

**THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA**

**Report of the Australian Parliamentary Delegation to  
the Republic of Serbia  
and to the  
119<sup>th</sup> Assembly of the Inter-Parliamentary Union  
in Geneva, Switzerland**

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# MEMBERSHIP OF THE DELEGATION

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Member for Chifley (New South Wales)  
*Australian Labor Party*

## Deputy Delegation Leader

**The Hon Danna Vale, MP**  
Member for Hughes (New South Wales)  
*Liberal Party of Australia*

## Delegation Members

**Senator the Hon Judith Troeth**  
Senator for Victoria  
*Liberal Party of Australia*

**Senator Claire Moore\***  
Senator for Queensland  
*Australian Labor Party*

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Mr Elton Humphery  
Committee Office  
Department of the Senate

\* Senator Moore joined the Delegation in Geneva for the Inter-Parliamentary Union meeting.

The Delegation was accompanied by Mrs Robyn Price and Mr Robert Vale.



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# CHAPTER 1

## Introduction

1.1 An Australian Parliamentary delegation visited the Republic of Serbia from 6 - 10 October 2008. The Delegation consisted of the Hon Roger Price (Leader), the Hon Danna Vale (Deputy Leader) and Senator the Hon Judith Troeth. The Delegation then travelled to Geneva from 10-16 October for the 119<sup>th</sup> Assembly of the Inter-Parliamentary Union. The Delegation was joined in Geneva by Senator Claire Moore.

1.2 En route to Belgrade the Delegation transited overnight in Vienna on 5 October and had the opportunity to meet with the Australian Ambassador, Mr Peter Shannon, who provided a briefing for the delegation on the activities of the post, including in Balkan countries as the Embassy is accredited to Bosnia among other countries.

1.3 The Delegation's report on the visit to the Republic of Serbia is in chapter 2 and the report on the activities at the Inter-Parliamentary Union is in chapters 3 to 6. The report on the meetings of the Association of Secretaries General of Parliaments held in conjunction with the deliberations of the IPU is at chapter 7.

### Acknowledgements

1.4 Many people greatly assisted the delegation in a wide variety of ways to ensure the success of the bilateral visit to the Republic of Serbia and at the IPU meetings in Geneva. The Delegation expresses its grateful appreciation and thanks to them all. It would particularly like to record its thanks to the following people:

#### *Canberra*

Ms Lepsa Stulic, Charges d'Affairs, Serbian Embassy for an informative briefing

Officers from the Department of Foreign Affairs and Trade and the Parliamentary Library for oral and written briefings prior to departure

The Parliamentary Relations Office and in particular Ms Fiona Way, for their usual efficient administrative assistance

#### *Vienna*

Ambassador Peter Shannon and Ms Wanda Oram-Miles, First Secretary, Australian Embassy

## *Serbia*

The Delegation especially records its appreciation to Mrs Slavica Djukic-Dejanovic, Speaker of the National Assembly, and all the Serbian hosts for their hospitality and courtesy extended during the visit

The accompanying Protocol and Foreign Office officials Mr Ivan Ugrinovic and Mr Ivan Milosevic

Ms Branislava Jurasin for her interpreting services

Ambassador Claire Birgin, Ms Melanie Davies, First Secretary, and all the staff at the Australian Embassy. The Delegation would like to make special comment at the incredible job that Ambassador Birgin and her staff performed in arranging such a comprehensive program of meetings, not just at the political and governmental levels but also with senior representatives from the educational, scientific, religious, artistic and cultural fields – as well as an interesting and enjoyable program for the accompanying spouses. That such a wide-ranging program could be compiled in a relatively short timeframe is testimony to their professional capabilities, dedication and enthusiasm. The Delegation was very pleased to have an opportunity to personally thank all the Embassy staff for their contribution to making the visit such an outstanding success.



