; its mandate is to conduct popular consultations on the questions where no consensus has been reached between the United Nations and the Government; the Commission recently issued a memorandum laying down the basic principles of the consultations; it started its work in August 2008 and is

expected to complete its mandate within 12 months,

1. *Thanks* the President of the Senate for the extensive information and for his cooperation;
2. *Recognizes* that the attacks on Mr. Ndiwokubwayo took place in a general context of violent conflict which claimed many lives and that a comprehensive approach, to which the authorities have repeatedly stated their commitment, is needed to address the legacy of abuse marking that period;
3. *Firmly believes* that the establishment of an effective National Truth and Reconciliation Commission and a Special Criminal Chamber is crucial to the pursuit of truth and justice in Burundi, including in the case of Mr. Ndiwokubwayo; *is convinced* that the important leads and evidence available should significantly increase the likelihood that these institutions will succeed in elucidating the attacks and punishing those responsible; that consultations and *trusts* negotiations on their establishment will soon be successfully completed so that they can be set up and start their work;
4. *Reaffirms* that the Parliament of Burundi has a special responsibility to ensure that attacks on its members are fully elucidated and do not go unpunished; *trusts* that it will closely monitor progress regarding the prompt establishment of the Truth and Reconciliation Commission and the Special Criminal Chamber and pave the way for their work on the case at hand, notably by

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meanwhile providing the parliamentary working group with the necessary assistance and support since it was set up to gather evidence which, with the passage of time, may well disappear;

5. *Decides* to suspend its examination of the case until the Truth and Reconciliation Commission and the Special Criminal Chamber are indeed in place; and *requests* the Committee to keep itself informed of progress in this respect.

BURUNDI

**CASE No. BDI/26 - NEPHTALI NDIKUMANA CASE No. BDI/42 - PASTEUR MPAWENAYO
CASE No. BDI/36 - MATHIAS BASABOSE CASE No. BDI/43 - JEAN MARIE NDUWABIKE
CASE No. BDI/37 - LÉONARD NYANGOMA CASE No. BDI/45 - ALICE NZOMUKUNDA
CASE No. BDI/40 - FRÉDÉRIQUE GAHIGI CASE No. BDI/46 - ZAITUNI RADJABU**

Resolution adopted unanimously by the IPU Governing Council at its 184th session (Addis Ababa, 10 April 2009)

The Governing Council of the Inter-Parliamentary Union,

Having before it the case of Mr. Ndiwokubwayo, Mr. Basabose, Mr. Nyangoma, Ms. Gahigi, Mr. Mpaawenayo, Mr. Nduwabike, Ms. Nzomukunda and Mr. Radjabu of Burundi, which has been the subject of a study and report of the Committee on the Human Rights of Parliamentarians following the Procedure for the treatment by the Inter-Parliamentary Union of communications concerning violations of the human rights of members of

parliament,

Taking note of the report of the Committee on the Human Rights of Parliamentarians, which contains a detailed outline of the case (CL/184/12(b)-R.1),

Taking into account the information provided by the President of the Senate and other members of the Burundian delegation at the hearing held with the Committee on the occasion of the 120th IPU Assembly; *taking into account* also the information gathered by the Director of the IPU's Democracy Division on the occasion of his official mission to Burundi from 10 to 14 November 2008, as part of the IPU's efforts to assist the Parliament of Burundi in playing its role as an important facilitator of reconciliation in the country, during which he also met with the Attorney General of Burundi to raise the case at hand,

Considering the following information on file:

-The homes of Mr. Ndikumana, Mr. Mpawenayo, Mr. Nduwabike and Ms. Gahigi were attacked with grenades in the evening of 19 August 2007, after they had been singled out for attack in a ruling party newspaper owing to their criticism of the government's policies; on 6 March 2008, Mr. Mpawenayo, Mr. Basabose, Mr. Nyangoma, Mr. Radjabu and Ms. Nzomukunda were the targets of apparently coordinated grenade attacks;

-The persons concerned, members of the National Assembly at the time of the attacks had signed an open letter on 22 February 2008 to the United Nations Secretary-General denouncing their persecution and demanding international protection; the attacks took place shortly after Ms. Nzomukunda's bodyguards were withdrawn;

2.- The Speaker of the National Assembly vigorously condemned the August 2007 attacks in a press release and recommended the immediate launch of a judicial investigation in order to bring the perpetrators of the attacks to justice; he also wrote to the National Police Commissioner asking him to enhance the parliamentarians' security; on 7 March 2008, the National Assembly condemned the attacks of the previous day and demanded that they be diligently investigated and the perpetrators identified and prosecuted; in late March 2008, the police issued a communiqué stating that the investigation was progressing and that its conclusions would be made public in the coming days;

- In his letter of 8 October 2008, the Speaker of the National Assembly stated that, with regard to the file on the grenade attack on Ms. Nzomukunda's home, the police investigation found that the grenade had been thrown by an element of the Palipehutu Youth, who had hired a motorcycle; the main perpetrator was on the run but the driver of the motorcycle and other persons had been arrested and the case was in the hands of the investigating magistrate; regarding the case of the other grenade attacks, the files had passed the stage of the police investigation and were with the public prosecutor, who was preparing the submission of the case to court,

Considering also that the Burundian delegation to the 120th IPU Assembly confirmed that the police had passed the files in question on to the public prosecutor; however, he stated that the case was not ready to be presented in court as the investigation had yet to be completed,

Considering finally that, according to the Attorney General, met in November 2008 by the Director of the IPU's Democracy Division, the initial investigations had been mishandled, having focused on the victims themselves as instigators of these attacks; this lead was soon abandoned, but having started off badly the case became complicated, making it very difficult to identify the perpetrators of these attacks, for which reason he believed that the case would be dismissed,

1. *Thanks* the Burundian authorities, and in particular the parliamentary authorities, for their spirit of cooperation and for the extensive information they provided;

2. *Is deeply concerned* that eight members of parliament were the target of coordinated grenade attacks, which is all the more disconcerting since shortly before the incidents they denounced their precarious security situation and that, in the case of Ms. Nzomukunda, the attack took place after her protection had been withdrawn, which can only have facilitated the crime;

3. *Expresses deep concern* that, except for the attack on Ms. Nzomukunda's home, the authorities

have apparently so far failed to identify any of the alleged culprits; *considers* that, owing to their violent and serious nature and to the fact that they targeted public figures, more particularly members of parliament critical of the ruling authorities, the attacks should have been investigated with the utmost resolve and urgency from the start;

4. *Is therefore deeply disturbed* at the initial focus of the investigation as it not only made a mockery of the serious prejudice suffered by the victims in this case but also made them less likely to obtain quick and effective justice;

5. *Can but consider* that this information, along with the fact that the authorities repeatedly stated that the investigations had made substantial progress while in fact no such progress can be reported, puts in doubt their seriousness about making a determined effort to ensure that these attacks do not go unpunished; *points out* in particular in this respect that while in October 2008 the Committee was informed that the prosecutor was about to submit the case to the court, which supposes that the culprits had been identified, only one month later the prosecutor stated that the investigation had yielded no result and that the case might even be dismissed;

6. *Recalls* that impunity can only encourage the repetition of crime and thereby undermines the rule of law and human rights, and that Burundi, as a party to the International Covenant on Civil and Political Rights, is bound to uphold the fundamental rights set forth therein, including the right to life and security, and is therefore obliged to dispense justice by identifying and punishing those guilty of any attack on a person's life and security, and to take reasonable measures to ensure the safety of threatened persons;

7. *Calls on* the authorities, as is their duty, to conduct a diligent and thorough investigation into the attacks and to examine all possible leads, including those suggested by the victims themselves; *wishes* to be kept informed of any action taken in this respect and of the results achieved;

8. *Trusts* that steps to bring the suspects of the attack on Ms. Nzomukunda's house to trial are well under way and that, with the help of the information they may provide, the authorities will soon be able to identify and apprehend the main perpetrator of this crime; *would appreciate* further information on these points;

9. *Requests* the Secretary General to convey this resolution to the competent authorities and to the sources;

10. *Requests* the Committee to continue examining this case and report to it at its next session, to be held on the occasion of the 121st Assembly of the IPU (October 2009).

BURUNDI

CASE No. BDI/36 - MATHIAS BASABOSE CASE No. BDI/42 - PASTEUR MPAWENAYO CASE No. BDI/44 - HUSSEIN RADJABU CASE No. BDI/45 - ALICE NZOMUKUNDA CASE No. BDI/46 - ZAITUNI RADJABU CASE No. BDI/47 - PASCALINE KAMPAYANO CASE No. BDI/48 - MARGUERITE NSHIMIRIMANA CASE No. BDI/49 - NADINE NZOMUKUNDA CASE No. BDI/50 - BÉATRICE NIBIMPA CASE No. BDI/51 - MARIE GORETH NIYONZIMA CASE No. BDI/52 - MOUSSA SAIDI CASE No. BDI/53 - THÉOPHILE MINYURANO CASE No. BDI/54 - OMAR MOUSSA CASE No. BDI/55 - JOSÉPHINE MUKERABIRORI CASE No. BDI/56 - DÉO NYABENDA CASE No. BDI/57 - GÉRARD NKURUNZIZA CASE No. BDI/58 - JEAN FIDELE KANA CASE No. BDI/59 - MARIE SINDARUSIBA CASE No. BDI/60 - DEO NSHIMIRIMANA CASE No. BDI/61 - F. XAVIER NSABABANDI CASE No. BDI/62 - JEAN MARIE NGENDA HAYO CASE No. BDI/63 - ALINE NITANGA

Resolution adopted unanimously by the IPU Governing Council at its 184th session (Addis Ababa, 10 April 2009)

The Governing Council of the Inter-Parliamentary Union,

Referring to the case of the above-mentioned Burundian parliamentarians, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/184/12(b)-R.1), and to the resolution adopted at its 183rd session (October 2008); *referring also* to the outline of cases BDI/26 concerning Mr. Ndikumana et al. and case BDI/44 concerning Mr. Radjabu,

Taking into account the official mission to Burundi carried out by the Director of the IPU's

Democracy Division from 10 to 14 November 2008 within the framework of the IPU's activities, in particular its technical assistance programme, to assist the Parliament of Burundi in its role as an important facilitator of reconciliation in the country, during which he met with Mr. Radjabu, Mr. Mpawenayo, Mr. Nkurunziza and Mr. Minyurano and the competent authorities, including the Attorney General of Burundi; *taking into account also* the information and observations provided to the Committee by the President of the Senate and another member of the Burundian delegation during the hearing held at the 120th Assembly. Article 98 of the Constitution, which stipulates the conditions required to run for legislative office, and did not take account of either Article 149, which prohibits imperative mandates, and Article 156 of the Constitution, or of Article 132 of the Electoral Code and Article 15 of the Standing Orders of the National Assembly, which clearly stipulate the situations in which a parliamentarian's term of office ends; the Court also took no account of the preparatory work on the Constitution, which rejected a proposal to disqualify members of parliament should they change political parties and replaced it with the present constitutional provisions on the termination of the parliamentary mandate, which provide for no such termination in the case of expulsion or resignation from the political party on whose list the parliamentarian was elected;

I. *Recalling* the following information:

- The parliamentarians concerned were elected in July 2005 on the CNDD-FDD list, which won a majority in the National Assembly; over time, internal differences emerged within the party; they deepened after the party convention of 7 February 2007, at which Mr. Radjabu was ousted from the CNDD-FDD leadership; the party was split in two, one wing supporting the new party president, Mr. Jérémie Ngendakumana, the other backing Mr. Radjabu; the parliamentarians concerned are part of the latter wing and continued to sit in the National Assembly as independents; other political parties, in particular FRODEBU, have also been riven by dissent; a group of FRODEBU members reached an understanding with the dissident members of the CNDD-FDD that they would refrain from participating (regularly) in the work of the National Assembly, which was thus blocked as there was no longer a quorum;
- In order to end the resulting institutional deadlock, the President of the National Assembly asked the Constitutional Court to rule that the parliamentarians concerned were holding their seats unconstitutionally; the mandates of the parliamentarians concerned were revoked by decision of the Constitutional Court on 5 June 2008, the Court ruling that they held their seats unconstitutionally since they were no longer members of the party on whose list they had been elected and that they could not sit as independents either; the Court based its ruling on
- In his report to the 9th session of the United Nations Human Rights Council, the independent expert on the human rights situation in Burundi expressed deep concern at this decision: “the Court appears to have been enlisted by the executive to serve a specific political objective, thereby bringing into question its independence and credibility. By acting in this compliant manner, the Court has lent credence to the widely-held belief that the whole machinery of justice in Burundi is beholden to the executive”;³

-There has been no follow-up to the request from the FRODEBU President that a dissident group of FRODEBU members that had set up a new party be excluded for the reasons evoked by the Court; a leader of that new party had asked the President of the National Assembly to remove 15 FRODEBU members from office on the grounds that they had failed to attend over one quarter of the current session's sittings and could therefore be removed under the provisions of Article 156 of the Constitution and Article 15 of the Standing Orders; however, the application of those provisions would have had consequences not only for the 15 FRODEBU members in question, but also for a number of CNDD-FDD and UPRONA parliamentarians, who had also boycotted a large number of sittings of parliament, and the request was therefore taken no further,

Considering that, in the view of the parliamentary authorities, as confirmed by the President of the Senate during his interview with the Committee, the Constitutional Court ruling is in keeping with the Constitution and the removal from office of the parliamentarians concerned is a salutary measure that enabled the Assembly to return to work and therefore to reinforce the progress made towards democracy so far, and that the Constitution is to be amended so as to allow the removal from office of parliamentarians who cease to be members of the party on whose list they were elected,

II. *Considering* the information on the situation of Mr. Radjabu, Mr. Mpawenayo, Mr. Nkurunziza and Mr. Minyurano, as follows:

(a) Mr. Radjabu's situation:

- When his parliamentary immunity was lifted on 27 April 2007, proceedings were started against Mr. Radjabu and seven other people accused of having plotted to undermine State security by inciting citizens to rebel against the authority of the State (acts defined and punished in Article 143 of the Penal Code), and against Mr. Radjabu alone for having, in the course of a meeting he organized with a view to disturbing the peace, insulted the Head of State by comparing him to an empty bottle (acts defined and punished in Article 278 of the Penal Code); the prosecutor accused Mr. Radjabu of having organized a movement of demobilized officers in order to paralyse the State's institutions after he had been ousted as president of the CNDD-FDD; Mr. Radjabu is reported to have entrusted Mr. Evariste Kagabo, his right-hand man, with the task of identifying the demobilized officers, a report allegedly confirmed by the accounts of demobilized persons thus recruited and by the seizure of several weapons;
- The Supreme Court opened public proceedings on the case on 22 December 2007 and handed down its decision on 3 April 2008, sentencing Mr. Radjabu to 13 years in prison (case RPS 66); the appeal to the decision was heard by the Supreme Court Appeal Chamber starting in late January 2009 and was adjourned on 1 March 2009, before the defence lawyers had finished pleading their case; the Court nevertheless reopened the proceedings and, at a hearing held on 26 March 2009, apparently returned the case to the lower court for further information;

A/HCR/9, 15 August 2008.

- Mr. Evariste Kagabo, the main person accused with Mr. Radjabu, and another person initially suspected, Mr. Abdul Rahman Kabura, were allegedly tortured by the National Intelligence Service with the complicity of the police station in charge of the investigation; Mr. Kagabo informed the Court of the acts of torture allegedly inflicted on him by Mr. Ngendanganya, a National Intelligence Service agent, and said he was even frightened to testify before the Attorney General because National Intelligence Service agents were present; another of the accused, Mr. Jean-Marie Haragakiza, also stated to the Court that he had been threatened with torture if he did not testify against Mr. Radjabu; according to the information provided by the President of the Senate, the matter is currently before an examining magistrate in a separate case;
- According to the report by the Committee's observer, whose conclusions were rejected by the parliamentary authorities, the trial of Mr. Radjabu is marred by serious flaws, notably the recourse to torture during the investigation, the lack of independence of the Court's judges and of the prosecution, who are all members of the ruling party, and the absence of evidence to back up the accusation;

(b) Mr. Mpawenayo's situation:

- Mr. Mpawenayo was arrested on 4 July 2008 in Bujumbura and accused of having been Mr. Radjabu's accomplice (BDI/44) and thus of having co-chaired the meeting where the acts with which he is charged

are said to have been committed; he was taken to Mpimba prison (Bujumbura), where he spent three months and ten days before being transferred, according to him unlawfully, to Rutana prison and from there, in late November 2008, back to Mpimba prison (Bujumbura); his conditions of detention at Rutana prison, which is far from his family's home, did not meet minimum hygiene, nutritional and security standards; Mr. Mpawenayo was brought before the Supreme Court on 1 October 2008; on that date, the Court adjourned the proceedings to consider the points of order raised by the defence, namely the question of detention; it observed that the prosecution had acted in accordance with the law and therefore rejected Mr. Mpawenayo's arguments; Mr. Mpawenayo appealed; a court appearance originally scheduled for 19 November was postponed to 26 November 2008, because the decision on pre-trial detention had not been notified; the case was to be heard on 13 January 2009 in a public hearing before the Appeal Section of the Supreme Court Judicial Chamber; the trial on the merits against Mr. Mpawenayo was adjourned; adjournments can last a maximum of 60 days and, at the time of the mission by the Director of the IPU Democracy Division, the adjournment in Mr. Mpawenayo's case had 17 more days to run, until the end of November 2008; Mr. Mpawenayo asserts that the judicial authorities wanted him to testify against Mr. Radjabu and that he was imprisoned when he refused; his trial is said to be linked to the position of Executive Secretary he held until the CNDD-FDD Ngozi convention (February 2007) at which Mr. Radjabu was ousted;

2.(c) Mr. Nkurunziza's case:

- Mr. Nkurunziza was arrested on 15 July 2008 on the orders of the Kirundo Provincial Police Commissioner on charges of distributing weapons for the purpose of arming a rebellion against the State authorities; the Attorney General has put in place a team of magistrates to investigate the accusations against Mr. Nkurunziza and affirms that witnesses unanimously claimed that he had distributed weapons to the people to incite them to rise up; according to the source, Mr. Nkurunziza had yet to be officially informed of the accusations made against him, is being detained in the absence of any case or trial and without having been brought before a judge for a ruling on his pre-trial detention; similarly, many applications filed by the defence counsel have not been handled; regarding Mr. Nkurunziza's conditions of detention in Mpimba prison, he reportedly had no access to a hospital for some time, supposedly because there were not enough prison guards to escort him there; the authorities furthermore refused to allow him to attend his grandmother's funeral; lastly, according to the sources, it is in fact Mr. Nkurunziza who, while he was still a parliamentarian, had filed a complaint of defamation against the authorities of Kirundo Province, which had accused him in the media of distributing weapons for a rebellion; instead of investigating the complaint, the authorities had had him arrested;

(d) Mr. Minyurano's case:

- Mr. Minyurano was arrested on 2 October 2008 and accused of assaulting a magistrate; the accusation apparently arose because Mr. Minyurano's tenant tried to move without paying; Mr. Minyurano apparently demanded that the tenant hand over the keys to the house until he had paid the rent, but the tenant only did so after the neighbours stepped in; Mr. Minyurano was reportedly brought before Gitega High Court, which declared the charges against him null and void and ordered his temporary release; his case is said to be pending in Gitega, awaiting ruling by a judge;

Considering that the IPU, in the context of its technical assistance to the parliament of Burundi, has spared no effort among the parliamentary authorities to promote dialogue and reconciliation in Burundi, as noted with satisfaction by the President of the Senate during his interview with the Committee, during which he asked the IPU to pursue its efforts,

Recalling that Burundi is a party to the International Covenant on Civil and Political Rights (ICCPR), the African Charter on Human and Peoples' Rights (ACHPR) and the Convention against torture and other cruel, inhuman and degrading treatment, which guarantee the right to liberty and a fair trial and which prohibit torture,

1. *Thanks* the Burundian authorities, notably the parliamentary authorities, for their spirit of cooperation and the information and observations they have provided;
2. *Acknowledges* the enormous progress Burundi has made in leaving behind the civil war and violence and building a democracy guaranteeing peace and respect for the human rights of all citizens;

3. *Considers* that effective progress towards reconciliation in Burundi at the national and political level can only be made if all political parties and factions participate in the political dialogue and can express themselves without fear or hindrance; *is pleased* therefore that the IPU continues to work with the National Assembly in support of political dialogue and *has no doubt* that these efforts will bear fruit and thus help provide a lasting solution to the problems that have arisen and contribute to the stabilization and democracy-building called for by the Burundi parliamentary authorities; *is confident* that those efforts will also serve to resolve the case of the parliamentarians removed from office and at the very least enable them to stand for election;

4. *Believes* nonetheless that the 22 parliamentarians were removed from office for practical political reasons lacking any genuine legal basis, and in this respect *observes* that the application of a double standard to dissident parliamentarians from the majority party and FRODEBU parliamentarians is hardly likely to strengthen the rule of law;

5. *Emphasizes*, with regard to the ongoing amendment to the Constitution, that the IPU has always warned against the adoption of provisions allowing parliamentarians to be removed from office because they have lost their affiliation to a political party, since such a measure is detrimental to freedom of expression, and *recommends* that the matter be raised within the scope of the IPU's assistance to the Parliament of Burundi;

6. *Notes* that four of the persons concerned were arrested after their parliamentary mandate had been revoked, and in conditions apparently contrary to Burundian criminal procedure, and which could thus strip the proceedings brought against the former members of parliament of any legal basis; *notes with concern* on this point:

- (i) Mr. Mpawenayo's appearance before a judge three months after he was arrested and the adjournment of his case, despite the fact that the acts of which he is accused are based on the same elements and evidence as in Mr. Radjabu's case, including confessions allegedly obtained under torture and his repeated transfers from prison to prison, especially to Rutana prison, apparently without any legal justification;
- (ii) Mr. Nkurunziza's detention since 12 November 2008 without appearing before a judge to confirm such detention, and the absence of any formal charges brought against him, at least any that were brought to his attention;
- (iii) The maintenance of a criminal file on Mr. Minyurano even though Gitega High Court reportedly declared the accusation of insulting a magistrate null and void and ordered his release;

7. *Notes*, in particular as concerns Mr. Radjabu, that the testimony of his principal co-accused was obtained under torture and *recalls* that, by virtue of the international human rights treaties ratified by Burundi, evidence obtained under torture must be dismissed by the Court; therefore *wishes to know* whether this was the case here; *affirms* that the fact that key witnesses were tortured suffices on its own to disqualify the trial;

8. *Notes with satisfaction* that, according to the authorities, an investigation has been opened into the complaints of torture in this case, and *wishes to receive* more detailed information in that regard;

9. *Recalls* that:

(i) The right to liberty as enshrined in Article 9 of the ICCP and Article 6 of the ACHPR includes the right of all individuals arrested on a criminal charge to be informed, upon arrest, of the reasons for such arrest, to be notified as soon as possible of any charges brought against them, to be brought as soon as possible before a judge and to be sentenced within a reasonable time or released; moreover, the detention of persons who are awaiting judgement should not be a matter of course;

(ii) The right to a fair trial, enshrined in Article 14 of the ICCP and Article 7 of the ACHPR, includes the right to be presumed innocent, the right of all persons accused of a criminal offence to be informed, as soon as possible, of the nature and reasons behind the charges brought against them, to have the necessary time and facilities to prepare their defence and to be tried without excessive delay;

(iii) The prohibition of torture is enshrined not only in the Convention against torture, but also in Article 7 of the ICCP and Article 5 of the ACHPR;

10. *Wishes to receive* a copy of the formal charges brought against Mr. Mpawenayo, Mr. Nkurunziza and Mr. Minyurano, the decisions confirming their pre-trial detention and detailed information on how the proceedings before the relevant courts are proceeding;

11. *Requests* the Secretary General to convey this resolution to the Speaker of the National Assembly, the President of the Senate and the Attorney General, inviting them to provide the information requested;

12. *Requests* the Committee to continue examining this case and report to it at its next session, to be held on the occasion of the 121st Assembly of the IPU (October 2009).

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

Resolution adopted unanimously by the IPU Governing Council at its 184th session (Addis Ababa, 10 April 2009)

The Governing Council of the Inter-Parliamentary Union,

Referring to the case concerning the murders between 1986 and 1994 of Mr. Pedro Nel Jiménez Obando, Mr. Leonardo Posada Pedraza, Mr. Octavio Vargas Cuéllar, Mr. Pedro Luis Valencia

Giraldo, Mr. Bernardo Jaramillo Ossa and Mr. Manuel Cepeda Vargas and the death threats against Mr. Motta, which forced him into exile in October 1997, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/184/12(b)-R.1), and to the resolution adopted at its 183rd session (October 2008),

Taking into account the information provided by the sources on 30 March 2009,

Recalling that the persons concerned were Colombian congressmen and members of the *Unión Patriótica* (Patriotic Union) party and that none of the murderers of five of the six congressmen or the perpetrators of the death threats against Mr. Motta, who still lives in exile, have been held to account,

Recalling that the Inter-American Commission on Human Rights decided in 2006 to examine the merits of the petition lodged in March 1997 pertaining to the persecution of the *Unión Patriótica* and the crimes committed against its members, including - directly and indirectly - the parliamentarians concerned, and had already decided in 2005 to do so with respect to the petition lodged in the case of Mr. Cepeda's assassination; *considering* that the Inter-American Commission on Human Rights is due to issue its views before the end of 2009 on the overall *Unión Patriótica* case,

Recalling that two non-commissioned officers were sentenced each to 43 years' imprisonment for Mr. Cepeda's assassination in 1994; however, paramilitary group leader Carlos Castaño was cleared of all responsibility, notwithstanding the overwhelming evidence against him which clearly showed his responsibility as the instigator of the crime; *recalling also* that Carlos Castaño was killed in 2004 by rival paramilitary groups,

Considering that on 25 July 2008, the Commission adopted its report on the case of Mr. Cepeda's assassination, in which it concluded that the Colombian State held responsibility, by commission and omission, for Senator Cepeda's murder and recommended that the Colombian State carry out an impartial and full investigation to punish the perpetrators and the instigators, keep the memory of Mr. Cepeda and his work alive, provide reparation to the victim's family and take measures to avoid the repetition of such crimes; that after giving the Colombian State two months in which to accept its conclusions and apply its recommendations, on 14 November 2008 the Commission forwarded the case to the Inter-American Court of Human Rights, requesting it to uphold its views; that the Court is reportedly scheduled to consider the matter any time between the middle of 2009 and early 2010; *recalling* that the Committee has been requested to act as *amicus curiae* before the Court,

Considering that the rulings of the Inter-American Court of Human Rights are binding on the State of Colombia and that the latter, by Colombian legislation, conferred similar legal status on the recommendations of the Inter-American Commission of Human Rights with respect to petitions alleging violations of the human rights of Colombian citizens,

Recalling that, in her February 2008 report on the human rights situation in Colombia (A/HRC/7/39), the United Nations High Commissioner for Human Rights stated that “structural problems persist in the administration of justice” and that there was "a need for further progress in the fight against impunity"; *considering* that in her latest report on Colombia (A/HRC/10/032 of 2009) the High Commissioner reiterates that "impunity ... continues to limit full enjoyment of human rights",

1. *Takes note* of the views issued by the Inter-American Commission of Human Rights, which reflect the concerns it has consistently voiced in this case, in particular the lack of any resolute effort by the State of Colombia, in the 15 years since Mr. Cepeda’s murder, to bring the quest for truth and justice in his case to a successful conclusion;
2. *Remains particularly concerned* that the authorities have failed to act on the numerous leads which should have enabled them to bring to trial the instigator(s) of Mr. Cepeda's murder; *remains perplexed and regrets* that Carlos Castaño was never held to account despite his own unequivocal public admission of guilt and the many other items on file pointing to his responsibility;
3. *Calls* on the Colombian authorities, including the Colombian Congress, through its oversight role, promptly to take the necessary action to address the violations of the Inter-American Convention on Human Rights which the Inter-American Commission has identified in the case of Senator Cepeda; *points* in this respect to the Commission's concrete recommendations for action in the areas of truth, justice and reparation and the Colombian State’s obligation to apply them;
4. *Expresses its hope* that the Inter-American Court of Human Rights will soon consider the case of Senator Cepeda's murder and thus provide its authoritative and binding views on these issues; *would appreciate* being kept informed of the Court's work schedule and any timeline that it may adopt for the proceedings in this case, including submission of the IPU's *amicus curiae* brief;
5. *Awaits with interest* the adoption of the report by the Inter-American Commission on the overall *Unión Patriótica* case; *would appreciate* being kept informed in this respect;
6. *Requests* the Secretary General to inform the competent authorities and the source of this resolution;
7. *Requests* the Committee to continue examining this case and report to it at its next session, to be held on the occasion of the 121st Assembly of the IPU (October 2009).

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

Resolution adopted unanimously by the IPU Governing Council at its 184th session (Addis Ababa, 10 April 2009)

The Governing Council of the Inter-Parliamentary Union,

Having before it the case of Mr. Luis Carlos Galán Sarmiento, a member of the Colombian Congress murdered in August 1989, which has been the subject of a study and report of the Committee on the Human Rights of Parliamentarians following the Procedure for the treatment by the Inter-Parliamentary Union of communications concerning violations of the human rights of members of parliament,

Taking note of the report of the Committee on the Human Rights of Parliamentarians, which contains a detailed outline of the case (CL/184/12(b)-R.1.),

Considering the following information on file:

- Mr. Luis Carlos Galán, a member of the Colombian Senate, was a pre-candidate for the Liberal Party in the presidential elections when he was murdered on 18 August 1989 at a political rally in the main

square of Soacha municipality, Department of Cundinamarca; according to the source, the primary motive for the murder was to put an end to Senator Galán's fight, as leader of the New Liberalism political movement, against the infiltration of drug trafficking into politics;

1.- The source affirms that the perpetrators of the murder, paramilitary members Jorge Eduardo Rueda Rocha and José Everth Rueda Silva, both now deceased, operated thanks to information provided by former Lieutenant Flores from Military Intelligence B2; according to the source, the investigations were for many years at a complete standstill; on 19 August 1999, José Edgar Téllez Cifuentes and Johan Aslec Lozano Rodríguez were found guilty at first instance, which sentence was quashed on appeal by the High Court of Cundinamarca; Lieutenant Flores was acquitted at first instance, but Senator Galán's family, as complainant in the proceedings, filed an appeal against the decision, which is pending before the High Court of Cundinamarca;

2.- The source affirms that the crime was masterminded by Mr. Pablo Escobar, Mr. Gonzalo Rodríguez Gacha and Mr. Alberto Santofimio Botero, a politician from Tolima and member of the political wing of the Medellín cartel; in October 2007, the latter was found guilty and sentenced by a lower court as the co-perpetrator of the murder to a 24-year prison term, owing

to the compilation of new evidence by the Attorney General's Office, such as the testimonies of John Jairo Velásquez Vásquez (alias "Popeye"), who is serving a prison term for his direct involvement in Senator Galán's murder, and Mr. Carlos Alberto Oviedo Alfaro; on 22 October 2008, the High Court of Cundinamarca quashed the sentence against Mr. Santofimio, according to the source without giving due consideration to the overwhelming evidence on file and to jurisprudence of the Supreme Court; the Attorney General and Mr. Galán's family, as complainant in the proceedings, filed a cassation petition before the Supreme Court, which is pending;

- According to the source, recent testimonies collected by the Attorney General's Office, including one by a former judge who worked for the Medellín cartel and by a bodyguard of a person known as "El negro Vladimir", implicate other politicians, all linked to drug trafficking, along with Mr. Miguel Maza Márquez, Police Commissioner and former Director of the Administrative Department of Security (DAS), to Senator Galán's murder; according to this information, Mr. Maza had ties with Mr. Gonzalo Rodríguez Gacha and the paramilitary groups that were operating under his orders to persecute members of the political party *Unión Patriótica*; the source affirms that Senator Galán's assassins were hired from those groups, which also infiltrated his security detail; Mr. Maza is also allegedly responsible for having wilfully and falsely steered the investigation towards an innocent person who, as a result, spent three years in detention;

- The crime of murder is subject in Colombia to a statute of limitation of 20 years, which is why the source insists that everything needs to be done to ensure that the new evidence can be acted on before this term expires,

1. *Is deeply concerned* that, almost 20 years after Senator Luis Carlos Galán was murdered, the instigators of this crime have not been held to account; *can but consider* this failure to be due to the initial unwillingness of the authorities fully to dispense justice in this case, in which the wilful diversion of the course of justice at the beginning of the investigation stands out as particularly grave;

2. *Is alarmed* at recent revelations about the alleged responsibility of several politicians and of a former high-profile State agent, which is all the more worrying since the latter was at the time in charge of the department entrusted with Senator Galán's security;

3. *Considers* that the fact that the victim was a public figure and that these revelations, if they prove true, shake the very foundations of the rule of law in Colombia should prompt the authorities all the more to do their utmost to ensure that full justice is done in this case; *stresses* in this respect that they are faced with a final opportunity to do so in this case, which can only succeed if they act with the greatest resolve and urgency;

4. *Makes a forceful plea* therefore to the authorities to do everything in their power to make this case an absolute priority in order to prevent ultimate and far-reaching impunity from prevailing; *requests* the Secretary General to convey its plea to the competent authorities, in particular the Attorney General and the Prosecutor General;

5. *Trusts* that the Supreme Court will pronounce on the cassation petition promptly and take due account of all the arguments presented; *would appreciate* being kept informed in this regard;

6. *Requests* the Committee to continue examining this case and report to it at its next session, to be held on the occasion of the 121st Assembly of the IPU (October 2009), in the hope that decisive judicial action will by then have been taken.

CASE No. CO/122 - OSCAR LIZCANO - COLOMBIA

Resolution adopted unanimously by the IPU Governing Council at its 184th session (Addis Ababa, 10 April 2009)

The Governing Council of the Inter-Parliamentary Union,

Referring to the case of Mr. Oscar Lizcano, former member of the Congress of Colombia, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/184/12(b)-R.1), and to the resolution adopted at its 183rd session (October 2008),

Recalling that Mr. Lizcano was kidnapped by the Revolutionary Armed Forces of Colombia (FARC) on 5 August 2000, and that there have been increasing concerns about his appalling conditions of captivity and precarious health,

Considering that, on 25 October 2008, Mr. Lizcano, along with a FARC member, escaped from the FARC camp where he was held,

Recalling that FARC continues to hold some 700 hostages,

1. *Is gratified* that Mr. Lizcano has finally recovered his freedom after years of captivity by FARC and agonizing uncertainty for him and his family;
2. *Cannot nevertheless disregard* the fact that the revelations about his appalling conditions of captivity and precarious health point to the urgent need to conclude a humanitarian agreement with a view to securing the release of the many remaining hostages held by FARC; and *calls once again* for decisive action to reach such an agreement as soon as possible;
3. *Recalls* that the abduction of persons taking no active part in hostilities is explicitly prohibited under international humanitarian law, and *calls on* FARC to release its civilian hostages immediately and unconditionally and to refrain from the unlawful practice of kidnapping;
4. *Requests* the Secretary General to inform the competent authorities and the source accordingly, and *decides* to close this case since Mr. Lizcano has recovered his freedom.

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

Resolution adopted unanimously by the IPU Governing Council at its 184th session (Addis Ababa, 10 April 2009)

The Governing Council of the Inter-Parliamentary Union,

Referring to the case of Mr. Jorge Tadeo Lozano Osorio, a former member of the Colombian Congress, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/184/12(b)-R.1), and to the resolution adopted at its 183rd session (October 2008),

Recalling that Mr. Lozano was convicted and given a heavy prison sentence following fundamentally flawed proceedings without being afforded the possibility of challenging them as, under Colombian law, members

of Congress are tried in single instance; in 2001 he submitted a petition to the Inter-American Commission on Human Rights regarding the flawed judicial proceedings; despite assurances that the case would be re-examined after it was first considered inadmissible, no information to this effect has been forthcoming to date,

Recalling that by Decision C-545/08 of 28 May 2008, the Colombian Constitutional Court ruled that the constitutional procedure applicable to criminal proceedings against members of the Colombian Congress, such as Mr. Lozano at the time, in which the Criminal Chamber of the Supreme Court acts both as prosecutor and judge, was not in keeping with respect for the right to a fair trial and had to be modified accordingly by the legislature; *considering* that the bill which was brought to the Colombian Congress to change the procedure accordingly, along with introducing the possibility of appeal, was withdrawn in 2008 from the legislative agenda by the Government and Congress,

Recalling that, on 23 July 2008, one of Mr. Lozano's sons was murdered in Medellín and that the police reportedly took no action on the threats brought to its attention in the weeks before the murder; *recalling also* that, according to the source, several attempts have been made in the past to silence Mr. Lozano and that his security and that of his family have been at risk for some time as a result of his critical attitude towards those who acted against him and who hold political, military or paramilitary power in Colombia; *considering* that the suspected main culprit was arrested in early April 2009,

1. *Is disappointed* at the failure of the Inter-American Commission on Human Rights to act on Mr. Lozano's long-standing petition; *reiterates* that the Commission's intervention is crucial towards helping redress the apparent injustice Mr. Lozano has suffered; and therefore *sincerely hopes* that the Commission will soon pronounce on this case on the basis of precedent and the most recent Colombian jurisprudence;
2. *Is deeply concerned* that the executive and parliamentary authorities have not seen fit to address, comprehensively and swiftly, the long-standing fundamental fair trial concerns regarding the procedure applicable to criminal cases brought against members of Congress; *is particularly concerned* that the Constitutional Court's clear instruction for legislative action to be taken in this respect has been disregarded; therefore *calls again on* the authorities, in particular Congress, promptly to put in place a new procedure consonant with the Constitutional Court's ruling and fair trial principles, including the right to appeal;
3. *Notes with satisfaction* the progress made in the investigation into the murder of Mr. Lozano's son; *trusts* that the authorities will pursue their investigation with the necessary vigour and dispatch to ensure that the suspects soon stand trial; *also trusts* that the authorities are providing Mr. Lozano and his family with the necessary protection, particularly since the fact that the alleged main culprit is now in custody may well put them at risk of retaliation; *would appreciate* information on what steps have been taken to this end;
4. *Requests* the Secretary General to inform the Colombian Congress, the Inter-American Commission on Human Rights and the source of this resolution;
5. *Requests* the Committee to continue examining this case and report to it at its next session, to be held on the occasion of the 121st Assembly of the IPU (October 2009).