*Delegation meeting with Embassy staff at the Australian Embassy, Belgrade*

***Geneva***

Ms Alison Purnell, DFAT Adviser, who once again provided professional advice and assistance to the delegation during the IPU meeting

Ms Angela Robinson, Office of the Ambassador for Disarmament, for her specialised knowledge and expert advice on Comprehensive Test Ban Treaty matters

The Minister for Foreign Affairs, Mr Stephen Smith and Ms Caroline Millar, Ambassador for Disarmament, who facilitated the availability of Ms Robinson to provide the expert assistance to Mr Price and the delegation.

Ms Anda Filip, IPU Director for External Relations



## CHAPTER 2

### Bilateral visit to the Republic of Serbia



*The Delegation – the Hon Danna Vale, the Hon Roger Price and Senator the Hon Judith Troeth – on the steps of the Serbian National Assembly*

#### **Aims and Objectives**

2.1 The aims and objectives of the Delegation's visit were as follows:

- establish relations with the new Serbian Parliament;
- seek to expand the scope of bilateral relations to include discussions on bilateral trade, strengthening of commercial relations and the possibility of bilateral health care agreements;
- expand the potential for increased cooperation in the education sector between the two countries;
- gain an understanding of Serbia's position about the issue of Kosovo's independence and Serbia's perspectives of the region;
- seek to gain an appreciation of Serbia's cooperation with the Hague Tribunal and its reforms towards an eventual membership of the European Union; and
- gain an insight into the situation of ethnic minorities in Serbia, including a large population of refugees from Croatia, Kosovo and Bosnia-Herzegovina, and the Roma people.

## **Background information on Serbia<sup>1</sup>**

### ***Bilateral Relations***

2.2 The relationship between Australia and the Republic of Serbia (formerly a part of the state union of Serbia and Montenegro and prior to its dissolution in 2003 a part of Yugoslavia) has its basis in strong community links. The former Yugoslavia was the third-largest source of migration from Continental Europe. The 2006 Australian Census recorded 17 330 Serbian-born people in Australia, with 95 364 people identifying themselves as having Serbian origin.

2.3 On 21 May 2006, Montenegro held a referendum where an internationally recognised mandate for independence was achieved. This led to the dissolution of the state union of Serbia and Montenegro. Australia acknowledges the Republic of Serbia as the continuing entity of the former state union, and officially recognised the independent state of the Republic of Montenegro on 27 June 2006. Australia has maintained an Embassy in Belgrade since 1967.

2.4 In 2006-07, Australia's merchandise exports to the former Serbia and Montenegro were about A\$2.04 million, consisting primarily of toys, games and sporting goods. In the same period, imports were about A\$3.19 million, consisting mainly of preserved food products.

2.5 On 17 February 2008, Kosovo, formerly an autonomous province within the Republic of Serbia, declared independence. Australia recognised the Republic of Kosovo as an independent state on 19 February 2008.

### ***Political***

2.6 The National Assembly of the Republic of Serbia is a unicameral legislative 250-seat body. The National Assembly approves the prime minister and the council of ministers. Deputies are elected for four-year terms under a 'party list' system. The President of Serbia is directly elected for a five-year term, and nominates the prime minister in consultation with the National Assembly.

2.7 The last Serbian Parliamentary elections were held on 11 May 2008, only a little more than a year after the previous elections. On 10 March 2008 Serbia's government was dissolved after the main coalition partners disagreed on how to proceed strategically in a way that would keep Kosovo within Serbian territory and yet also work towards EU membership. Final results from Serbia's Electoral Commission show 38.7 per cent of the vote was won by the 'For a European Serbia' coalition led by President Tadic, 29.1 per cent by the nationalist Serbian Radical Party

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1 Information in the early sections of this chapter is based upon written briefings from the Department of Foreign Affairs and Trade, and DFAT Country, economic and trade information at [www.dfat.gov.au/geo/](http://www.dfat.gov.au/geo/) and Commission of the European Communities, Enlargement Strategy and Main Challenges 2008-2009: Serbia 2008 Progress Report.