CASE No. CO/140 - WILSON BORJA - COLOMBIA

Resolution adopted unanimously by the IPU Governing Council at its 184th session (Addis Ababa, 10 April 2009)

The Governing Council of the Inter-Parliamentary Union,

Referring to the case of Mr. Wilson Borja, an incumbent member of the Colombian Congress and a vocal critic of the Colombian Government, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/184/12(b)-R.1), and to the resolution adopted at its 183rd session (October 2008),

Taking into account the information provided by the source on 2 April 2009,

Recalling that an attempt was made on Mr. Borja's life on 15 December 2000, after he had received repeated death threats; following the sentencing of four persons to prison terms ranging from 28 to 60 years, an indictment was brought on 26 August 2005 against five accused who have not yet been apprehended; one of those convicted, Army Major César Alonso Maldonado Vidales, escaped from prison in November 2004, even though he was being guarded by some 30 prison officers, but was recaptured on 15 July 2008; two army officers were punished - one for a disciplinary offence leading to his suspension for 80 days and the other with a two-year suspended prison sentence - for their responsibility in the escape,

Recalling that there have reportedly been deficiencies on several occasions (starting in May 2006) in Mr. Borja's security arrangements without any action being taken; *considering* the latest information provided by the source in this respect: the armoured vehicle provided to Mr. Borja by the Ministry of Interior and Justice and the Administrative Department of Security is reportedly often out of order and sent for repairs and therefore unavailable and that the substitute vehicles are often equally defective or only provided very temporarily; that the armoured vehicle provided by the House of Representatives also had to be repaired frequently without Mr. Borja being provided with a replacement and that only when he took legal action was his vehicle handed over to him, though still in a defective state; he was told that action was being taken to provide him with a new vehicle, but so far with no result,

Recalling that on 4 July 2008 the Supreme Court opened a preliminary investigation into Mr. Borja and others for their alleged links to the Revolutionary Armed Forces of Colombia (FARC), which, according to the source, has no basis and merely refers to contacts he and others have had in their capacity as advocates and facilitators of a peaceful solution to the conflict in Colombia; the source claims that the authorities passed the information collected during the investigation to selected media, although the investigation was still ongoing; when Mr. Borja was publicly linked to FARC in a radio interview on 20 February 2007, he lodged a complaint with the Committee on Accusations of the House of Representatives, whose investigation is under way, *considering* that, according to the source, the criminal proceedings against Mr. Borja and others, after more than 10 months, have reportedly not produced any proof of his involvement with FARC,

Considering the allegations and revelations regarding the Administrative Department of Security (DAS) regarding (i) statements under oath by Mr. Salvatore Mancuso, former paramilitary leader who was extradited to the United States of America, according to which former Sub-Director of DAS, Mr. José Miguel Narváez, formed "an active part of an instruction team for paramilitary groups on the coast of Colombia" and in the course of several visits told them that "Mr. Borja was an alleged collaborator of the guerrilla" and lectured on "why it was legal to kill communists in Colombia"; according to Mr. Mancuso, these insinuations could have well been a determining factor in the attack on Mr. Borja in 2000; (ii) the publication of two memoranda by Mr. Jaime Fernando Ovalle Díaz, a mid-level DAS employee, dated 29 August 2008, in which he requested information about opposition parties, their links with illegal groups, the parties' regular activities, their efforts to destabilize the Government and their relationship with social organizations; the revelation of these documents led to the resignation of DAS Chief, Ms. María del Pilar Hurtado; (iii) the publication of a letter of 14 June 2007 from Mr. Edwin Armando Sierra Amorochó, Head of the Judicial Police Area of DAS, in which he stated that, in conformity with the decision of the Direction of the Department and in line with the policy of Democratic Security, he was making available the

information intercepted between 1 May and 13 June 2007 with respect to Mr. Borja and that this was done to neutralize his possible activities which could affect national security; following the publication of that letter, Colombian President Uribe decided to entrust the National Police, instead of DAS, with telephone interceptions; according to the source, however, the National Police was also guilty in 2007 of illegal eavesdropping; on 12 March 2009, Mr. Borja requested the President of the Supreme Court of Colombia to inform him whether the interceptions had taken place in the context of any legal action against him,

1. *Is shocked* at the extremely serious revelations regarding the Administrative Department of Security, showing wilful and repeated efforts by a major State body to undermine the rule of law and respect for basic human rights;
2. *Is particularly alarmed* that the leadership of the very organization responsible for protecting Colombian citizens at risk may be actively engaged in jeopardizing their lives;
3. *Urges* the authorities, including parliament through its oversight function, to do everything possible to put an immediate end to these practices, hold those responsible to account and overhaul extensively, if not dismantle, DAS with a view to ensuring that security concerns are effectively addressed by the State of Colombia in full observance of the law; *wishes to ascertain* what steps are being taken to this end, including with respect to the National Police;
4. *Can but consider* that the revelations regarding DAS lend credence to the allegation that a state policy is indeed in place to discredit and target, including by unlawful means, those who vocally oppose the government and that this may well explain the reasons for the investigation and proceedings against Mr. Borja; *urges* the authorities to refrain from publicly discrediting and, contrary the principle of presumption of innocence, labelling Mr. Borja a FARC associate before any court of law has ruled on such, possibly unfounded, accusations;
5. *Reiterates its wish* to be informed of the precise accusations against Mr. Borja, the facts underpinning them, and of the stage reached in the proceedings before the Supreme Court; *recalls* that, as a party to the International Covenant on Civil and Political Rights and to the Inter-American Convention on Human Rights, the State of Colombia must guarantee the right to fair trial, which comprises the right to be tried without undue delay; *stresses* that this right is particularly important in the case of parliamentarians as pending trial proceedings may impair their ability to exercise their mandate freely and effectively;
6. *Remains deeply concerned* at the continuing failure to afford Mr. Borja a fully functioning security detail; *can but consider* in this respect that the failed attempt on his life and the risks he runs show that his protection has to be taken extremely seriously and that, by not addressing his complaints diligently and swiftly, the authorities are putting him at great and unnecessary risk; *urges* the authorities, and in particular the Colombian Congress, to take immediate steps to ensure that an effective security detail for him and his family is in place at all times;
7. *Regrets* that the Congress of Colombia, given its special responsibility to ensure that its members exercise their parliamentary mandate free of any threat or intimidation, has provided no information on the steps it is taking to ensure due administration of justice in all proceedings relating to Mr. Borja, and on the provision of an appropriate security arrangement for him; *would appreciate* receiving particulars in this respect, including by the Committee on Accusations of the House of Representatives, on the action it has taken on Mr. Borja's complaint;
8. *Requests* the Committee to continue examining this case and report to it at its next session, to be held on the occasion of the 121st Assembly of the IPU (October 2009).

DEMOCRATIC REPUBLIC OF THE CONGO

CASE No. DRC/30 - PIERRE DIBENGA TSHIBUNDI CASE No. DRC/40 - CHARLES MAKENGO CASE No. DRC/31 - FRANCK DIONGO SHAMBA CASE No. DRC/41 - EDMOND LOFONDE BOSENGA CASE No. DRC/32 - PIERRE JACQUES CHALUPA CASE No. DRC/42 - JOSEPH UCCI MOMBELE CASE No. DRC/33 - KAMBA MANDUNDU CASE No. DRC/43 - JUSTIN KARHIBAHAZA MUKUBA CASE No. DRC/34 - LIÉVIN LUMANDE MADA CASE No. DRC/44 - MULENDA MBO CASE No. DRC/38 - BLAISE DITU MONIZI CASE No. DRC/45 - MILOLO TSHANDA CASE No. DRC/39 - JOSEPH MBENZA THUBI

Resolution adopted unanimously by the IPU Governing Council at its 184th session (Addis Ababa, 10 April 2009)

The Governing Council of the Inter-Parliamentary Union,

Referring to the case of the above-mentioned parliamentarians, all elected members of the National Assembly of the Democratic Republic of the Congo whose mandates were invalidated, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/184/12(b)-R.1), and to the resolution adopted at its 183rd session (October 2008), *Recalling* the following information on file:

- In the resolution it adopted on 17 July 2007, the National Assembly condemned ruling R.E. 007 of 5 May 2007 of the Supreme Court of Justice, whereby it had invalidated the election, in July 2006, of the persons concerned as being “marred by serious irregularities and abuse of rights” and requested the President of the Republic: (i) urgently to convene an inter-institutional meeting of various authorities in order “to draw all relevant conclusions from the dysfunction of our justice and to lay down the major policy lines for a reform of our judicial system”, and (ii) “to contemplate any possible political solution in favour of the victims of the injustice of the Supreme Court of Justice, in a context of reconciliation and national solidarity and in order to preserve civil peace in the country”, the parliamentarians concerned set up the “G 18” group to defend their rights;
- At the inter-institutional meeting, held on 23 July 2007 under the auspices of the President of the Republic, the First President of the Supreme Court of Justice agreed to correct two instances of material error in Judgment R.E. 007 and, by judgment delivered on 14 December 2007 upon an application for correction of material error, the Supreme Court of Justice reinstated two of the parliamentarians concerned, Ms. Dembo and Mr. Kingotolo; subsequently, two other parliamentarians concerned accepted posts on boards of directors of public enterprises; one parliamentarian concerned, standing in a by-election, was not re-elected and another was appointed minister;
- Mr. Chalupa and Mr. Diongo also filed an application for correction of material error; however, the Supreme Court refused to receive their applications, which had been sent by courier service (DHL), the Court simply returned them by the same courier service after 20 days, proof of which was provided to the Committee;
- At the meeting it held in October 2008 with the Congolese delegation to the 119th IPU Assembly, the delegation observed that the National Assembly was conscious of the need not only to reform the judicial system, but also to find solutions for redressing the injustice done to the parliamentarians concerned, and invited the Committee in this respect to carry out an on-site mission to assist in settling this matter,

Considering that the mission did not go ahead in the absence of any reply from the parliamentary authorities to the letters sent in this regard and that, instead, in a letter dated 20 January 2009, the then Speaker of the National Assembly and the President of the Senate stated that, in consultation with the President of the Republic, it had been decided that the “G 18” members of parliament would be granted an allowance equal to that of the members of the National Assembly for the entire legislative term, thereby repairing the damage incurred by the parliamentarians concerned,

Considering that the persons concerned have submitted their position regarding this offer of reparation and are prepared to discuss it with the competent authorities,

Bearing in mind that the Democratic Republic of the Congo is a party to the International Covenant on Civil and Political Rights, Articles 25 and 26 of which establish respectively the right to vote and be a candidate in elections ensuring the free expression of the will of the electors, and the right to equality before the law,

1. *Appreciates* the efforts of the Head of State and the parliamentary authorities to repair the injustice done to the parliamentarians concerned;

2. *Awaits with interest* the result of the negotiations to be held regarding the offer made to the persons concerned;

3. *Firmly recalls* nevertheless that the arbitrary invalidation of election results, by distorting the results of the ballot, violates not only the right of the persons concerned to exercise the parliamentary mandate entrusted to them by the people, but also the right of the voters to be represented by persons of their choice, and *considers* that the reparation offered to the members of parliament cannot change this state of affairs; *also reaffirms* that the Supreme

Court's refusal to rule on the duly filed applications for rectification of material error constitutes a denial of the fundamental right of access to justice, hence a human rights violation;

4. *Stresses* that such a state of affairs can only be highly detrimental to democracy, the rule of law and respect for human rights; *calls therefore on* the parliament to take the necessary steps at the legislative and oversight levels to ensure that no such cases reoccur;

5. *Requests* the Secretary General to convey this resolution to the Head of State and to the parliamentary authorities;

6. *Requests* the Committee to continue examining this case and report to it at its next session, to be held on the occasion of the 121st Assembly of the IPU (October 2009), when it hopes to be able to close it on account of satisfactory settlement.

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

***Resolution adopted unanimously by the IPU Governing Council at its 184th session
(Addis Ababa, 10 April 2009)***

The Governing Council of the Inter-Parliamentary Union,

Referring to the case of Mr. Jaime Ricaurte Hurtado González and Mr. Pablo Vicente Tapia Farinango, member and substitute member respectively of the National Congress of Ecuador, who were murdered in broad daylight in the centre of Quito on 17 February 1999 along with a legislative assistant, Mr. Wellington Borja Nazareno, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/184/12(b)-R.1), and to the resolution adopted at its 183rd session (October 2008),

Taking into account the communications of the Attorney General and his Office of 2 February and 13 March 2009,

Recalling that the Special Commission of Inquiry (CEI) set up immediately after the murder to help elucidate the crime has from the outset sharply criticized the conduct of the investigation authorities, pointed to numerous inconsistencies in the police investigation, and expressed its strong disapproval of the passive attitude of the prosecuting authorities and the courts when it came to shedding full light on the murder, in particular of the fact that they took the findings of the preliminary police investigation at face value; none of the serious leads regarding the line of inquiry presented in the CEI's extensive reports, focusing on the fact that Mr. Hurtado had uncovered a web of corruption involving high-profile personalities, have so far been seriously investigated or taken into account by the prosecuting authorities,

Recalling that on 20 December 2005, the President of the High Court sentenced Mr. Contreras Luna to 16 years' imprisonment for the crime of murder, while the case was suspended for the other accused who were at

large; on 3 February 2007, Mr. Ponce was arrested in the United States of America; he was extradited to Ecuador to stand trial and subsequently sentenced in January 2008 by the President of the High Court to 16 years in prison for his part in the crime; Mr. Contreras and Mr. Ponce appealed against their sentences, as did the families of Mr. Hurtado and Mr. Tapia as civil parties to the cases, arguing that the basis for Mr. Contreras's conviction in fact invalidated the preliminary findings of the police regarding the motive of the murder; they requested the Court to take full account of the CEI conclusions in both cases; *considering* that the High Court of Quito dismissed the appeals and upheld the sentence against Mr. Contreras and Mr. Ponce on 23 July 2008,

Recalling that the CEI prepared a submission to the Inter-American Commission on Human Rights to obtain a ruling to the effect that the State of Ecuador has failed to comply with its duty to advance the cause of justice in this case and to provide the victims' families with reparation,

Considering that Mr. Washington Aguirre, one of the accused at large, was apprehended in the United States of America in January 2009 and *recalling* in this respect that in Ecuador the crime of murder is subject to a ten-year statute of limitation,

1. *Thanks* the Attorney General and his Office for their extensive information and cooperation;
2. *Notes with satisfaction* that the main suspect, Mr. Aguirre, has finally been found and taken into custody; *supposes* that, given that his arrest took place before the expiry of the ten-year limit, he will be prosecuted for his alleged participation in the triple murder; and *trusts* that he has

meanwhile been extradited to Ecuador to stand trial; *would appreciate* receiving further particulars on both points;

1. 3. *Reaffirms its conviction* that the findings of the CEI have not only revealed serious contradictions and omissions in the conduct of the competent authorities in this case, but also offer substantive leads for an alternative line of inquiry and more particularly a motive for the murder; *trusts* that, should a cassation petition be pending in the criminal proceedings regarding Mr. Ponce and Mr. Contreras, critical consideration in this final stage is given in court to the work of the CEI; *would appreciate* information in this respect;
2. 4. *Would appreciate* being kept informed of developments regarding the petition before the Inter-American Commission on Human Rights;
3. 5. *Requests* the Secretary General to inform the competent authorities, the CEI and the source of this resolution and to seek the requested information from them;
4. 6. *Requests* the Committee to continue examining this case and report to it at its next session, to be held on the occasion of the 121st Assembly of the IPU (October 2009).

ECUADOR

CASE No. EC/11 - F. AGUIRRE CORDERO CASE No. EC/12 - A. ALVAREZ MORENO CASE No. EC/13 - F. ALARCON SAENZ CASE No. EC/14 - N. MACIAS CASE No. EC/15 - R. AUQUILLA ORTEGA CASE No. EC/16 - A. E. AZUERO RODAS CASE No. EC/17 - E. A. BAUTISTA QUIJE CASE No. EC/18 - R. V. BORJA JONES CASE No. EC/19 - S. G. BORJA BONILLA CASE No. EC/20 - F. G. BRAVO BRAVO CASE No. EC/21 - M. L. BURNEO ALVAREZ CASE No. EC/22 - J. C. CARMIGNIANI GARCES CASE No. EC/23 - J. H. CARRASCAL CHIQUITO CASE No. EC/24 - L. O. CEDEÑO ROSADO CASE No. EC/25 - F. A. COBO MONTALVO CASE No. EC/26 - E. G. CHAVEZ VARGAS CASE No. EC/27 - L. A. CHICA ARTEAGA CASE No. EC/28 - P. DEL CIOPPO ARANGUNDI CASE No. EC/29 - M. S. DIAB AGUILAR CASE No. EC/30 - J. DURAN MACKLIFF CASE No. EC/31 - E. B. ESPIN CARDENAS CASE No. EC/32 - L. E. FERNANDEZ CEVALLOS CASE No. EC/33 - P. FIERRO OVIEDO CASE No. EC/34 - O. P. FLORES MANZANO CASE No.

EC/35 - A. G. GALLARDO ZAVALA CASE No. EC/36 - M. V. GRANIZO CASCO CASE No. EC/37 - A. X. HARB VITERI CASE No. EC/38 - O. IBARRA SARMIENTO CASE No. EC/39 - J. E. ITURRALDE MAYA CASE No. EC/40 - F. J. JALIL SALMON CASE No. EC/42 - C. LARREATEGUI NARDI CASE No. EC/43 - I. G. MARCILLO ZABALA CASE No. EC/44 - M. MARQUEZ GUTIERREZ CASE No. EC/45 - C. R. MAYA MONTESDEOCA CASE No. EC/46 - J. I. MEJIA ORBE CASE No. EC/47 - E. MONTAÑO CORTEZ CASE No. EC/48 - L. U. MORALES SOLIS CASE No. EC/49 - T. A. MOSCOL CONTRERAS CASE No. EC/50 - B. L. NICOLALDE CORDERO CASE No. EC/51 - A. L. NOBOA YCAZA CASE No. EC/52 - X. E. NUÑEZ PAZMIÑO CASE No. EC/53 - C. G. OBACO DIAZ CASE No. EC/54 - L. A. PACHALA POMA CASE No. EC/55 - J. F. PEREZ INTRIAGO CASE No. EC/56 - M. X. PONCE CARTWRIGHT CASE No. EC/57 - H. L. ROMERO CORONEL CASE No. EC/58 - W. F. ROMO CARPIO CASE No. EC/59 - G. M. SALTOS ESPINOZA CASE No. EC/60 - G. R. SALTOS FUENTES CASE No. EC/61 - M. L. SANCHEZ CIFUENTES CASE No. EC/62 - S. E. SANCHEZ CAMPOS CASE No. EC/63 - A. SERRANO VALLADARES CASE No. EC/64 - L. F. TAPIA LONBEIDA CASE No. EC/65 - L. F. TORRES TORRES CASE No. EC/66 - W. VALLEJO GARAY CASE No. EC/67 - N. VITERI JIMENEZ

Resolution adopted unanimously by the IPU Governing Council at its 184th session (Addis Ababa, 10 April 2009)

The Governing Council of the Inter-Parliamentary Union,

Referring to the case of the 56 former parliamentarians listed above, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/184/12(b)-R.1), and to the resolution adopted at its 183rd session (October 2008),

Taking into account the communications of the Attorney General and his Office of 2 February and 13 March 2009,

Recalling its long-standing concern that the 56 members of Congress, more than half of its membership, were dismissed and barred for one year from participating in political life by a decision of the Supreme Electoral Court (TSE) which lacked any firm legal basis, and were afforded no opportunity of obtaining an effective remedy in court; that, categorically rejecting their dismissal, many of the 56 persons concerned continued to meet at alternative venues in Quito in representation of the legitimate Congress of Ecuador; that, at the same time, the Congress from which they had been dismissed had several of them replaced and continued to meet in the parliamentary building,

Recalling that the Pichincha District Attorney requested that criminal proceedings be instituted against 24 of the dismissed deputies for compromising State security and for overstepping their functions by continuing to meet as members of Congress after their dismissal,

Considering that the case was mistakenly sent to the Pichincha 18th Criminal Court which lacked competence to examine the matter since one of the 24 persons, as a senior army reserve officer, was subject to the jurisdiction of the High Court; on 10 January 2008, the Pichincha District Attorney asked for the file to be returned to the Attorney General's district office to enable investigations and proceedings to continue,

Considering that legislative elections will be held in Ecuador on 26 April 2009 and that no information has been received to indicate that the 24 persons are not fully enjoying their civil and political rights,

1. *Thanks* the Attorney General and his Office for their extensive information and cooperation;
2. *Nevertheless deplores* the fact that the judicial authorities have not decided to drop the charges against 24 of the dismissed deputies; *reaffirms its belief* that these charges punish them because they legitimately exercised their parliamentary mandate and prolong the injustice already

inflicted on them as a result of their unlawful dismissal; *calls again* on the authorities to drop the charges forthwith;

3. *Trusts* that there are no obstacles to prevent the 56 dismissed deputies from standing in the forthcoming legislative elections should they so wish; *would appreciate* confirmation on this point;
4. *Requests* the Committee to continue examining this case and report to it at its next session, to be held on the occasion of the 121st Assembly of the IPU (October 2009), in the hope of being able then to close the case.

CASE No. EGY/02 - AYMAN NOUR - EGYPT

Resolution adopted unanimously by the IPU Governing Council at its 184th session (Addis Ababa, 10 April 2009)

The Governing Council of the Inter-Parliamentary Union,

Referring to the case of Mr. Ayman Nour, a member of the People's Assembly of Egypt at the time the communication regarding him was submitted, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/184/12(b)-R.1), and to the resolution adopted at its 183rd session (October 2008),

Recalling that on 29 January 2005, shortly after his parliamentary immunity was lifted, Mr. Ayman Nour, then President of the opposition Al-Ghad Party, was arrested on reportedly fabricated charges of forgery and counterfeiting for the purpose of establishing his own party were brought against him; on 24 December 2005, he was found guilty and sentenced to a five-year prison term, which was upheld at final instance; apart from questions it has raised about the circumstances of the lifting of Mr. Nour's parliamentary immunity and the judicial proceedings, it has always expressed concern over Mr. Nour's state of health, which was said to be worsening in detention, and it has consequently called for Mr. Nour's release on health grounds,

Considering that, on 18 February 2009, Mr. Nour was indeed released on such grounds,

1. *Thanks* the Speaker of the People's Assembly for his consistent cooperation in this case;
2. *Notes with satisfaction* the release of Mr. Nour and is confident that he will be able to resume his place in the political life of his country;
3. *Decides* to close this case while nevertheless regretting the proceedings brought against him.

ERITREA

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

Resolution adopted unanimously by the IPU Governing Council at its 184th session (Addis Ababa, 10 April 2009)

The Governing Council of the Inter-Parliamentary Union,

Referring to the cases of the parliamentarians listed above, former members of the Parliament of Eritrea who have been held incommunicado since 18 September 2001, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/184/12(b)-R.1), and to the resolution adopted at its 183rd session (October 2008),

Recalling the following:

- The parliamentarians concerned were arrested on 18 September 2001 after publishing an open letter criticizing President Issayas Afwerki's policies and have been held incommunicado ever since, accused of conspiracy and attempting to overthrow the legal government without ever being formally charged, brought before a judge or tried;
- In November 2003, upon examining a complaint concerning their situation, the African Commission on Human and Peoples' Rights found that the State of Eritrea had violated Articles 2, 6, 7(1) and 9(2) of the African Charter on Human and Peoples' Rights, which enshrine the right to liberty and security of person, the right to a fair trial and the right to freedom of expression, and urged the State of Eritrea to order the immediate release of the former parliamentarians and to compensate them,

Recalling that since September 2004, when the Ambassador of Eritrea to the European Union, Belgium, Luxembourg, Portugal and Spain reported that he did not know whether "anyone from the outside or a member of their family had recently visited them and observed their conditions of detention", no further reply to any request for information has been received from the Eritrean authorities, and that no other source has been able to provide any information on the current situation of the former parliamentarians; *noting* also that the Ambassador and his office in Brussels have not responded to the requests of a member of the Committee on the Human Rights of Parliamentarians to meet with the Ambassador,

Considering that scant official information is available on the human rights situation in Eritrea and that the Eritrean authorities have continuously failed to report to the United Nations human rights mechanisms about respect for fundamental freedoms in their country; however, numerous human rights organizations have reported extensive and serious human rights concerns in Eritrea, including with respect to the harsh treatment of prisoners,

1. *Is appalled* that 11 former parliamentarians continue to languish in incommunicado detention without any prospect for release, which situation, given the widely reported harsh prison conditions in Eritrea and the violations of their human rights identified by the African Commission on Human and Peoples' Rights, amounts to severe physical and mental torture and causes their families unbearable anguish;
2. *Urges* the authorities once again to release them forthwith and thus put an end to a situation which flouts all respect for human dignity and cannot be justified on any grounds;
3. *Considers* that the international community, and more particularly parliaments and their members, can and must do much more to secure their release by putting pressure on the Eritrean authorities to comply with the decision of the African Commission on Human and Peoples' Rights in this case;
4. *Appeals* particularly in this respect to the authorities of the African Union, the African Parliamentary Union and the Pan-African Parliament to do everything in their power for this purpose and so prevent the African Commission's authority from being undermined by the attitude of a State party to the African Charter on Human and Peoples' Rights; *also calls on* the competent United Nations mechanisms to make every effort to ascertain the whereabouts of

the persons concerned and to obtain their immediate release;

5. *Regrets* that its longstanding request to carry out an on-site mission to Eritrea has never been answered; *earnestly hopes* that the Eritrean authorities will finally respond and agree to the request, in the belief that such a mission can be essential to addressing the concerns in this case;
6. *Requests* the Committee to continue examining this case and report to it at its next session, to be held on the occasion of the 121st Assembly of the IPU (October 2009).

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

Resolution adopted unanimously by the IPU Governing Council at its 184th session (Addis Ababa, 10 April 2009)

The Governing Council of the Inter-Parliamentary Union,

Having before it the case of Mr. Mohammed Al-Dainy, a member of the Council of Representatives of Iraq, which has been the subject of a study and report of the Committee on the Human Rights of Parliamentarians following the Procedure for the treatment by the Inter-Parliamentary Union of communications concerning violations of the human rights of members of parliament,

Taking note of the report of the Committee on the Human Rights of Parliamentarians, which contains a detailed outline of the case (CL/184/12(b)-R.1.),

Taking note of the hearing the Committee held with a member of the Iraqi delegation to the 120th Assembly,

Considering the following information:

- Mr. Al-Dainy, a member of the National Dialogue Front, was elected in March 2006 to the Council of Representatives; as a member of parliament, he concentrated on human rights and more particularly investigating conditions of detention in Iraq and secret detention facilities and was able to gather a wealth of information, which he shared with the media and international organizations; in October 2008, he was invited to Geneva to meet and inform United Nations human rights bodies and other human rights organizations about the human rights situation in Iraq, and he intended to establish a local human rights organization in cooperation with United Nations human rights mechanisms; according to the information provided by the Iraqi delegate, Mr. Al-Dainy disagrees with government policies, is working for the old regime and has links with Al-Qaida;
- 1.- On 22 February 2009, at a press conference, Major General Qassem Atta, spokesperson for Baghdad's military security command, accused Mr. Al-Dainy of masterminding the 12 April 2007 suicide bombing of the parliament; the accusation is reportedly based on a video "confession" of Mr. Al-Dainy's nephew and bodyguard, Riad Ibrahim Al-Dainy, and of the head of his security detail, Mr. Alaa Khairalla Al-Maliki, both of whom were arrested by government forces in January and February 2009; Mr. Al-Dainy has strongly refuted the accusation, affirming that the "confessions" were obtained under torture, are fabrications and are linked to his criticism of the treatment of prisoners and detainees in Iraq; according to the information supplied by the Iraqi delegate, Mr. Al-Dainy is accused not only of the suicide bombing but also of other acts of terrorism;
 - 2.- On 23 February 2009, the media announced that the Baghdad military security command had sent a request to the judicial authorities for the lifting of Mr. Al-Dainy's parliamentary immunity. Military spokesman Qassim Moussavi stated that the authorities were waiting for the courts to issue an arrest warrant for Mr. Al-Dainy; according to the Iraqi delegate, a gentleman's agreement was reached with Mr. Al-Dainy that he would not leave the country pending the proceedings against him;
 - 3.- On 25 February 2009, Mr. Al-Dainy was flying to Amman together with four other Iraqi members of parliament (Maysoon Al-Damlouji, Ahmed Radi, Ali Al-Sajri, Assaad Al-Issaoui); the plane was turned back 30 minutes after take-off and Mr. Al-Dainy was ordered by a security officer to disembark; he left the plane with two of

the members of parliament on board, including Mr. Al-Sajri; when Mr. Al-Dainy and his colleagues asked to see the security officer's warrant, he reportedly replied that he was acting under orders from Prime Minister Maliki which had been given to the Federal Prosecutor; according to those orders, Mr. Al-Dainy was banned from travelling and a warrant for his arrest was to be issued; however, when the security officer was unable to produce those orders, Mr. Al-Dainy was handed back his passport and he left the airport with his two colleagues; according to the Iraqi delegate, he was not arrested because his immunity had not yet been lifted;

- Mr. Al-Dainy's immunity was lifted the same day in an emergency session of parliament the last day before the vacation; according to the Iraqi delegate, the vast majority voted in favour, even parliamentarians from his own parliamentary group, although apparently no documentation was made available to parliament; he did not know whether the immunity was lifted before or after Mr. Al-Dainy had left for Jordan;
- According to the source, approximately 5 km into the journey from the airport and just before a government checkpoint, fearing for his life, Mr. Al-Dainy exited the car on the main road in an area which, according to the source, is under government control; he reportedly told Mr. Al-Sajri "if they take me, they'll kill me"; however, according to the Iraqi delegate, Mr. Al-Dainy made a telephone call and a car promptly arrived and took him away; this happened in an area which was chosen by Mr. Al-Dainy, namely the Abu Ghraib area; the delegate referred in this context to a press conference Mr. Al-Sajri had held shortly afterwards about what had happened; Mr. Al-Dainy has not been seen since then and has had no contact with the family;
- Given the context and circumstances, the source believes that Mr. Al-Dainy must have been apprehended by government security forces and puts the chances of his being free at virtually nil; however, according to the Iraqi delegate, the Government is not involved in his disappearance and not even members of Mr. Al-Dainy's own group have so accused it; according to the delegate, Mr. Al-Dainy, whose wife and children are living in Jordan, travelled there on a false passport;
 - According to the source, apart from Mr. Al-Dainy's nephew, at least 13 members of Mr. Al-Dainy's staff and family have been arrested, including his 85-year-old grandfather. The Iraqi security forces have reportedly been to the home of all his family members, ransacked their houses and burnt the cars of all relatives and persons close to Mr. Al-Dainy; Mr. Al-Dainy's office was reportedly searched, without a warrant being presented, and ransacked as well; the Iraqi delegate was unaware of all this,

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

Considering that Iraq is a party to the International Covenant on Civil and Political Rights, which it ratified in 1971; that the Covenant guarantees the right to life and security, which entails the prohibition of enforced disappearances, and prohibits arbitrary arrest and detention,

1. 1. *Thanks* the Iraqi delegate for the information he provided and for his cooperation;
2. 2. *Is alarmed* at the disappearance of Mr. Al-Dainy, particularly since it cannot be ruled out that he has been the victim of an enforced disappearance, a grave human rights violation;
3. 3. *Recalls* that the authorities have a duty to protect the life and security of citizens, including members of parliament, and are therefore duty bound to make every effort to ascertain Mr. Al-Dainy's whereabouts; *would appreciate* information on what steps have been taken to this end and on what initiatives parliament will take or has already taken to monitor the relevant investigation;
4. 4. *Is concerned* that parliament lifted Mr. Al-Dainy's immunity in the absence of any documentation and without a proper discussion, and more particularly without Mr. Al-Dainy having been afforded his right to present his defence; *would appreciate* receiving the comments of the parliamentary authorities in this respect;
5. 5. *Recalls* that, whenever a serious torture allegation has been made, the authorities have a duty to conduct an independent investigation; *wishes to ascertain* any action taken to this end with regard to the alleged torture of Mr. Al-Dainy's nephew and bodyguard;
6. 6. *Wishes to ascertain* the precise accusations brought against Mr. Al-Dainy, the evidence adduced to

sustain them and to receive a copy of any indictment; *would also appreciate* more detailed information as to the authority competent to order the return of the aircraft in which Mr. Al-Dainy was travelling 30 minutes after take-off;

7. *Expresses deep concern* at the reported arrest of Mr. Al-Dainy's family members and ransacking of their homes; *wishes to ascertain* any action taken by parliament to inquire into these allegations and to ensure that any family member who is under arbitrary arrest, in particular Mr. Al-Dainy's 85-year-old grandfather, is released immediately and that those responsible for the ransacking are punished;

8. *Requests* the Secretary General to convey this resolution to the parliamentary authorities and other competent authorities. *Requests* the Committee to continue examining this case and report to it at its next session, to be held on the occasion of the 121st IPU Assembly (October 2009).

CASE No. LEB/01 - GIBRAN TUENI) LEBANON

CASE No. LEB/02 - WALID EIDO)

CASE No. LEB/03 - ANTOINE GHANEM)

CASE No. LEB/04 - PIERRE GEMAYEL)

Resolution adopted unanimously by the IPU Governing Council at its 184th session (Addis Ababa, 10 April 2009)

The Governing Council of the Inter-Parliamentary Union,

Referring to the cases of Mr. Gibran Tueni, Mr. Walid Eido, Mr. Antoine Ghanem and Mr. Pierre Gemayel, members of the National Assembly of Lebanon, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/184/12(b)-R.1), and to the resolution adopted at its 183rd session (October 2008),

Recalling the following:

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

Recalling that the International Independent Investigation Commission set up under United Nations Security Council resolution 1644 (2005) to investigate former Lebanese Prime Minister Hariri's murder on 14 February 2005 was subsequently also asked to devote part of its capacity to giving technical assistance to the Lebanese authorities with respect to the murders of the four members of the National Assembly,

Considering that four Lebanese generals were taken into custody by the Lebanese authorities in September 2005 in connection with Mr. Hariri's assassination but have not been charged and that three civilian suspects, Lebanese brothers Ahmad Abdel Aal and Mahmoud Abdel Aal and a Syrian national, Mr. Ibrahim Jarjura, who were held in connection with Mr. Hariri's assassination, were released on bail on 25 February 2009,

Considering that on 1 March 2009 the former Head of the Commission, Mr. Daniel Bellemare, took up his duties as Prosecutor of the Special Tribunal for Lebanon entrusted with trying those responsible for Mr. Hariri's assassination; the Tribunal's jurisdiction can be amplified beyond the 14 February 2005 bombing should the Tribunal find that other attacks in Lebanon between 1 October 2004 and 12 December 2005 are connected in accordance with the principles of criminal justice and are of a nature and gravity similar to Mr. Hariri's murder; crimes committed after 12 December 2005 can be eligible for inclusion in the Tribunal's jurisdiction under the same criterion should it be so decided by the Government of Lebanon and the United Nations and with the consent of the Security Council,

Considering that Prosecutor Bellemare has requested that the file concerning Mr. Hariri's

assassination be transferred to the Special Tribunal in order that it may establish jurisdiction over it,

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

1. *Notes* that, with the commencement of the work of the Special Tribunal, the pursuit of justice in this case has entered a new phase;
2. *Considers* that this requires the Lebanese authorities to provide the Tribunal with the necessary assistance to fulfil its mandate effectively and, at the same time, to take full charge of the investigations and proceedings over which the Tribunal as yet lacks jurisdiction;
3. *Trusts* that the Lebanese authorities are making every effort to bring to account those who murdered the parliamentarians concerned; *wishes* to ascertain the stage reached in the investigations and to know whether the suspects who were released on bail with respect to Mr. Hariri's murder have also been investigated in connection with the murder of the parliamentarians;
4. *Reaffirms* that the National Assembly has a special responsibility for and interest in ensuring that justice is done in this case; *regrets* therefore the continued absence of information from the Parliament about any steps it may have taken to monitor the investigations and to associate itself, as in the case of Mr. Tueni, with the court action taken by the public prosecutor in the other three cases; *reiterates its wish* to receive such information;
5. *Requests* the Secretary General to convey this resolution to the competent parliamentary and judicial authorities of Lebanon, to the Prosecutor of the Special Tribunal for Lebanon and to the source;
6. *Requests* the Committee to continue examining this case and report to it at its next session, to be held on the occasion of the 121st Assembly of the IPU (October 2009).

CASE No. MON/01 - ZORIG SANJASUUREN - MONGOLIA

Resolution adopted unanimously by the IPU Governing Council at its 184th session (Addis Ababa, 10 April 2009)

The Governing Council of the Inter-Parliamentary Union,

Referring to the case of Mr. Zorig Sanjasuuren, a member of the State Great Hural of Mongolia who was murdered in October 1998, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/184/12(b)-R.1), and to the resolution adopted at its 183rd session (October 2008),

Taking account of the letter of 1 April 2009 from the Vice-Chairman of the State Great Hural and Chairman of the Executive Committee of the Mongolian Inter-Parliamentary Group,

Recalling that, during an on-site visit to Mongolia by the Committee in August 2001, the Mongolian investigative authorities stated that technical assistance with certain aspects of the investigation into Mr. Zorig's murder would be helpful; that, in August 2007, the then Prime Minister of Mongolia sent an official request for technical assistance with the investigation to, inter alia, the Government of Germany and sent a similar request on 16 January 2009 to the Japanese Prime Minister,

Noting that the German authorities are meanwhile providing the requested technical assistance, that a

Mongolian delegation travelled to Germany in June 2008, that certain evidence was analysed and that the German authorities remain at the disposal of their Mongolian counterparts for analysis of other items; *noting* in this respect that, in his letter, the Vice-Chairman of the State Great Hural, through the IPU, requested the assistance of member parliaments in obtaining the analysis of certain evidence through Mitotyping technology and DNA analysis,

Considering that the parliament elected in June 2008 has followed the example of the previous legislature and on 30 March 2009, through Resolution 64 of the Speaker, established a working group to acquaint itself with the investigation into Mr. Zorig's murder and to provide the necessary assistance and support,

1. *Is gratified* to note that the German offer to provide technical assistance has materialized and produced results and that a request for technical assistance has been sent to the Japanese Prime Minister; *is confident* that it will receive a positive answer, thereby increasing the likelihood that the combined work of foreign and Mongolian experts will finally elucidate Mr. Zorig's murder;
2. *Is also gratified* that the parliamentary working group has been set up since it can do much to prevent impunity in this case;
3. *Requests* the Secretary General to take the necessary steps to ensure that the specific assistance sought for the analysis of evidence is provided;
4. *Requests* the Committee to continue examining this case and report to it at its next session, to be held on the occasion of the 121st Assembly of the IPU (October 2009).

MYANMAR⁴

Parliamentarians reportedly still serving their sentences:

CASE No. MYN/13 - SAW NAING NAING
CASE No. MYN/35 - SAW HLAING
CASE No. MYN/104 - KYAW KHIN
CASE No. MYN/215 - AUNG SOE MYINT
CASE No. MYN/236 - KHUN HTUN OO
CASE No. MYN/237 - KYAW SAN
CASE No. MYN/238 - KYAW MIN
CASE No. MYN/241 - KHIN MAUNG WIN
CASE No. MYN/242 - KYAW KYAW
CASE No. MYN/256 - HLAING AYE
CASE No. MYN/257 - KYAW MAUNG
CASE No. MYN/258 - MYINT KYI
CASE No. MYN/261 - U NYI PU
CASE No. MYN/262 - TIN MIN HTUT
CASE No. MYN/263 - WIN MYINT AUNG
CASE No. MYN/264 - THAN LWIN

Parliamentarians who died in custody or soon after their release:

CASE No. MYN/53 - HLA THAN

CASE No. MYN/55 - TIN MAUNG WIN

CASE No. MYN/72 - SAW WIN

CASE No. MYN/83 - KYAW MIN

CASE No. MYN/131 - HLA KHIN

CASE No. MYN/132 - AUN MIN

CASE No. MYN/245 - MYINT THEIN⁵

Parliamentarians assassinated:

CASE No. MYN/66 - WIN KO

CASE No. MYN/67 - HLA PE

Resolution adopted unanimously by the IPU Governing Council at its 184th session (Addis Ababa, 10 April 2009)

The Governing Council of the Inter-Parliamentary Union,

Referring to the cases of the above-mentioned members-elect of the Pyithu Hluttaw (People's Assembly) of the Union of Myanmar, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/184/12(b)-R.1), and to the resolution adopted at its 183rd session (October 2008),

Recalling its long-standing concerns about:

- The complete disregard for the results of the election of 27 May 1990, in which the National League for Democracy (NLD) won 392 of the 485 seats;
- The continuous removal from the political process of many parliamentarians-elect by various means, as a result of which numerous parliamentarians-elect have been imprisoned, in some instances their detention having been continuously extended without their ever having appeared in court, as in the cases of Dr. May Win Myint and Dr. Than Nyein, whose health, together with that of U Kyaw San, remains highly precarious;

⁴ The Union of Myanmar has no parliament. ⁵ On 2 April 2008, MPU-Burma announced that Mr. Myint Thein died following his release, his health having greatly worsened in detention.