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(SRS), 11.3 per cent by Prime Minister Kostunica's Democratic Party of Serbia (DSS) and 7.9 per cent by the Socialist Party of Serbia (SPS), founded by the late Slobodan Milosevic. The most pro-Western Liberal Democratic Party (LDP) polled almost the same as in the previous election with 5.2 per cent of the vote.

2.8 After eight weeks of negotiations, a new government was approved on 7 July 2008. The government is dominated by the pro-European Democratic Party (whose leader is President Tadic) in coalition with the Serbian Socialist Party of former Yugoslav President Slobodan Milosevic. The new government is led by Prime Minister and former Finance Minister Mirko Cvetkovic who has stated that its priorities are EU membership, non-acceptance of Kosovo's independence, strengthening the economy, increasing the social responsibility of the Government, improving the fight against crime and corruption and enhancing respect for international law.

2.9 The opposition Serbian Radical Party (SRS) split in September 2008, after its Deputy Leader, Tomislav Nikolic left to form his own party. To date, 19 MPs have left the SRS to join Nikolic's "Forward Serbia" grouping. Nikolic left the SRS over tensions with SRS Leader, Vojislav Seselj, who is in The Hague facing war crimes charges.

### ***Recent history of the Kosovo issue***

2.10 The landlocked territory of Kosovo has long been a place of tension between the Serb and ethnic Albanian population. The population, estimated to be 2.1million, comprises Albanian (88 percent), Serbian (7 percent), and other minorities (5 percent Bosniak, Roma, Gorani and Turk). Serbs continue to see Kosovo as their cultural and spiritual heartland. Kosovo is one of the poorest countries in Europe. It has been highly dependent on the international community and the diaspora for financial assistance for many years. Most people live outside the major cities and subsistence farming is common with unemployment estimated at around 50 percent of the population.

2.11 Kosovo was granted autonomous province status (within Serbia) by the government of the Socialist Federal Republic of Yugoslavia after World War II. Under Slobodan Milosevic, Serbia stripped Kosovo of much of its autonomy when a new constitution was passed in 1989. The tension escalated into a humanitarian crisis until NATO forces intervened to end the conflict in 1999, forcing Serbia to withdraw its military and police from Kosovo. In June 1999, Kosovo was placed under an interim international administration, with the NATO-led Kosovo Force (KFOR) responsible for security and the United Nations Mission in Kosovo (UNMIK) performing civilian administration. Their mandates were established by UN Security Council Resolution 1244.

2.12 Former Finnish President Martti Ahtisaari was appointed on 20 February 2006 to oversee the future status process. He facilitated talks between negotiating teams from Belgrade and Pristina. Mr Ahtisaari presented his final report to the United

Nations' Secretary-General on 26 March 2007. The report found that further talks would be unproductive and that the only viable option for Kosovo was "managed independence," with an initial period of supervision by the international community. The report concluded that neither full Serbian control, nor autonomy within Serbia, were viable options for the province. Instead, the report found that independence was the only tenable means of ensuring political stability and economic viability in Kosovo, a province where ethnic Albanians make up approximately 90 per cent of the population. This was rejected by the Serbian Government and the status process stalled.

2.13 It was agreed that an international troika, comprising representatives of the United States, the European Union, and Russia, would continue the negotiation process between Belgrade and Pristina. The troika presented a report to the United Nations Secretary General on 10 December 2007 but the stalemate remained.

2.14 In January 2008 the Secretary-General of the UN announced that he would undertake reconfiguration of the civilian presence in Kosovo. The EU and others would like to transfer some of UNMIK's competencies to an EU Law and Order Mission (EULEX) and the local Kosovar institutions. This process has begun. Serbia claims that any change to UNMIK's mandate needs agreement by the UN Security Council.