1.- The violent repression by the military regime of the widespread protests in Myanmar in August and September 2007; the repression was denounced on many occasions by the international community, inter alia by the IPU at its 117th Assembly (Geneva, October 2007); between 3,000 and 4,000 protestors, including 17 parliamentarians-elect were arrested; while 11 have since been released, four have been sentenced on account of their participation in the peaceful demonstrations; one of those parliamentarians-elect, Mr. Than Lwin, was ill-treated by the regime's paramilitary group, which enjoys total impunity;

2.- The National Convention, an assembly chiefly consisting of members who were hand-picked by the authorities; the National Convention completed its work to draft a new Constitution, which gives the military sweeping and overriding powers, in early September 2007, without allowing a free exchange of opinions and ideas and criminalizing any criticism of its work; despite the serious concerns about the drafting exercise performed by the National Convention and the fact that the devastating cyclone that struck Myanmar in early May 2008 made parts of the country inaccessible, the authorities went ahead with the referendum, which, according to official reports, overwhelmingly endorsed the new Constitution; however, detailed reports exist indicating that voters were either pressured or blackmailed into voting for the referendum, which had become an entirely military-run exercise; the night before the referendum, local authorities went from house to house to collect people's votes, and the authorities decided to close the polling stations hours before the time originally scheduled,

Considering that on 12 August 2008, parliamentarians-elect U Nyi Pu and Tin Min Htut were arrested

at their houses; they had both signed a letter to the United Nations Secretary-General, Mr. Ban Ki-moon, at the end of July 2008, in which they declared their opposition to the 2010 elections and expressed concern about the United Nations stance on Myanmar; they were subsequently charged with sedition, disrupting the National Convention and violating the Electronics Act; on 13 February 2009, the Insein Prison special court sentenced them to 15 years' imprisonment; no lawyer was allowed to represent them in court,

Considering that Zaw Myint Maung was released on 21 February 2009 as part of a release of over 6,000 prisoners by the authorities, which along with him included 22 other political prisoners; according to the United Nations Special Rapporteur on the human rights situation in Myanmar, in his report (A/HRC/10/19) of 11 March 2009, there are more than 2,100 prisoners of conscience in Myanmar,

Considering also that the military authorities, on the basis of the new Constitution and the road map, have announced that elections will take place in 2010; the NLD and key ethnic parties have rejected the referendum results and declared that they will not stand in the elections unless the regime agrees to establish an inclusive commission to review and amend the Constitution, and that they have been working together to present viable options for Myanmar which are representative of all political and ethnic groups,

Considering finally that both the Special Envoy of the United Nations Secretary-General and the United Nations Special Rapporteur on the human rights situation in Myanmar travelled to Myanmar in early 2009 and subsequently reiterated their concerns about respect for fundamental freedoms and pleas to the authorities to promote meaningful political change; that the United Nations Secretary-General, on 12 November 2008, called once again for all citizens of Myanmar to be allowed to participate freely in their country's political future as part of an inclusive national reconciliation process,

1. *Is shocked* at the recent sentencing of two parliamentarians-elect to harsh prison terms for merely exercising their freedom of expression;
2. *Can but consider* that the continued repression of freedom of expression shows that the authorities are not serious in their stated intention to move towards genuine political reform;
3. *Reaffirms* its belief that the Constitution, which provides the legal and institutional framework for the 2010 elections, fails to reflect the democratic values to which the people of Myanmar have long aspired; *recalls* in this respect its long-standing conviction that the National Convention, owing to how it was set up and functioned, was illegitimate from the start, and that the climate of fear, distrust and total lack of transparency in which the referendum on the draft Constitution was conducted stripped it of any credibility;
4. *Stresses once again* that any transition to democracy will fail so long as it is not genuinely free and transparent, does not reflect the will of the people, and is not preceded by the unconditional release of all political prisoners and the lifting of all restrictions on human rights and political activity;
5. *Urges* the authorities to release forthwith all 16 parliamentarians-elect who continue to languish in prison on the basis of legal provisions that blatantly disregard their most basic rights, to refrain from any further political harassment, and to engage in a meaningful dialogue with Aung San Suu Kyi and all concerned parties and ethnic groups by accepting the proposal for an inclusive political process to review the Constitution;
6. *Appeals* to the international community to unite in support of this proposal since it provides a meaningful course of action for genuine change in Myanmar; and *appeals* especially to the IPU Member Parliaments, in particular those of China and India as neighbouring countries, to lend their full support in this respect;
7. *Appeals* more particularly to the Association of South-East Asian Nations (ASEAN), through its Secretary-General, Dr. Surin Pitsuwan, to take any measures that might lead to the restoration of democracy in Myanmar;
8. *Requests* the Secretary General to convey this resolution to the authorities and to all other parties concerned;
9. *Requests* the Committee to continue examining this case and report to it at its next session, to be held on the occasion of the 121st Assembly of the IPU (October 2009).

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

Resolution adopted unanimously by the IPU Governing Council at its 184th session (Addis Ababa, 10 April 2009)

The Governing Council of the Inter-Parliamentary Union,

Referring to the case of Mr. Marwan Barghouti, an incumbent member of the Palestinian Legislative Council, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/184/12(b)-R.1), and to the resolution adopted at its 183rd session (October 2008),

Referring to Mr. Simon Foreman's expert report on Mr. Barghouti's trial (CL/177/11(a)-R.2), and *taking into account* the information gathered by the Committee's secretary during a fact-finding mission to Ramallah in March 2009,

Referring also to the study of B'Tselem -the Israeli Information Center for Human Rights in the Occupied Territories - entitled "Barred from Contact" on violations of the right to visit Palestinians held in Israeli prisons, published in September 2006,

Noting that the Permanent Representative of Israel to the United Nations Office in Geneva, in a letter dated 22 December 2008, stated that "all Palestinian lawmakers detained in Israel for their connection with terrorist activities, including Mr. Marwan Barghouti, continue to enjoy rights as stipulated under Israeli law, with due respect for humanitarian concerns" and recalls that Mr. Barghouti was convicted on five counts of murder,

Recalling that, in his detailed report on Mr. Barghouti's trial, barrister Simon Foreman concluded that "the numerous breaches of international law ... make it impossible to conclude that Mr. Barghouti was given a fair trial" and that it consequently considered that Mr. Barghouti's guilt had not been established;

Considering that Mr. Barghouti was kept in solitary confinement from 2002 to 2004 and that, according to his wife, since then, he is kept in an isolated department in the Hadarim prison where 120 political leaders are held in cells with three persons per room; visiting rights are not regular and only granted from time to time; for example, she went to the prison on 25 March 2009 but was denied the visit; the International Committee of the Red Cross (ICRC) bus which took her there was attacked and stoned by supporters of Gilad Shalit, the Israeli soldier captured in June 2006 in a cross-border attack on military installations; her children - three sons aged 23, 20 and 19 and one 22-year-old daughter - are not allowed to visit their father; even Mr. Barghouti's mother was not allowed to visit him and she died two years ago without having seen her son again,

Noting further that statements by the Speaker of the Knesset and the Minister for Foreign Affairs, to the effect that a visit by a Committee member to Mr. Barghouti could be arranged, have so far not been acted upon,

1. *Reaffirms*, in the light of Mr. Foreman's report, that Mr. Barghouti was transferred to Israel in breach of the Fourth Geneva Convention of 1949 and the Oslo Accords; consequently *once again urges* the Israeli authorities to transfer Mr. Barghouti immediately to the Palestinian authorities;
2. *Reaffirms further*, in the light of the compelling legal arguments put forward in Mr. Foreman's report, on which the Israeli authorities have not provided observations, that Mr. Barghouti's trial did not meet the fair trial standards which Israel, as a State party to the International Covenant on Civil and Political Rights, is bound to respect and that his guilt has therefore not been established;
3. *Deplores* the extremely limited family visiting rights enjoyed by Mr. Barghouti and, more particularly the arbitrariness of decisions authorizing or denying visits; *recalls* that Article 37 of

the United Nations Standard Minimum Rules for the Treatment of Prisoners stipulates that "prisoners shall be allowed ... to communicate with their family and reputable friends at regular intervals, both by correspondence and by receiving visits"; *calls on* Israel to conform to those rules;

4. *Infers* from the lack of any decision regarding its request for a visit to Mr. Barghouti that it has not been considered, and *deeply regrets* this all the more since television crews have obtained authorization to visit him;
5. *Requests* the Committee to continue examining this case and report to it at its next session, to be held on the occasion of the 121st Assembly of the IPU (October 2009).

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

Resolution adopted unanimously by the IPU Governing Council at its 184th session (Addis Ababa, 10 April 2009)

The Governing Council of the Inter-Parliamentary Union,

Referring to the case of Mr. Ahmad Sa'adat, elected in January 2006 to the Palestinian Legislative Council, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/184/12(b)-R.1), and to the resolution adopted at its 183rd session (October 2008),

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

Taking into account the information gathered by the Committee's secretary during a fact-finding mission to Ramallah,

Recalling that on 14 March 2006, Mr. Sa'adat, whom the Israeli authorities had accused of involvement in the October 2001 murder of Mr. R. Zeevi, the Israeli Minister of Tourism, was abducted by the Israeli Defence Forces from Jericho jail and transferred to Hadarim in Israel together with four other prisoners suspected of involvement in the murder; that the Israeli authorities concluded one month later that he had not been involved in the killing and charged the other four suspects with the murder; that subsequently 19 other charges were brought against Mr. Sa'adat, all of which arise from his leadership of the Popular Front for the Liberation of Palestine (PFLP), ranked as a terrorist organization by Israel, and none of which allege direct involvement in crimes of violence, although seven (covering the period from 1995 to the day of his arrest) allege preparatory or secondary involvement in such acts,

Considering that Mr. Sa'adat refused to recognize the jurisdiction of the court, and consequently he and his lawyer remained silent throughout the proceedings; only in the hearing held after his conviction, but before the handing down of the sentence, did he offer a political rather than legal defence, in which he denounced, inter alia, the occupation as a war crime; during the proceedings, the court heard 37 prosecution witnesses, all fellow prisoners, but, according to Mr. Sa'adat's lawyer, was unable to produce any proof of his direct or indirect involvement in or personally sharing responsibility for any violence, *noting* that on 25 December 2008, Mr. Sa'adat was sentenced to 30 years' imprisonment,

Noting that Mr. Sa'adat was held in Hadarim prison and transferred in mid-March to Ashkalon prison; that solitary confinement has been imposed on him until June 2009; before the isolation, his youngest son and his wife were able to visit him; Mr. Sa'adat suffers from cervical problems, high blood pressure and asthma and has

reportedly not been examined by a medical doctor; he sometimes has breathing difficulties and the family is therefore very concerned, since he is now in isolation and no help can be had in any emergency; *noting further* that at the beginning of his detention the Israeli authorities refused to let his wife visit him; for the first seven months, Mr. Sa'adat received no family visit; his children with Palestinian ID cards have not been allowed to visit their father since his arrest for unknown reasons; Mrs. Sa'adat has now been authorized to visit her husband twice a month; the first time in March, she was unable to visit him because she was in hospital and, when she last tried to visit him, she was unable to do so because he had been transferred to Ashkelon jail, where he is in solitary confinement; the prison authorities removed his television set and imposed other restrictions, in line with a decision they have reportedly taken to punish prisoners for the failure of the negotiations regarding the release of Gilad Shalit, the Israeli soldier captured in June 2006 during a cross-border attack on Israeli military installations,

1. *Reaffirms its conviction* that Mr. Sa'adat's abduction and transfer to Israel was related not to the murder charge but rather to his political activities as PFLP General Secretary and that the proceedings against him were therefore based on extra-legal considerations;
2. *Fears* that the imposition of the extremely harsh sentence on him is further evidence of the political motives for his arrest and prosecution as the leader of a political party; therefore *calls on* Israel to release him;
3. *Wishes* to receive a copy of the judgment handed down on Mr. Sa'adat;
4. *Is alarmed* at the imposition of solitary confinement on Mr. Sa'adat and *wishes to* ascertain on what grounds that decision was taken;
5. *Recalls* that, in conformity with the United Nations Standard Minimum Rules for the Treatment of Prisoners, no prisoner shall be punished except in accordance with the terms of a law or regulation and that, in its Article 7, the Basic Principles for the Treatment of Prisoners recommends the abolition of solitary confinement;
6. *Calls on* Israel to respect these principles and rules;
7. *Requests* the Committee to continue examining this case and report to it at its next session, to be held on the occasion of the 121st Assembly of the IPU (October 2009).

PALESTINE / ISRAEL

CASE No. PAL/16 - OMAR MATAR (aka OMAR ABDEL RAZEQ) CASE No. PAL/17 - NAYEF AL-ROJOUB CASE No. PAL/18 - YASER MANSOOR CASE No. PAL/19 - HUSNY AL-BURIENY CASE No. PAL/20 - FAT'HY QARA'WI CASE No. PAL/21 - IMAD NAWFAL CASE No. PAL/22 - ANWAR ZBOUN CASE No. PAL/23 - MAHMOUD AL-KHATEEB CASE No. PAL/24 - ABDULJABER AL-FUQAHA CASE No. PAL/25 - KHALED YAHYA CASE No. PAL/26 - KHALED SULAIMAN CASE No. PAL/27 - NASER ABDULJAWAD CASE No. PAL/28 - MUHAMMAD ABU-TEIR CASE No. PAL/29 - AHMAD 'ATTOUN CASE No. PAL/30 - MUHAMMAD TOTAH CASE No. PAL/31 - IBRAHIM SAED ABU SALEM CASE No. PAL/32 - BASEM AHMED ZAARER CASE No. PAL/33 - IBRAHIM MOHAMED DAHBOOR CASE No. PAL/34 - MOHAMED MAHER BADER CASE No. PAL/35 - MOHAMED ISMAIL AL-TAL CASE No. PAL/36 - FADEL SALEH HAMDAN CASE No. PAL/37 - ALI SALEEM ROMANIEN CASE No. PAL/38 - SAMEER SAFEH AL-KADI CASE No. PAL/39 - REYAD ALI EMLEB CASE No. PAL/41 - REYAD MAHMOUD RADAD CASE No. PAL/42 - KALI MUSA RBAE CASE No. PAL/43 - M. MOTLAK ABU JHEASHEH CASE No. PAL/44 - WAEL MOHAMED ABDEL RUMAN CASE No. PAL/45 - MAHMOUD IBRAHIM MOSLEH CASE No. PAL/46 - AHMED ABDEL AZIZ MUBARAK CASE No. PAL/47 - HATEM QFEISHEH CASE No. PAL/48 - MAHMOUD AL-AMAHI CASE No. PAL/49 - ABDERRAHMAN ZAIDAN

Resolution adopted unanimously by the IPU Governing Council at its 184th session (Addis Ababa, 10 April 2009)

The Governing Council of the Inter-Parliamentary Union,

Referring to the case of the above-mentioned parliamentarians, all of whom were elected to the Palestinian Legislative Council (PLC) in January 2006, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/184/12(b)-R.1), and to the resolution adopted at its 183rd session (October 2008),

Referring also to the study produced by the Israeli non-governmental organization *Yesh Din* (Volunteers for Human Rights) on the implementation of due process rights in Israeli military courts in the West Bank, entitled “Backyard Proceedings”, which reveals the absence of due process rights in those courts, and to the study of B’Tselem - the Israeli Information Center for Human Rights in the Occupied Territories -entitled “Barred from Contact” on violations of the right to visit Palestinians held in Israeli prisons, published in September 2006,

Taking into account the information gathered by the Committee's secretary during a fact-finding mission to Ramallah,

Recalling that the parliamentarians concerned, elected on the Change and Reform list in the January 2006 PLC elections, were arrested on or after 29 June 2006 in the occupied West Bank and subsequently charged with standing in the election on the Change and Reform list, which in the view of the Israeli prosecution authorities is Hamas, and hence being a member of a terrorist organization, holding a position on behalf of Hamas by assuming membership in parliament on behalf of Hamas and providing services to a terrorist organization by assuming membership in parliamentary committees and supporting an illegal organization; that not a single charge relates to any violent activity and no accusation whatsoever was advanced in that respect; *recalling also* that the arrests came in the context of Israeli military operations in the Gaza Strip to obtain the release of Gilad Shalit, an Israeli soldier kidnapped on 25 June 2006 in a cross-border attack on Israeli military installations which the Israeli Government blames on Hamas and the Palestinian Authority,

Considering that the cases of the parliamentarians concerned were heard separately by the Ofer and Salem Israeli military courts and that most of them have been sentenced to around 40 months’ imprisonment, two parliamentarians were found not guilty, but taken into administrative detention; *noting* more particularly the following:

- The court did not accept the preliminary argument regarding its competence to hear these cases;
- The most important substantive defence argument was that the Israeli authorities knew and had accepted that Hamas was standing in the election; they had negotiated arrangements, especially in regard to the electoral process in East Jerusalem; Change and Reform candidates were summoned to the Russian compound, the main Israeli interrogation centre, and told that they were forbidden to campaign in East Jerusalem; never had there been any decision to arrest them; in one of the cases, the defence attempted to call as a witness the Head of Shabac and the adviser to the Prime Minister, Dov Weissglass, who had been responsible for negotiations with the Palestinian Authority regarding the elections, precisely for the purpose of showing Israel's knowledge and approval of Hamas’s participation in the elections; while the prosecution had objected to this request by the defence, the military court judge had approved it; however, on the day before they were due to give evidence, a military order from the Head of the Army stated that any information about relations between Israel, the European Union, the United States of America and the Palestinian Authority was classified, including discussions concerning the elections and that such evidence would be damaging to the security of the State of Israel, for which reason the witnesses in question would have been unable to respond to any question;
- In determining their judgment, the courts finally relied on what they termed "expert report" by a Shin Beit member (called Ivory during the proceedings) who testified that Change and Reform was Hamas; virtually none of the appeals succeeded; on the contrary, sentences were increased and often doubled; according to one of the lawyers, the courts sometimes give 24- to 30-month prison sentences for military action, but the sentence was double for the PLC members despite the lesser charge; clearly, the intention was to keep them

in prison for the rest of their parliamentary term,

Noting the following information provided on individual cases:

- **Mr. Wael Mohamed Abdel Ruman** (PAL/44): the first instance court accepted the defence argument that not every candidate of the Change and Reform list was a member of Hamas and therefore acquitted him of the charge of membership of a terrorist organization, but found him guilty of having accepted a senior position in and carried out activities on behalf of an organization which he knew to be a terrorist organization, sentencing him to 23 months in prison, 12 months' suspended imprisonment and a fine; however, the appeal court accepted the prosecution's arguments and found Mr. Wael guilty of membership of Hamas and increased the sentence to five years' imprisonment, of which one and a half years are suspended;
- **Sameer Safeh Al-Kadi** (PAL/38) was sentenced to 28 months at first instance and 42 months on appeal. He is a medical doctor and director of the biggest hospital in Hebron. He entered the Change and Reform list because as a medical doctor he wanted to help. One of the lawyers said that being a well-known and popular person made matters even worse, as the Israeli courts considered that their "guilt" was even greater because they placed their repute in the service of a terrorist organization;
- **Abduljaber Al-Fuqahaa** (PAL/24) was found not guilty because the prosecution was unable to prove that he had been elected on the Change and Reform list. However, he was placed in administrative detention on 1 January 2009;
- **Basem Ahmed Zaarer** (PAL/ 32) was found not guilty and released, but was rearrested on 1 January 2009;
- **Abderrahman Zaidan** (PAL/49) was arrested in November 2006 and released on bail after a month without having been accused of anything. He was rearrested in May 2007, a few days after returning from the IPU Assembly in Bali, and placed in administrative detention until December 2007, when an indictment was filed accusing him of being a member of the Change and Reform list and he was declared arrested in this case. After several months and following pleadings of the defence counsel, the court released Mr. Zaidan on bail, but he was immediately taken into administrative detention. Finally, a plea bargain was reached whereby he would plead guilty and be imprisoned for 22 months, account being taken of the period he had already spent in administrative detention, and the prosecution promised that, upon his release, he would not again be taken into administrative detention. He was released on 2 March 2009. Mr. Zaidan, a former Minister for Public Works and Housing, decided to stand in elections because he wanted to fight corruption in all aspects of public administration and to change the "one colour playground". According to him, there was a need for another point of view and this is why Change and Reform was created;
- **Omar Matar** (Omar Abdel Razeq; PAL/16), former Finance Minister, was arrested in December 2005 and released in March 2006. During his detention, he was interrogated and confessed that he was participating in the Change and Reform list and would stand in the elections on that list. Although he confessed, he was accused not on that but on other grounds and was released on bail by the court. On 29 June 2006, he was rearrested and, on the basis of his earlier confession, accused of having stood in the election on that list. In August 2008, after almost 25 months, he was found guilty and sentenced to 26 months' imprisonment. According to that verdict, he was to be released the same day and was indeed released. The next day, however, the prosecutor filed an appeal against his release, stating that because of a mistake (the court should have been asked to delay the release to allow them time to appeal) they had not asked for Mr. Matar to be kept in detention. At the hearing of the appeal, three weeks later, the court decided not to rearrest him and instead to post bail. The defence also appealed against the guilty verdict, arguing in particular that the court had not discussed the question of double jeopardy, and that accusing him now of standing on the Change and Reform list when the prosecution had not done so earlier when he had confessed to that, constituted misuse of authority. While the prosecution intended to ask that he be returned to prison for three and a half years, he finally negotiated with the defence and it was agreed that the defence would withdraw its appeal and plead that Mr. Matar not be sent back to prison while the prosecution would ask for 10 months' imprisonment. Finally, the court returned him to prison for five months. Mr. Matar should be released

by the end of April 2009;

- **Reyad Mahmoud Radad** (PAL/41) was elected on the majority list in Tulkarem while in prison; he was released after the election, rearrested and sentenced to 24 months' imprisonment. He was unable to participate in any PLC session;
- **Fat'hy Qara'wi** (PAL/20) was elected while in prison. He was released, then rearrested and sentenced to 40 months' imprisonment (including five months of administrative detention);
- **Yaser Mansoor** (PAL/18), Imad Nawfal /PAL/21) and Husny Al-Burieny (PAL/19) were sentenced to 40 months' imprisonment;
- **Naser Abduljawad** (PAL/27) was sentenced to 42 months' imprisonment,