2.15 Kosovo declared independence on 17 February 2008. Australia recognised the Republic of Kosovo as an independent state on 19 February 2008. Other countries recognised Kosovo including the United States, the United Kingdom, France and Germany. At the time of the Delegation's visit Serbia was seeking agreement in the UN General Assembly to request the International Court of Justice to provide an Advisory Opinion (non-binding) on the legal status of Kosovo's unilateral declaration of independence. The UN voted in favour of Serbia's request, though Australia abstained. The Serbian Government would ultimately like to see further negotiations on the status of Kosovo, which it still considers to be an integral part of Serbian territory.

### ***The former state union of Serbia and Montenegro***

2.16 The origins of the former state union came about when the Federal Republic of Yugoslavia (FRY) was officially dissolved on 4 February 2003, after the Federal Parliament adopted a new Constitutional Charter and proclaimed the establishment of the state of 'Serbia and Montenegro'. Serbia and Montenegro consisted of the two republics, Montenegro and Serbia, which incorporated two autonomous provinces - Kosovo and Metohija, and Vojvodina. The state union was designed to increase domestic cooperation, to create a single market and to ensure a more equitable balance of power and responsibility. However, because of Serbia's substantially larger population, the Serbian Government was in many respects a significantly more powerful entity than either the union or Montenegrin governments. The two republics effectively functioned independently of each other.

2.17 Under the terms of the 2003 Belgrade Agreement, both Serbia and Montenegro had the right to hold a referendum regarding their membership of the state union. Montenegro held such a referendum on 21 May 2006 at which 55.5 per cent voted in favour of independence, just above the 55 per cent mandate required by the European Union. The Montenegrin Parliament declared independence on 3 June 2006, followed two days later by the Serbian Parliament which declared Serbia the successor state to the union of Serbia and Montenegro.

### ***Progress towards European Union Membership***

2.18 The European Commission approved a positive Feasibility Study for the former Serbia and Montenegro in 2005, the first step towards possible future EU accession. The next stage, a Stabilisation and Association Agreement (SAA) and an Interim Agreement on trade related issues with the EU, was signed with Serbia on 29 April 2008 (Montenegro has also signed a separate SAA). The SAA provides a framework of mutual commitments on a wide range of political, trade and economic issues. The Serbian parliament ratified the SAA in September 2008 and the Serbian government decided to implement the Interim Agreement by January 2009 as a tangible sign of its commitment to advance rapidly towards European integration. The SAA was submitted by EU Ministers to their own parliaments for ratification; however the Dutch parliament refused to ratify the SAA.

2.19 Full cooperation with the International Criminal Tribunal for the Former Yugoslavia (ICTY), including all possible efforts to arrest and transfer indictees, is an essential element of these Agreements. Serbia has made significant progress in cooperating with the ICTY by arresting and transferring to The Hague many people including Radovan Karadzic and Stojan Zupljanin in mid 2008. However, full cooperation remains a key international obligation which must be fully complied with, meaning that Serbia must do all in its powers to capture and extradite the two remaining ICTY fugitives, indictees General Ratko Mladic and Goran Hadzic.

### ***Economic***

2.20 Since 1990 Serbia has made good progress towards establishing a functioning market economy, a further requirement for membership of the EU. However, Serbia is recovering from a low base following significant mismanagement of the Yugoslav economy by the Milosevic regime. International sanctions introduced in May 1992 against the regime also exacerbated economic problems. By 2000, GDP had dropped to 50 per cent of the 1989 level and more than 60 per cent of the population was living in poverty. NATO military action in 1999 destroyed or damaged a substantial portion of the country's heavy industry and economic infrastructure.