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

Noting the following with regard to visiting rights: family members need permits, which can be restricted and cancelled for various reasons, especially security-related ones; in many cases, wives of prisoners are not authorized to meet their husbands; this was for example the case of Mr. Mahmoud Al-Ramahi, former PLC Secretary General (released on 31 March 2009); under the normal visiting procedure, if a permit is given by the Israeli authorities, the permit holder can visit the prisoner once every two weeks for a period of 45 minutes; prisoners are separated from their visitors by a glass partition and conversations are by means of a telephone; permits are usually issued for a period of three months and need to be renewed; food is very bad and prisoners have to buy it in prison shops, and medical care is often delayed,

Considering that, in late March 2009, after the failure of the negotiations regarding the release of Gilad Shalit, Israel arrested or rearrested Palestinians, including four Change and Reform parliamentarians, namely Azzam Salhab, Ayman Daraghme, Nizar Ramadan and Khaled Tafish, who had all been released; moreover, the Israeli Prison Service decided to impose additional restrictions on Palestinian political prisoners held in Israeli prisons, such as denying them family visits and not letting them watch television or read newspapers, reducing the time allowed in the open and restricting access to prison shops,

Recalling that on 30 June 2006 the Israeli Interior Minister revoked the East Jerusalem residence permits of Mr. Muhammad Abu-Teir, Mr. Ahmad Attoun and Mr. Muhammad Totah, on account of "breach of trust" owing to membership in a foreign parliament; they appealed against that decision in the Israeli Supreme Court; on 17 September 2008, the Supreme Court, ruling on the petition of Mr. Muhammad Abu-Teir, Mr. Ahmad Attoun and Mr. Muhammad Totah against the revocation of their East Jerusalem permanent residence status, decided to give them the opportunity to submit applications to the Israeli Minister of the Interior to reinstate their residence status and asked both parties to inform it of developments that would occur in the case within 60 days, after which it would decide how to proceed with the case,

1. *Notes* that the judgments handed down on the parliamentarians concerned confirm that the arrest and detention of the members of parliament concerned is quite unrelated to any criminal activity on their part but linked to their election on the Change and Reform list in a free and fair election recognized as such by the international community;

2. *Affirms* that there can be no doubt that Israel was aware of and accepted the participation of Hamas in the election, and *considers* therefore the arrest, detention and prosecution of the parliamentarians concerned to be politically motivated and hence arbitrary, and *calls on* the Israeli authorities to release them forthwith;

3. *Considers* that the rearrest of four Change and Reform parliamentarians following the failure of the negotiations regarding the release of Gilad Shalit and the simultaneous restriction of the rights of political prisoners suggests that Israel is in fact holding the PLC members concerned as hostages;

4. *Is appalled* at the fact that PLC members, like any other Palestinian, can be taken into administrative detention at any time, and be held for indefinite periods without a charge, being unable to defend themselves since the charge and evidence is not disclosed; *considers* that it renders judicial proceedings farcical since people can be arrested upon their acquittal or after having served their prison sentences, as has indeed happened in some of the cases in question; *recalls* that administrative detention is strictly forbidden under the international human rights norms to which Israel has subscribed, and *calls on* Israel to abrogate administrative detention forthwith;

5. *Deplores* the extremely limited family visiting rights enjoyed by Palestinian prisoners, including the PLC members concerned and, more particularly, the arbitrariness of decisions authorizing or denying visits; *recalls* that Article 37 of the United Nations Standard Minimum Rules for the Treatment of Prisoners stipulates that "prisoners shall be allowed to communicate with their family and reputable friends at regular intervals, both by correspondence and by receiving visits"; *calls on* Israel to conform to these Rules;

6. *Wishes to ascertain*, lastly, in the light of the Supreme Court decision regarding Mr. Muhammad Abu-Teir, Mr. Ahmad Attoun and Mr. Muhammad Totah, whether in the meantime their East Jerusalem residence permits have been restored to them;

7. *Requests* the Committee to continue examining this case and report to it at its next session, to be held on the occasion of the 121st Assembly of the IPU (October 2009).

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

Resolution adopted unanimously by the IPU Governing Council at its 184th session (Addis Ababa, 10 April 2009)

The Governing Council of the Inter-Parliamentary Union,

Referring to the case of Dr. Abdel Aziz Dweik, Speaker of the Palestinian Legislative Council (PLC), as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/184/12(b)-R.1), and to the resolution adopted at its 183rd session (October 2008),

Referring also to the study produced by the Israeli non-governmental organization *Yesh Din* (Volunteers for Human Rights) on the implementation of due process rights in Israeli military courts in the West Bank, entitled "Backyard Proceedings", and to the study of B'Tselem -the Israeli Information Center for Human Rights in the Occupied Territories - entitled "Barred from Contact", on violations of the right to visit Palestinians held in Israeli prisons, published in September 2006,

Taking into account the information provided by one of the sources in January 2009,

Considering the following information on file:

- Dr. Dweik, the PLC Speaker elected in January 2006, was arrested during the night of 5 to 6 August 2006 by the Israeli Defence Forces and has remained in detention; since he was charged with membership of Change and Reform, an unauthorized organization namely Hamas, with assuming leadership of that organization, namely by being a member of the PLC Speaker on behalf of Hamas and assuming the role of PLC Speaker on behalf of Hamas;
- Along with the other detained Change and Reform PLC members, he chose not to recognize the competence of the court and therefore did not enter a plea to the charges; after the court, had entered a non-guilty plea on his behalf, the prosecution presented witnesses, mostly other imprisoned PLC members and other detainees, and an "expert witness", a member of the Shabac Secret Service who testified to the link between Change and Reform and Hamas; the prosecution also presented quotations from the media and confessions from PLC members that Change and Reform was Hamas;
- At the close of the trial on 16 December 2008, the judge handed down her verdict, finding him guilty of membership of an unauthorized organization and leadership by way of membership of the PLC on behalf of that organization and, on account of his poor health, sentenced him to 36 months'

imprisonment; the prosecution appealed against the sentence on the ground that the sentence was too light and that Dr. Dweik had not been convicted for leadership in an unauthorized organization on the ground that he assumed the role of PLC Speaker,

Noting that Dr. Dweik, who was transferred a few months ago from Meggido to Hadarim prison, is in poor health; he was operated on 25 December 2008 to remove kidney stones but, as the operation was unsuccessful, he had to be operated again; Dr. Dweik is suffering from high blood pressure, diabetes and vitamin B12 deficiency for which he had to spend two weeks in the prison hospital wing; Dr. Dweik, who is 75 years old, finds it particularly arduous being taken to trial hearings, which sometimes means a five-day journey because prisoners from several prisons are collected; as in the case of all Palestinian prisoners, family members need a permit to enter Israel, which complicates visiting; he is usually allowed a visit by his family members once every two weeks for 45 minutes; they have to leave home at around 5 a.m. to take the Red Cross buses to the prisons and return late as they have to wait for all families to finish their visits, which take place at different times; a number of visits have been missed as Dr. Dweik has been moved several times and court dates clashed with visiting times,

1. *Notes* that the judgment handed down on Dr. Dweik confirms that his arrest, detention and prosecution are totally unrelated to any criminal activity on his part but are linked to his election on the Change and Reform list
2. *Affirms* that Israel was undoubtedly aware of and had accepted the participation of Hamas in the elections, and therefore *considers* Dr. Dweik's prosecution and conviction to have been politically motivated and hence arbitrary; *calls on* the Israeli authorities to release him forthwith;
3. *Remains deeply concerned* at Dr. Dweik's poor health, which the judge found to be reason enough for imposing a lesser sentence, and *considers* this alone to be sufficient reason for his immediate release;
4. *Requests* the Secretary General to take steps with a view to ensuring international observation of the appeal hearings in this case;
5. *Reiterates* its wish to visit Dr. Dweik;
6. *Requests* the Committee to continue examining this case and report to it at its next session, to be held on the occasion of the 121st Assembly of the IPU (October 2009).

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

Resolution adopted unanimously by the IPU Governing Council at its 184th session (Addis Ababa, 10 April 2009)

The Governing Council of the Inter-Parliamentary Union,

Referring to the case of Mr. Saturniño Ocampo, Mr. Teodoro Casiño, Ms. Liza Maza and Mr. Rafael Mariano, incumbent members of the House of Representatives of the Philippines, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/184/12(b)-R.1), and to the resolution adopted at its 183rd session (October 2008),

Referring also to the Committee's report on its mission to the Philippines carried out from 18 to 21 April 2007, and *taking into account* the information provided in January 2009 by the House of Representatives,

Bearing in mind that on 1 June 2007 the Supreme Court dismissed the rebellion charges brought in February 2006 against the parliamentarians concerned as being politically motivated; that those charges had been brought by the Inter-Agency Legal Action Group (IALAG), set up by President Gloria Macapagal Arroyo in January

2006 to ensure effective handling of investigative and prosecutorial aspects of the fight against threats to national security; and that the political parties to which the parliamentarians concerned belong and they themselves are regarded as such by that Group,

Recalling that the following new cases have since then been brought against the parliamentarians concerned, and *considering* their current stage:

- On 16 February 2007, a multiple murder case was brought in Leyte against Mr. Ocampo and others; he was arrested on 16 March 2007 and released on bail by the Supreme Court on 3 April 2007 pending the Court's decision on his petition for certiorari and prohibition; the reportedly fabricated evidence adduced by the prosecution links Mr. Ocampo to the execution of government infiltrators into the Communist Party/New People's Army (CPP/NPA) during the period 1985 to 1991 and describes him as a high-ranking official of the CPP/NPA;

1.- In August 2008 the Philippine National Police filed another charge of multiple murder against Mr. Ocampo; it involves the murder of Romeo Tabayas and Guillermo Daguino and, according to the House of Representatives and the sources, is not new because it is already contained in the Leyte case; motions brought by Mr. Ocampo to suspend proceedings in this case in view of the pending petition in the Supreme Court are still awaiting resolution by the prosecution;

2.- In January 2007, a disqualification case was brought against the political parties of the parliamentarians concerned on the basis of another murder case (Nueva Ecija case) whereby Representatives Ocampo, Casiño, Maza and Mariano (the "Batasan Four") allegedly conspired together and planned the elimination of the supporters of another political party, Akbayan, which accusation they strongly refute; while the Commission on Elections (COMELEC) dismissed the disqualification petitions for "lack of merit", the murder case is proceeding; on 18 April 2008 two counts of murder (having allegedly conspired in the murder of one Carlito Bayudang and one Jimmy Peralta) were filed in the Regional Trial Court of Palayan City, in addition to one count of kidnapping and murder of one Danilo Felipe in the Regional Trial Court of Guimba; on

5 August 2008 the Regional Trial Court of Guimba ordered that the charge of kidnapping with murder be dismissed, having found the extrajudicial confessions of prosecution witnesses to be inadmissible evidence; however, the Regional Trial Court of Palayan City did not dismiss the two murder charges pending before it even though they are based on the same evidence adduced in the kidnapping with murder case and ordered the provincial prosecutor to conduct a new preliminary investigation; on 26 September 2008, the court denied a motion for partial reconsideration of that order; the parliamentarians concerned have filed perjury cases against the complainants in this case;

- In May 2007, shortly before the elections, Mr. Casiño was charged with obstruction of justice for allegedly preventing the arrest of Mr. Vincent Borja, a presumed member of the CPP/NPA; according to the sources, given the incidence of extrajudicial executions and abductions in which the military are involved, Mr. Casiño asked the soldiers, who were not in uniform and had no arrest warrant, to present a warrant and to accompany the arrested person to a military camp until he was transferred to the police; Mr. Casiño filed his counter-affidavit on 27 June 2007, after which a clarificatory hearing was conducted; the case is still awaiting resolution by the prosecutor;
- On 17 March 2008 a petition for Writ of Amparo was filed against top officials of the CPP and Mr. Ocampo, which is pending in the Regional Trial Court of Basey, Western Samar, in connection with alleged threats by communist rebels against the life, liberty and security of one Dennis Gacuma, whose mother was reportedly abducted; Mr. Ocampo filed his answer to the petition on 9 March 2008; the first hearing of the case was reset three times and scheduled for 16 February 2009,

Recalling that the House of Representatives has adopted a series of resolutions to inquire into politically motivated killings, summary executions and enforced disappearances, urging the Government inter alia to immediately sign and ratify the United Nations International Convention for the Protection of All Persons from Enforced Disappearance; that in Resolution 118, it directed the House Committee on Civil, Political and Human Rights inter alia to "conduct an investigation into the various forms of human rights violations and attacks against

members and leaders of the Anakpawis Party list and other progressive parties and organizations ... and to put an end to political repression of the party lists they belong to”,

1. *Thanks* the House of Representatives for the information supplied and for its cooperation;
2. *Notes with deep concern* that not only are the cases against the parliamentarians concerned not proceeding, but new cases are brought against them, in particular against Representative Ocampo;
3. *Points out* in this respect in particular the failure of the prosecution to resolve the obstruction of justice case against Mr. Casiño brought against him almost two years ago, and the filing of another murder case against Representative Ocampo which is already part of the multiple murder case brought against him earlier, and hence in breach of the principle that no one shall be tried twice for the same offence (prohibition upon double jeopardy);
4. *Recalls* in this connection once again that the rebellion charges, initially filed against them by IALAG following nine months of preparation, were finally dismissed by the Supreme Court as clearly being politically motivated, and that a petition to bar their political parties from standing in the May 2007 elections was dismissed by the Commission on Elections for lack of merit;
5. *Consequently has every reason to believe* that the proceedings under way against the parliamentarians in question are part of an ongoing effort to remove them and their political parties from the democratic political process;
6. *Urges* the authorities either to proceed with the cases brought against the parliamentarians concerned diligently, as is their duty, or to drop the charges forthwith; *reaffirms also* that the prosecution and judicial authorities have a duty not to proceed with any case on the basis of political considerations; *once again recalls* in this respect the Supreme Court ruling in the

rebellion case in which the Court reiterated “the importance of maintaining the integrity of criminal prosecutions in general and preliminary investigations in particular” and stated the following: “We cannot emphasize too strongly that prosecutors should not allow, and should avoid giving the impression that their noble office is being used or prostituted, wittingly or unwittingly, for political ends”;

7. *Furthermore observes with concern* the differing positions of courts regarding the admissibility of extrajudicially obtained confessions as evidence, resulting in the dismissal of a case on one occasion and the ordering of further preliminary investigation on another; *reiterates therefore its wish* to receive information about the rules on admissibility of evidence in Philippine law;

8. *Notes* that the many cases brought against the parliamentarians concerned impair their capacity to exercise their parliamentary mandate freely and effectively, and therefore *appreciates* all the more the initiative taken by the House of Representatives to examine the question of harassment of party-list representatives; *would appreciate* information about any conclusions and recommendations that may meanwhile have been adopted by the House Committee on Civil, Political and Human Rights in this respect;

9. *Wishes lastly to ascertain* whether any action has been taken and yielded results in the perjury case brought by the parliamentarians concerned against the complainants in the Nueva Ecija case;

10. *Requests* the Secretary General to convey this resolution to the competent authorities, including the National Human Rights Commission, and to the other parties concerned, inviting them to provide the requested information;

11. *Requests* the Committee to continue examining this case and report to it at its next session, to be held on the occasion of the 121st Assembly of the IPU (October 2009).

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

Resolution adopted unanimously by the IPU Governing Council at its 184th session (Addis Ababa, 10 April 2009)

The Governing Council of the Inter-Parliamentary Union,

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

Taking note of the report of the Committee on the Human Rights of Parliamentarians, which contains a detailed outline of the case (CL/184/12(b)-R.1.),

Considering the following facts:

- Mr. Antonio F. Trillanes, then a Navy Lieutenant Senior Grade, was arrested and detained owing to his participation in the so-called “Oakwood Siege” of 27 July 2003 when more than 300 soldiers went to the Oakwood Hotel in Makati City to make known their grievances over graft and corruption within the Armed Forces of the Philippines, denouncing in particular what has become known as the “Greenbase Documents”; the incident ended peacefully with the Oakwood agreement providing for an independent investigation into the allegations of corruption with only five core members of the group, including Trillanes, to be prosecuted under Military Law; subsequently, however, charges of an attempted coup d’état - a non-bailable offence - were brought against him and 30 others;
- While in detention, Mr. Trillanes was allowed to register as a voter in December 2006, to file his certificate of candidacy for a Senate seat in February 2007, to cast his vote on 14 May 2007, to be proclaimed a senator-elect, and to take his oath of office on 29 June 2007; having received the eleventh highest number of votes (11,189,671), he was subsequently elected chair of the Senate’s Committee on Civil Service and Government Reorganization;
- Senator Trillanes was first held at the Detention Center of the Intelligence Service of the Armed Forces, was subsequently moved to the Marine Brig, Fort Bonifacio, and is currently held in the Philippine National Police Headquarters; during his election campaign, Senator Trillanes was permitted to meet regularly with campaign supporters and all guests wishing to see him; upon his election in June 2007, this policy continued and he was granted broad visiting rights and even allowed to hold inside the prison a first meeting of the Senate Committee that he was elected to chair; however, a few months after his election, this situation changed such that he is at present virtually unable to carry out his mandate; his applications and an application by the Senate itself to allow him to attend Senate sessions have been rejected in final instance by the Supreme Court, although the former custodian of Senator Trillanes at the Marine Brig, Colonel Luciaro D. Oneba did not object to Senator Trillanes’s request to be allowed to attend Senate sessions but merely recommended that “the Honourable Senator will be picked-up and transported back and forth with adequate Senate Security every time he attends the purposes being mentioned”, and the Chief of Staff of the AFP, General Hermogenes Esperon, in a letter dated 19 July 2007 to the trial court, expressed and professed “non-obstruction, in any manner, of the election and performance (by Senator Trillanes) of his duties in accordance with the popular mandate”;
- In rejecting Senator Trillanes’s petition, the Supreme Court relied essentially on the precedent of *People vs. Romeo Jalosjos*, where it held that “allowing accused-appellant to attend congressional sessions and committee meetings for five days or more a week will virtually make him a free man ... Such an aberrant situation not only elevates accused-appellant to that of a special class, it would also be a mockery of the purposes of the correctional system”; the sources point out that reference to that case is misplaced since, unlike that of Senator Trillanes, it concerned a member of parliament already convicted at first instance at the time of his petition on two counts of statutory rape and six counts of acts of lasciviousness (crimes involving moral turpitude) who had attempted to escape arrest;
- The sources point also to the case of the former Governor of Autonomous Region in Muslim Mindanao, Mr. Nur Misuri who was granted bail in April 2008, although he is being tried for the non-bailable crime of rebellion on account of having led an uprising in Jolo province, Mindanao, which killed hundreds of people;
- In Senate Resolution No. 3 on “Expressing the Sense of the Senate that Senator Antonio Trillanes IV be Allowed to Participate in the Sessions and other Functions of the Senate in Accordance with the Rule of Law”, adopted by the Senate on 25 July 2007, the Senate notes inter alia that the possibility of flight by Senator Trillanes in the event of his being granted bail is “remote if not impossible

considering all the circumstances” and refers to the case of Senator Justiniano Montano of Cavite in the following terms: “Senator Justiniano Montano of Cavite in the early 50es was placed in a similar predicament as Senator Trillanes when the former was charged with multiple murders and was placed under arrest: Multiple murder, like the offence with which Senator Trillanes is charged, is non-bailable. But the Supreme Court allowed Senator Montano bail so that he could join the sessions of the Congress and perform his other duties as an elected senator of the land”;

- The Senate minority leader filed a motion which was signed by all but three Senators, to allow Senator Trillanes to participate in Senate hearings via video-conferencing; the motion was referred to the Senate’s Committee on Rules; meanwhile, the Senate is amending its Rules to enable participation of members in Senate sessions via video-conferencing,

Bearing in mind that the Philippines is a party to the International Covenant on Civil and Political Rights (ICCPR), which enshrines fair trial guarantees and that, as a member of the United Nations Human Rights Council, the Philippines has pledged to uphold the highest standards of human rights,

1. *Recalls* that accused persons, whether or not detained, have the right to be tried without undue delay and that detained persons must be tried as expeditiously as possible; *affirms* that special diligence is required in the case of detained members of parliament as their detention prevents them from effectively exercising their mandate and deprives their constituents of representation in parliament;
2. *Remains deeply concerned* in this respect that Senator Trillanes has now been on trial and in preventive detention for more than five years, a period which, in the light of international jurisprudence, may well violate his fundamental rights under Article 9, paragraph 3, and Article 14, paragraph 3(c), of the ICCPR; *wishes to ascertain* the current stage of the judicial proceedings against him and the prospects for their speedy conclusion;
3. *Recalls* further that it is a well-established principle that a person must be released pending trial unless the State can show that there are relevant and sufficient grounds for continued detention; *believes* that there are ample grounds, especially in the light of judicial precedent, for Senator Trillanes’s release pending trial and, even more so, ample grounds for allowing him to attend Senate sessions and to grant him the necessary facilities to enable him to exercise his mandate meaningfully;
4. *Observes* that depriving the 11 million citizens who voted for him of representation in parliament can only harm the democratic process; *notes with interest* the Senate motion to allow his participation in Senate sessions via video-conferencing and the envisaged amendment of Senate rules to allow participation of members in its work
5. *Wishes lastly to ascertain* whether parliament has launched any investigation into the allegations of graft and corruption within the Armed Forces made by Senator Trillanes and his co-accused;
6. *Requests* the Secretary General to convey this resolution to the authorities, inviting them to provide the requested information;
7. *Requests* the Committee to continue examining this case and report to it at its next session, to be held on the occasion of the 121st Assembly of the IPU (October 2009).

CASE No. RW/06 - LEONARD HITIMANA - RWANDA

Resolution adopted unanimously by the IPU Governing Council at its 184th session (Addis Ababa, 10 April 2009)

The Governing Council of the Inter-Parliamentary Union,

Referring to the case of Mr. Léonard Hitimana, a member of the Transitional National Assembly of Rwanda dissolved on 22 August 2003, who disappeared in April 2003, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/184/12(b)-R.1), and to the resolution adopted at its 183rd session (October 2008),

Recalling that Mr. Léonard Hitimana disappeared during the night of 7 to 8 April 2003, the day before he was to refute in parliament the accusations of fomenting ethnic divisions levelled by a parliamentary inquiry commission in a report against his party in which his name was mentioned; while the sources believe that he was abducted by the Rwandan intelligence service, the authorities, for their part, have long stated their belief that Mr.

Hitimana had fled to a neighbouring country and were very optimistic that he would soon be located,

Recalling that, in his letter of 11 April 2008, the then Speaker of the Chamber of Deputies stated that the authorities were exploring all lines of inquiry brought to their attention and that the National Assembly was anxious to see the matter settled but wished to leave the authorities the necessary time to do their work,

Taking into account the letter from the Speaker of the Chamber of Deputies, dated 9 February 2009, stating that Parliament had no new information on the investigation into Mr. Hitimana's disappearance,

Recalling the many allegations concerning harassment of Mr. Hitimana's family, including of his 80-year-old father who had been arrested and brought before a *Gacaca* court which declared him innocent, that he was released on 26 March 2007 on the intercession of the National Human Rights Commission; *considering* that his father was reportedly rearrested arbitrarily on the basis of "new information" brought to the attention of the *Gacaca* court and, according to information provided on 11 March 2009, was close to death in the central prison of Gisovu where he is being held,

1. *Thanks* the Speaker of the Chamber of Deputies for her communication; *nevertheless regrets* the absence of any observation indicating that parliament remains concerned about the fate of a former colleague who has disappeared;
2. *Is dismayed* at the lack of any progress in the investigation; *expresses serious doubt* as to its effectiveness and thoroughness given the scant information on file regarding police and judicial action taken in the six years since Mr. Hitimana was last seen;
3. *Reaffirms its conviction* that every passing day without any trace of Mr. Hitimana increases the likelihood that he was indeed the victim of an enforced disappearance, and that this suspicion should therefore necessarily guide any determined effort by the authorities to shed full light on Mr. Hitimana's fate; *is deeply concerned* therefore that apparently no such effort has been made, which thus casts serious doubts on their willingness to determine what befell him;
4. *Recalls* that forced disappearances are a serious violation of human rights; *reaffirms* that the forced disappearance of a member of parliament, if not elucidated and punished, stands as a threat to parliament, to all its members and, in the final analysis, to the people it represents, as it can only encourage the repetition of such acts;
5. *Calls on* the authorities to ensure that the investigation is pursued with the necessary vigour and diligence and seriously examines the possibility that Mr. Hitimana was the victim of a forced disappearance; *calls on* the Parliament to do everything in its power to ensure that effective efforts are made to this end; and *wishes to ascertain* what, if any, investigative steps are being taken and what official action Parliament is taking to monitor these efforts;
6. *Expresses deep concern* about the plight of Mr. Hitimana's father; *sincerely hopes* that the President of the National Human Rights Commission will again successfully intercede to ensure that his human rights are fully respected;
7. *Requests* the Secretary General to convey this resolution to the parliamentary authorities, to the President of the National Human Rights Commission and to the source;
8. *Requests* the Committee to continue examining this case and report to it at its next session, to be held on the occasion of the 121st Assembly of the IPU (October 2009).

SRI LANKA

CASE No. SRI/12 - JAYALATH JAYAWARDENA
CASE No. SRI/50 - GAJENDRAKUMAR
PONNAMBALAM

CASE No. SRI/55 - T. KANAGASABAI
CASE No. SRI/57 - THANGESWARI
KATHIRAMAN

CASE No. SRI/51 - SELVARAJAH KAJENDREN
CASE No. SRI/52 - SENATHIRAJAH
JAYANANDAMOORTHY
CASE No. SRI/54 - SIVANATHAN KISHORE

CASE No. SRI/58 - P. ARIYANETHRAN
CASE No. SRI/59 - C. CHANDRANEHRU
CASE No. SRI/62 - MANO GANESAN

Resolution adopted unanimously by the IPU Governing Council at its 184th session (Addis Ababa, 10 April 2009)

The Governing Council of the Inter-Parliamentary Union,

Referring to the case of the above-mentioned parliamentarians of Sri Lanka, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/184/12(b)-R.1), and to the resolution adopted at its 183rd session (October 2008),

Referring also to the report on the mission to Sri Lanka which the Committee carried out in February 2008 (CL/183/12(b)-R.2), and *taking into account* the progress report of the Sri Lankan police forwarded on 1 April 2009; *noting also* that at the session it held during the 120th Assembly, the Committee heard members of the Sri Lankan delegation,

Recalling that the members of parliament concerned, who, except for Dr. Jayalath Jayawardena and Mr. Mano Ganesan, belong to the Tamil National Alliance, have been the target of death threats and harassment, of attempts on their lives or attacks on their property, or both,

Noting more particularly the following information:

-Regarding Dr. Jayawardena: owing to threats to his security, on 10 June 2008 the Appeal Court directed the police authorities to provide him with a jeep or other suitable vehicle for as long as was warranted; while according to the police he was provided with "a brand new vehicle from the fleet of Police vehicles", the vehicle is reportedly a Tata Cab that cannot exceed 40 km/h; the Police Department has reportedly launched a campaign to discredit Dr. Jayawardena and depict him as a pro-LTTE (Liberation Tigers of Tamil Eelam) parliamentarian; he submitted a complaint to the National Police Commission and Parliament's Privileges Committee, whose meetings, in the absence of a Chairman, had been indefinitely postponed; in August 2008, Dr. Jayawardena was prevented from performing a religious retreat at the Madhu Shrine for which he had been granted permission since 1994; on 14 August 2008, he was ordered by Major General Lalith Daulagalla to leave the church immediately as the Secretary of Defence had not granted him permission to stay there, adding that he was an opposition member of parliament; the matter is pending before the National Human Rights Commission;

1.- Regarding Mr. Mano Ganesan: a State-sponsored slander campaign has reportedly been launched against Mr. Ganesan to discredit him and his work on enforced disappearances in Sri Lanka; on 2 September 2008, he was questioned by the Director of the Terrorist Investigation Division (TID) in connection with peace visits to Killinochi he carried out during the period of the Cease Fire Agreement from 2002 to 2005, and about an alleged special relationship with the LTTE; according to the police report forwarded in April 2009, he had been summoned by the TID because an LTTE member had mentioned his name in connection with a plan to assassinate a minister; stories

about the questioning, which was conducted in private, were then being carried in the media, increasing the risk to his security; Mr. Ganesan feels singled out as a human rights defender, an ethnic Tamil parliamentarian and a democratic political party leader belonging to the opposition alliance;

2.- Regarding Mr. Chandranehr: according to Mr. Chandranehr, the person who attacked him during a visit to his constituency in June 2007 was Mr. Iniyabarathy, alias “Kumarasuwamy Pushpakumar”; that person, he reported, had been appointed coordinator for President Rajapakse in Ampara District and received his credentials from the President on 25 May 2008; Mr. Iniyabarathy and his group reportedly continue to threaten Mr. Chandranehr’s supporters and constituents in an attempt to have them break off contact with him; Mr. Chandranehr can reportedly indeed no longer travel to his constituency for fear of his safety; Mr. Chandranehr has raised the matter as a privilege issue and complained to the Inspector General of Police, the Attorney General and the Speaker, reportedly to no avail so far; according to the police progress reports of August 2008, the police investigation points to one “Parathy” as the likely culprit; an identification parade took place before the Akkaraipattu Magistrates’ Court on 16 September 2008, when a suspect was indeed identified; however, the court ordered him to appear upon notice; according to the police report of April 2009, the Attorney General directed the police to apprehend "Parathy" and to have him produced at an identification parade; the case was taken up for trial on 16 September 2008, when the magistrate put it to both parties that they might "compound" the matter and "at this juncture, the minister disagreed to the suggestion made by the court and as a result the case was referred to the Attorney General for instruction”;

- Family members of Mr. Jeyanandamoorthy and Mr. Ariyanethran and the private secretary of Ms. Kathiraman were abducted shortly before the vote on the 2008 budget; the parliamentarians were threatened that the abductees would be killed should the parliamentarians vote against the budget; the Pillayan paramilitary group was suspected to be behind the abduction and the issue was raised in parliament; the kidnapped persons were released on 15 December 2007; according to the police report of April 2009, there appears to be no nexus between the abduction and the budget voting; that nevertheless further inquiries are being carried out; the Sri Lankan delegation stated that there had been no need to abduct anyone, since the government had a large majority; with regard to the abduction in November 2007 of Mr. Kanagasabai’s son-in-law, who has meanwhile been released, the investigation to establish the motive and identity of the culprits is continuing,

1.- Mr. Jayanandamoorthy and Mr. Kajendren were summoned for questioning by the Criminal Investigation Department (CID) in connection with a complaint made by the Inspector General of Police alleging that, together with Mr. Ariyanethran, they had made speeches at a ceremony held in 2006 in Germany in which they made derogatory remarks about the Sri Lankan Government and the Armed Forces and called on the Tamils in foreign countries to assist the LTTE in establishing a separate State; they were given notice to appear before the Court on 10 December 2008 to inquire into the matter; on 7 December 2008, Mr. Ariyanethran was prevented from travelling to India for medical treatment and was informed by the CID unit at the airport that “higher authorities” had issued an order to prevent him from leaving Sri Lanka;

2.- Mr. Kajendren's brother was abducted on 24 March 2009 by armed persons inside the high security area in Madiwela/Colombo while he was returning to Mr. Kajendren's home. Eyewitnesses said that he was stopped by a police sentry for a routine check. A little later, a van and more police arrived at the scene and he was bundled into the vehicle before it sped off. An investigation is reportedly under way. According to the source, the abduction could not have happened without the knowledge of the police station in the zone. The source points out that the incident took place barely 48 hours before the TNA was to decide its position on whether to accept an invitation for direct talks with President Rajapakse,

Noting further that it appears from the police report forwarded in April 2009, that no progress has been made in the investigation regarding the attacks on the office of Mr. Kajendren and on the house of Mr. Kishore, and the threats against Mr. Ponnambalam, and that the report does not mention the death threats against Mr. Kanagasabai, Mr. Jayanandamoorthy, Mr. Pathmanathan, Ms. Kathiraman, Mr. Ariyanethran and Mr. Chandranehr made in November 2006 by a person who introduced himself as Gunanan of the Tamil Eela Makkal Viduthalai Puligal (TMVP) Batticaloa Office; *considering* in this respect that the TMVP participated in the Batticaloa Provincial Council election of May 2008 and won a majority of votes,

1. *Thanks* the authorities for the information provided; *also thanks* the Sri Lankan delegation for its

cooperation;

2. *Is alarmed* that yet another family member of a TNA parliamentarian has been abducted; *trusts* that the authorities will seriously and diligently investigate this matter, as is their duty, and *would appreciate* being informed in this respect;

3. *Remains concerned* that, with the exception of Mr. Chandraneheru, in whose case a suspect was identified but who, according to Mr. Chandraneheru, is not the culprit, in none of the other cases of threats and attacks against TNA parliamentarians has any progress been made although, at least in one instance, the name of the person who made death threats is known to the authorities; *remains particularly concerned* at the absence of effective action to identify and punish those responsible for abducting family members and staff of TNA parliamentarians when there are clear leads as to the group behind those abductions and their motive; *once again urges* the authorities to investigate these abductions seriously and promptly, which it considers all the more important as the group behind the attack has now joined the democratic process; *would appreciate* receiving the views of the authorities on the allegation that one Mr. Iniyabarathy, later appointed to the President's Office, attacked Mr. Chandraneheru during the visit to his constituency in June 2007; *also wishes to ascertain* the follow-up to the court hearing held in September 2008;

4. *Also remains concerned* at the continuing intimidation of outspoken opposition members of parliament, the attempts made to link them to the LTTE and the inadequacy of the security measures afforded them, and at the inertia of parliament's Privileges Committee, which can only hamper parliament's ability effectively to protect the rights of its members and ensure that they can exercise their mandate without fear of harassment;

5. *Reaffirms* that freedom of expression and respect for the rule of law must remain a cornerstone of
Of

democracy, even in such troubled situations as that of Sri Lanka, since otherwise authoritarian rule may set in;

6. *Can but endorse once again* the conclusion of the mission report that there can be no better deterrent to the violence targeting members of parliament, and indeed the public at large, than combating impunity and ensuring that those responsible for assassinations and other crimes are identified, apprehended and brought to justice; and *urges* the authorities once again to take firm action to this end;

7. *Requests* the Secretary General to convey this resolution to the authorities, inviting them to provide the requested information;

8. *Requests* the Committee to continue examining this case and report to it at its next session, to be held on the occasion of the 121st Assembly of the IPU (October 2009).

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

Resolution adopted unanimously by the IPU Governing Council at its 184th session (Addis Ababa, 10 April 2009)

The Governing Council of the Inter-Parliamentary Union,

Referring to the case of Mr. D.M.S.B. Dissanayake, a member of the Parliament of Sri Lanka at the time of the events, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/184/12(b)-R.1), and to the resolution adopted at its 183rd session (October 2008),

Referring also to the report on the on-site mission to Sri Lanka which the Committee carried out in February 2008 (CL/183/12(b)-R.2),

Noting that, at the session it held during the 120th Assembly, the Committee met with members of the Sri Lankan delegation,

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

Considering that, on 22 July 2008, the Human Rights Committee set up by virtue of the International Covenant on Civil and Political Rights (ICCPR) expressed the view⁶ that the State of Sri Lanka had violated Mr. Dissanayake's rights under Article 9, paragraph 1 (prohibition of arbitrary detention), Article 19 (freedom of expression), and Article 25 b (right to be elected at genuine periodic elections) of the ICCPR and was therefore under an obligation to provide him with an adequate remedy, including compensation and the restoration of his right to vote and stand for election, and to make such changes to the law and practice as necessary to avoid similar violations in the future,

⁶ CCPR/C/93/D/1373/2005.

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Considering that, according to the Sri Lankan delegation, Mr. Dissanayake has recovered his civil and political rights and was elected in the Central Province Council elections of February 2009,

1. *Thanks* the Sri Lankan delegation for its cooperation;
2. *Notes with satisfaction* that Mr. Dissanayake has recovered his civil and political rights, and consequently *decides* to close this case while regretting that he had to spend almost two years in prison on account of having exercised his freedom of speech;
3. *Emphasizes also* that the United Nations Human Rights Committee has not only ruled that Mr. Dissanayake's right to vote and stand for election should be restored, but also expressed the need for changes to be made in the law and practice, and *observes* that, as a party to the First Optional Protocol to the ICCPR, Sri Lanka has a duty to comply with that Committee's views;
4. *Requests* the Secretary General to inform the authorities and the source accordingly.

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

Resolution adopted unanimously by the IPU Governing Council at its 184th session (Addis Ababa, 10 April 2009)

The Governing Council of the Inter-Parliamentary Union,

Referring to the case of Mr. Joseph Pararajasingham, assassinated on 24 December 2005, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/184/12(b)-R.1), and to the resolution adopted at its 183rd session (October 2008),

Referring also to the report on the on-site mission to Sri Lanka which the Committee carried out in February 2008 (CL/183/12(b)-R.2),

Taking into account the report from the Sri Lanka Police Headquarters, forwarded by the Parliament on 1 April 2009, and *noting* that, at the session it held during the 120th Assembly, the Committee met with members of the Sri Lankan delegation,

Recalling that Mr. Pararajasingham was shot dead on 24 December 2005 during the Christmas Eve Mass at St. Mary's Church in Batticaloa by unidentified gunmen in the presence of some 300 persons; that the investigation has remained at a virtual standstill despite the fact that St. Mary's Church was located in a high-security zone between two military checkpoints and that, at the time of the murder, additional security forces were on duty, so that the culprits could only have escaped with the complicity of the security forces; that, during the on-site mission, it turned out that there was no agreement on whether or not President Rajapakse had been given the name of a possible suspect; that, however, the delegation provided the name of the person in question to President Rajapakse and to the Minister for Disaster Management and Human Rights,

Noting that the police progress report of April 2009 only reiterates information provided earlier, adding that there was neither sufficient evidence nor enough public support to achieve better results and that, in addition, the witnesses are intimidated by the killers,

Recalling also that, in late 2006, President Rajapakse set up a "Presidential Commission of Inquiry to investigate and inquire into serious human rights violations", including the murder of Mr. Pararajasingham; that it is nevertheless unclear whether the Commission has started investigating this crime,

Bearing in mind that elections to the Batticaloa Provincial Council were held in May 2008 and that, according to the authorities, democracy and respect for human rights are gaining ground in the province,

1. *Thanks* the authorities for the information provided; *also thanks* the Sri Lankan delegation for its cooperation;
2. *Deeply regrets* the absence of any progress in the investigation; *recalls* that the name of a possible suspect was provided to the authorities and *wishes to ascertain* whether any effort has been made to locate and question that person; *also wishes to ascertain* whether the Presidential Commission of Inquiry has started or intends to conduct any inquiry into Mr. Pararajasingham's murder;
3. *Reaffirms* that Mr. Pararajasingham's murderers could only have escaped with the complicity of the security and army personnel posted around the Cathedral and in the area, and that it should therefore be much easier for the investigating authorities to identify and apprehend them, especially now that Batticaloa province has returned to a democratic system, violence has receded and witnesses may be less fearful of retaliation;
4. *Can only reaffirm* the conclusion of the mission report that there can be no better deterrent for violence targeting members of parliament and indeed the public at large than combating impunity and ensuring that those responsible for assassinations and other crimes are identified, apprehended and brought to justice, and *urges* the authorities to take firm action to this end;
5. *Requests the Secretary* General to convey this resolution to the authorities, inviting them to provide the requested information;
6. *Requests* the Committee to continue examining this case and report to it at its next session, to be held on the occasion of the 121st Assembly of the IPU (October 2009).

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

Resolution adopted unanimously by the IPU Governing Council at its 184th session (Addis Ababa, 10 April 2009)

The Governing Council of the Inter-Parliamentary Union,

Referring to the case of Mr. Nadarajah Raviraj, a member of the Parliament of Sri Lanka who was assassinated on 10 November 2006, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/184/12(b)-R.1), and to the resolution adopted at its 183rd session (October 2008),

Referring also to the report on the on-site mission to Sri Lanka, which the Committee carried out in

February 2008 (CL/183/12(b)-R.2), and to the police progress report forwarded on 1 April 2009 by the Parliament of Sri Lanka to the Committee,

Taking into account the hearing which the Committee held during the 120th Assembly with members of the Sri Lankan delegation,

Recalling that Mr. Raviraj, a member of parliament for Jaffna and a leading member of the Tamil National Alliance (TNA), was shot dead in Colombo in the morning of 10 November 2006 along with his security officer while travelling in his vehicle along a main road in Colombo; that two suspects were arrested and interrogated in this case and, according to the police progress report forwarded in August 2008, were subsequently released on bail; that arrest warrants have been issued for two other persons suspected of having aided and abetted the commission of the murder; that investigations are continuing under judicial review and the case was to be called on 16 September 2008,

Noting that the police progress report forwarded in April 2009 reiterates the information provided in August 2008, except that four instead of two suspects have been identified, two main suspects and two other suspected accomplices; according to the report they are strongly suspected of having gone to the areas controlled by the Liberation Tigers of Tamil Eelam; *noting* that the report says nothing about the outcome of the court hearing of 16 September 2008,

Bearing in mind that, according to the Sri Lankan delegation, only about 20 square kilometres are still under the control of the LTTE, the Sri Lankan Army being in control of the rest, and that, in the delegation's view, this will also make it easier for the authorities to apprehend suspects who have fled to LTTE-controlled areas,

1. *Thanks* the authorities for the information provided; *also thanks* the Sri Lankan delegation for its cooperation;
2. *Deeply regrets* the lack of any progress in the investigation; *wishes to ascertain* the outcome of the hearing of 16 September 2008 and the identity of the four persons suspected of having committed or abetted the commission of the crime;
3. *Also wishes to ascertain* whether investigators have made use of the information collected by non-governmental organizations as mentioned in the Committee's mission report;
4. *Believes*, in common with the delegation, that the recapture of formerly LTTE-controlled areas should make it easier for the authorities to apprehend suspects who, they believe, had fled to those areas and hence to fully investigate such crimes as the murder of Mr. Raviraj;
5. *Reaffirms* the conclusion of the mission report that there can be no better deterrent for violence targeting members of parliament and indeed the public at large than combating impunity and ensuring that those responsible for assassinations and other crimes are identified, apprehended and brought to justice, and *urges* the authorities to take firm action to this end;
6. *Requests* the Secretary General to convey this resolution to the authorities, inviting them to provide the requested information;
7. *Requests* the Committee to continue examining this case and report to it at its next session, to be held on the occasion of the 121st Assembly of the IPU (October 2009).

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

Resolution adopted unanimously by the IPU Governing Council at its 184th session (Addis Ababa, 10 April 2009)

The Governing Council of the Inter-Parliamentary Union,

Referring to the case of Mr. Thiyagarajah Maheswaran, a member of the Parliament of Sri Lanka who was assassinated on 1 January 2008, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/184/12(b)-R.1), and to the resolution adopted at its 183rd session (October 2008),

Referring also to the report on the mission to Sri Lanka which the Committee carried out in February 2008 (CL/183/12(b)-R.2) and to the police progress report forwarded by the Parliament on 1 April 2009; *noting also* that at the session it held during the 120th Assembly, the Committee heard members of the Sri Lankan delegation,

Recalling the following information on file: Mr. Maheswaran voted against the budget on 14 December 2007 and soon after the vote the number of his security guards was cut from eighteen to two; he had openly made several statements in and outside parliament to the effect that the reduction of his security detail put his life seriously at risk and had made repeated requests to the Government to enhance his security, to no avail; on 1 January 2008, while attending a religious ceremony in a Hindu temple in Colombo, he was shot and died of his injuries in a Colombo hospital; the attack came after he had stated in a television interview that, at the resumption of parliamentary sittings on 8 January 2008, he would describe in detail the terror campaign that the Government was pursuing in Jaffna, especially how abductions and killings were managed,

Recalling further that the authorities arrested Johnson Colin Valentirio alias “Wasantha”, from Jaffna, who had been identified as the gunman on the basis of a DNA analysis that had enabled the investigators to conclude that the assailant was a Liberation Tigers of Tamil Eelam (LTTE) cadre who had been specifically sent to Colombo to kill Mr. Maheswaran; that a video recording of the culprit’s confession existed, and his parents had confirmed that he was an LTTE member; that, according to the police progress report forwarded in August 2008, the Attorney General filed an indictment and the case was to be called on 19 August 2008; noting that the police progress report of April 2009 merely repeats that information,

1. *Thanks* the authorities for the information provided; *also thanks* the Sri Lankan delegation for its cooperation;
2. *Notes with regret* that, since August 2008, the investigation has apparently made no progress; *wishes to ascertain* whether an indictment has now been filed and the case listed for hearing;
3. *Reaffirms* the conclusion of the mission report that there can be no better deterrent for violence targeting members of parliament and indeed the public at large than combating impunity and ensuring that those responsible for assassinations and other crimes are identified, apprehended and brought to justice, and *urges* the authorities to take firm action to this end;
4. *Requests* the Secretary General to seek the above information from the authorities and from the sources;
5. *Requests* the Committee to continue examining this case and report to it at its next session, to be held on the occasion of the 121st Assembly of the IPU (October 2009).

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

Resolution adopted unanimously by the IPU Governing Council at its 184th session (Addis Ababa, 10 April 2009)

The Governing Council of the Inter-Parliamentary Union,

Referring to the case of Mr. D.M. Dassanayake, Minister of Nation-Building, and a member of the

Parliament of Sri Lanka, who was assassinated on 8 January 2008, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/184/12(b)-R.1), and to the resolution adopted at its 183rd session (October 2008),

Referring also to the report on the mission which the Committee carried out in February 2008 (CL/183/12(b)-R.2), and to the progress report by the Sri Lankan Police forwarded by the Parliament on 1 April 2009; *noting also* that, at its session during the 120th Assembly, the Committee held a hearing with members of the Sri Lankan delegation,

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

Recalling further that, according to the progress report forwarded by the parliament in August 2008, police inquiries have led to the arrest on 10 June 2008 of a suspect with links to the LTTE who divulged vital incriminating material relevant to Mr. Dassanayake's assassination; the case is registered before the Magistrates' Court of Kanuwana and was to be called again on 5 November 2008; *noting* that the police progress report forwarded on 1 April 2009 makes no reference to the arrest of a suspect but reiterates that the circumstances, mode of operation, the pattern and type of devices used, show that the killing was executed by the LTTE; that the case was postponed for further report on 6 May 2009 and that inquiries are continuing,

1. *Thanks* the authorities for the information provided; *also thanks* the Sri Lankan delegation for its cooperation;
2. *Wishes to ascertain* whether a suspect has been arrested in this case; and *would appreciate* being kept informed of further progress made in the investigation;
3. *Reaffirms* the conclusion of the mission report that there can be no better deterrent for violence targeting members of parliament and indeed the public at large than combating impunity and ensuring that those responsible for assassinations and other crimes are identified, apprehended and brought to justice, and *urges* the authorities to take firm action to this end;
4. *Requests* the Secretary General to seek the requested information from the authorities, and *requests* the Committee to continue examining this case and report to it at its next session, to be held on the occasion of the 121st Assembly of the IPU (October 2009).

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

Resolution adopted unanimously by the IPU Governing Council at its 184th session (Addis Ababa, 10 April 2009)

The Governing Council of the Inter-Parliamentary Union,

Referring to the case of Mr. Kiddinan Sivanesan, a member of parliament for Jaffna belonging to the Tamil National Alliance (TNA), killed in a Claymore mine attack on 6 March 2008, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/184/12(b)-R.1), and to the resolution adopted at its 183rd session (October 2008),

Referring also to the report on the mission to Sri Lanka which the Committee carried out in February 2008 (CL/183/12(b)-R.2), and *taking into account* the progress report by the Sri Lankan police forwarded by the parliament on 1 April 2009; *noting also* that at its session during the 120th Assembly the Committee heard members of the Sri Lankan delegation,

Recalling the following:

- At the parliamentary session of 21 February 2008 which the Committee's delegation to Colombo

attended, Mr. Sivanesan had raised a privilege issue regarding his intimidation by the "threatening deployment of dogs" by the security personnel who checked his vehicle at Madawachi while he was on his way to Colombo on Monday that week;

- Mr. Kiddinan Sivanesan was killed about two weeks later, on 6 March 2008, in a Claymore mine attack shortly after he had crossed into the Vanni region; his vehicle was targeted when he was returning to his residence in Mallawi after attending parliamentary sessions in Colombo; the attackers reportedly detonated four mines in a row; Mr. Sivanesan's driver was killed instantly and Mr. Sivanesan died of his injuries while being rushed to hospital;
- The Liberation Tigers of Tamil Eelam (LTTE) has claimed that the killing was the work of deep penetration units of the Sri Lankan military, an allegation denied by the military, who have blamed it on the LTTE,

Considering that, according to the police report forwarded on 1 April 2009, inquiries revealed that the attack occurred in Mallawi, an area unlawfully occupied by the LTTE and not accessible to the police; the claim by the LTTE that the killing had been carried out by the Sri Lankan forces is simply meant to discredit the Government; the attack has not been reported to the Jaffna or Vavuniya police and the police are unable to visit the area as it is under LTTE control; *considering*, however, that according to the Sri Lankan delegation the area is now under government control, which means that an investigation can now be instituted,

1. *Thanks* the authorities for the information provided; *also thanks* the Sri Lankan delegation for its cooperation;
2. *Earnestly hopes* that an effective investigation will now be conducted, whether or not a complaint is filed regarding the killing of Mr. Sivanesan and of his driver, and *would appreciate* being kept informed in this regard;
3. *Reaffirms* the conclusion of the mission report that there can be no better deterrent for violence targeting members of parliament and indeed the public at large than combating impunity and ensuring that those responsible for assassinations and other crimes are identified, apprehended and brought to justice, and *urges* the authorities to take firm action to this end;
4. *Requests* the Committee to continue examining this case and report to it at its next session, to be held on the occasion of the 121st Assembly of the IPU (October 2009).

CASE No. TK/39 -LEYLA ZANA)	TURKEY
CASE No. TK/41 - HATIP DICLE)	
CASE No. TK/51 - ORHAN DOGAN7)	
CASE No. TK/52 - SELIM SADAK)	
CASE No. TK/55 - MEHMET SINÇAR)	

Resolution adopted unanimously by the IPU Governing Council at its 184th session (Addis Ababa, 10 April 2009)

The Governing Council of the Inter-Parliamentary Union,

Referring to the cases of Ms. Leyla Zana, Mr. Hatip Dicle, Mr. Orhan Dogan, Mr. Selim Sadak and Mr. Mehmet Sinçar, former members of the Grand National Assembly of Turkey, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/184/12(b)-R.1), and to the resolution adopted at its 183rd session (October 2008),

Taking into account the letter of the President of the IPU Group dated 6 April 2009 and the information he provided at the hearing on the occasion of the 120th IPU Assembly,

Recalling that, on 27 February 2008, the Court of Cassation handed down its ruling upholding the verdict on appeal sentencing Ms. Zana, Mr. Dicle, Mr. Dogan and Mr. Sadak to seven years and six months in prison under Article 5 of Anti-Terrorism Act 3713 (prohibition on praising terrorism) and Article 314 (2) of the

Turkish Penal Code (punishing membership of an illegal organization) instead of the original 15-year prison sentence, of which they had served 10 years, and which had, on two different occasions, been recognized as the outcome of an unfair trial,

Noting that, in relation to nine separate speeches she delivered between July 2007 and March 2008, Ms. Zana was charged on 7 May 2008 with spreading propaganda for the Kurdistan Workers Party, the PKK, by reportedly stating that Mr. Abdullah Ocalan should be regarded as one of three Kurdish leaders; on 4 December 2008, the 5th Assize Court in Diyarbakir, taking into consideration Ms. Zana's previous conviction of membership in a terrorist organization, found her guilty of the same crime, sentenced her to a 10-year prison term and revoked her political rights; her lawyers and the Prosecutor have appealed against the judgment; the case is awaiting a decision of the Court of Cassation,

Recalling that the President of the Turkish IPU Group had previously provided the following information with respect to the assassination of Mr. Sinçar in September 1993 in circumstances suggesting an extrajudicial execution: a criminal case regarding the murder was pending before the 6th Assize Court in Diyarbakir and hearings were scheduled for 21 February and 8 May 2008; the indictment prepared by the Mr. Orhan Dogan died on 29 June 2007. Diyarbakir State Security Court, dated 24 May 2000 (2000/59), contained no information about a complainant; the review of the investigation documents and documents pertaining to the legal proceedings show that neither Mr. Sinçar's wife nor any relative was consulted as a witness, that no notice was sent to Mrs. Sinçar, and that neither she nor any relative was informed of the proceedings or applied as "intervener" (civil party); *considering* that, according to the letter of the President of the Turkish IPU Group, the Court in Diyarbakir had recently requested the Court of Kiziltepe, where Mr. Sincar's family formerly resided, to call them to be heard in the case; as at 12 March 2009, there had been no response from Mr. Sincar's family,

1. *Thanks* the President of the Turkish IPU Group for his constant cooperation and for the information he provided, including the requested copy of the ruling of the Court of Cassation concerning Ms. Zana, Mr. Dicle, Mr. Dogan and Mr. Sadak;
2. *Considers* that it can now close the further examination of their case inasmuch as it concerns the case of Mr. Dicle, Mr. Dogan Mr. Sadak and Ms. Zana; nevertheless *expresses deep regret* that they spent 10 years in prison when they were finally sentenced to seven years and six months' imprisonment, with the result that they were deprived of their right to liberty for two and a half years, following excessively long proceedings owing to the fact that violations of the right to fair trial necessitated two retrials, a situation which has always been of great concern; *requests* the Committee, with respect to the 10-year prison sentence handed down recently on Ms. Zana on account of an accusation similar to the previous one, to follow the proceedings under its confidential procedure;
3. *Is confident* that the Kiziltepe court has indeed contacted Mr. Sinçars family, and *would appreciate* being kept informed of any developments in this connection; *would appreciate* more detailed information on the identity of the alleged culprit(s) and their motives, and more generally, the outcome of the hearings so far held;
4. *Requests* the Secretary General to convey this resolution to the parliamentary authorities and to the sources, inviting them to provide the requested information on Mr. Sinçar;
5. *Requests* the Committee to continue examining the case of Mr. Sinçar under its public procedure and to report to it at its next session, to be held on the occasion of the 121st Assembly.

ZIMBABWE

CASE No. ZBW/19 - ROY BENNETT

CASE No. ZBW/20 - JOB SIKHALA

CASE No. ZBW/21 - TICHAONA MUNYANYI

CASE No. ZBW/25 - TENDAI BITI CASE No. ZBW/27 - PAUL MADZORE CASE No. ZBW/37 -

**TUMBARE MUTASA⁸ CASE No. ZBW/38 - GILBERT SHOKO¹ CASE No. ZBW/44 - NELSON
CHAMISA**

Resolution adopted unanimously by the IPU Governing Council at its 184th session (Addis Ababa, 10 April 2009)

The Governing Council of the Inter-Parliamentary Union,

Referring to the case of Mr. Roy Bennett, Mr. Job Sikhala, Mr. Tichaona Munyanyi, Mr. Tendai Biti, Mr. Paul Madzore, Mr. Tumbare Mutasa, Mr. Gilbert Shoko and Mr. Nelson Chamisa, opposition members of the Parliament of Zimbabwe at the time of the submission of the complaint, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/184/12(b)-R.1), and to the resolution adopted at its 183rd session (October 2008),

Mr. Mutasa and Mr. Shoko are deceased.

Taking into account the information provided by the Speaker of the Parliament of Zimbabwe at the hearing held with the Committee during the 120th Assembly,

Bearing in mind that, in the March 2008 legislative elections, the Movement for Democratic Change (MDC) became the largest party in the House of Representatives, winning 99 of the 207 confirmed seats, that following controversy over who had won the presidential election - outgoing President Mugabe or MDC leader Tsvangirai - and the scheduling of a run-off vote, political violence killed more than 80 MDC supporters and displaced over 200,000; on 29 June 2008 Mr. Mugabe was sworn in for a sixth term; in mid-September 2008, Mr. Mugabe and Mr. Tsvangirai signed a power-sharing agreement which, in February 2009, led to the establishment of a Government of National Unity, led by Mr. Tsvangirai as Prime Minister,

Recalling that in the period from 2002 to 2006, Mr. Bennett and his family were the target of persistent harassment and attacks on their farm, even killing farmhands; that, in October 2004, parliament sentenced Mr. Bennett to one year in prison for having pushed Minister Chinamasa during a debate, and that he had to leave the country in 2006 for fear of his life as he was sought for allegedly planning to assassinate President Mugabe; *considering* that, following the formation of the National Unity Government, Mr. Bennett returned to Zimbabwe and was appointed Deputy Minister for Agriculture; that he was arrested on 13 February 2009 and first charged for an offence under the Immigration Act, a charge subsequently changed three times, and that he is now accused of possessing weaponry with the intention of using it for acts of banditry, insurgency, sabotage or terrorism; that he was arrested and released on bail on 12 March 2009,

Recalling that Mr. Tendai Biti, together with Mr. Chamisa and many other MDC members and supporters, was severely beaten up by the police on 11 March 2007, which crime has remained unpunished to date; Mr. Biti left the country and returned on 12 June 2008, whereupon he was rearrested and charged with treason “for publishing a document that was explaining a transitional strategy around March 26” and for proclaiming victory in the March 2008 elections before the publication of the official results; *considering* that the charge was dropped and that Mr. Biti, who was reelected in March 2008, has been appointed Minister of Finance in the National Unity

Government,

Recalling that Mr. Chamisa, in addition to the beating up of March 2007, was attacked later that month at Harare airport by a group of eight men and badly injured; that no one has been brought to justice for this crime; that Mr. Chamisa, who was re-elected, is now the spokesperson for the MDC,

Recalling further the following: Mr. Job Sikhala, who did not run in the March 2008 elections, was tortured in January 2003 while he was a member of parliament; he has provided names as to the identity of his torturers, who have nevertheless not so far been held to account; Mr. Madzore, who was re-elected, tortured and denied medical treatment during his detention in March 2007; Mr. Madzore raised this in court and, according to the information provided by the police in July 2007, the judge ordered the police to investigate the assault and a team of senior officers was entrusted with the task; Mr. Mutasa, who has since died, was reportedly attacked by policemen in March 2003 and the investigation was closed following his death; Mr. Shoko was reportedly assaulted in March 2003 by armed soldiers and policemen; no complaint has reportedly been made about the assault; however, an attack on his house in April 2002 during which Mr. Shoko was reportedly injured was investigated as a "malicious injury to property" case; Mr. Munyanyi was reportedly assaulted while in detention in October 2002 and was rearrested in June 2003; no further information has been provided on the latter three cases,

Considering that the Speaker, in his meeting with the Committee, stated that the parliament was concerned about human rights abuses and that the new political dispensation gave rise to hope that there would be fairness and justice; that owing to the separation of powers, parliament nevertheless had but limited power to oblige the competent authorities to respond to inquiries,

1. *Thanks* the Speaker of the House of Representatives for his cooperation and *is gratified* by his commitment to ensuring respect for human rights;
2. *Notes with satisfaction* that the treason charges against Mr. Biti have been dropped; *remains concerned*, however, that the police officers responsible for having him beaten up in March 2007, along with Mr. Chamisa and others, have never been brought to justice;
3. *Remains likewise deeply concerned* that no one has been brought to justice for the airport attack on Mr. Chamisa in March 2007, and for the torture suffered by Mr. Sikhala in January 2003 despite ample evidence of the identity of the torturers; *urges* the authorities to institute a new independent and thorough investigation without delay in order to identify and punish the culprits, who may still be serving in the Zimbabwe National Police and, given the impunity they are enjoying, may well torture again;
4. *Wishes to ascertain* the outcome of the investigation instituted two years ago concerning the torture of Mr. Madzore;
5. *Considers* that the new charges brought against Mr. Bennett are part of an ongoing effort to harass him and prevent him from engaging in political activity in Zimbabwe; *requests* the Committee to ensure that international trial observers are present at his trial;
6. *Stresses* that parliament's oversight function is essential to the democratic functioning of society and that it has a whole range of means at its disposal to exercise it effectively; and *urges* the parliament. *Notes* that in recent years the sources have provided no further information on the cases of Mr. Mutasa, Mr. Shoko and Mr. Munyanyi, and consequently *decides* to close their cases;
8. *Requests* the Secretary General to convey this resolution to the authorities and to other competent persons, inviting them to provide the requested information;
9. *Requests* the Committee to continue examining this case and report to it at its next session, to be held on the occasion of the 121st Assembly of the IPU (October 2009).