2.21 In recent years, the pace of economic reform has been slow and the rate of economic recovery has been gradual. GDP grew by 5.7 per cent in 2006. However, this growth was accompanied by a large external imbalance, and few signs of significant foreign 'greenfield' investment. Economists predicted GDP to grow 5.6 per cent in 2007 and to grow at a similar rate in 2008. In 2007, average inflation was

forecast to markedly slow from 12.7 per cent in 2006 to 6 per cent and further decelerate to 5.5 per cent in 2008. It was expected that the current-account deficit would reduce from 11.7 per cent of GDP in 2006 to 10.5 per cent in 2007, and further reduce slightly to 10.2 per cent in 2008.

2.22 Serbia has shown improvement in its foreign reserves and its level of indebtedness. Following write-offs by foreign creditors and a new agreement with the IMF in February 2006, debt is now approximately 40 per cent of GDP. The IMF provides Serbia with financial support for its economic reform and development package. Recent legislation covering value-added tax, labour, bankruptcy, investment and competition have all sought to improve the investment climate in Serbia.

2.23 The Serbian Government has opened up the banking sector to privatisation, and is preparing some remaining state owned enterprises in the mining, energy, telecommunications and insurance for sale. Progress in these areas will be fundamental to ensuring ongoing economic recovery.

### **Delegation meetings in Serbia**

2.24 As the first Australian Parliamentary Delegation to visit the Republic of Serbia, the Delegation was pleased to participate in a wide range of meetings while in Serbia, including with Madam Speaker and the Vice Speaker of the National Assembly, Ministers and Secretaries of State, political leaders, the Crown Prince, and less formally with leaders from the religious, educational, scientific, arts and cultural sectors of society.

2.25 A couple of specific subjects were prominent in many of the discussions with the Delegation. These were the various issues involving Kosovo, especially with the timing of the UN vote occurring during the period of the Delegation's visit, and the importance of progress towards European Union membership.

2.26 A summary of the Delegation's meetings follows, together with the Delegation's observations and conclusions and a detailed outline of the Delegation's program in Serbia. In addition to these formal meetings, the Delegation also held lunch meetings with:

- Mr Milan Krkobabic, Deputy Mayor of Belgrade, and discussed issues including the recent economic developments in Belgrade and the operation of local government, in particular the Belgrade Council which is the largest city and which operates all functions governing the city except those with national implications; and
- Mr Predrag Tojic, Secretary of State, Ministry for the Diaspora, who spoke of the work the Ministry undertakes in maintaining contacts with the Serbian diaspora worldwide. Mr Tojic was aware that there are over 17 000 Serbian-born people in Australia and was interested to hear about the life and work of Serbians in Australia and that the 2006 Census recorded nearly 95 000 Australian citizens with Serbian ancestry.

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*Meeting with Mr Oliver Dulic, Minister for Environment and Spatial Planning*



*Delegation and Ambassador Birgin with Mr Oliver Dulic, Minister for Environment and Spatial Planning*

2.27 Mr Dulic is a graduate from the Faculty of Medicine at the University of Belgrade and completed a post-graduate specialisation in orthopaedic surgery and traumatology. He began a political career in 1996 and has been a member of the Democratic Party since 1977. He was appointed as Minister in July 2008.

2.28 Mr Dulic expressed great enthusiasm and belief in Serbia's future. The legacy of the previous decade is being overcome and politically the country is stable with a strong coalition moving forward. Regional differences are being addressed. As a large country, with a central geographic location, strong links with European history and existing infrastructure being developed, Mr Dulic believes Serbia should become an important regional player.

2.29 Mr Dulic is keen that within five years Serbia would formally be part of the EU. He emphasised the strong guidelines that provide targets for legislation to meet these. In his own portfolio a strong legislative framework has been mapped out addressing social housing, waste management, amending law on environmental protection, and planning and construction. Strategic plans in the environmental field have included wind power generation and sustainable development generally, and laws on chemical management, biocides, air and nature protection. In addition to the benefits of Serbia's development, these strategies being implemented are also working towards EU acceptability. Mr Dulic noted that the other areas could assist with development, including solar, thermal and photovoltaic power. Serbia was looking at using knowledge from other countries wisely so that they could gain the benefits of those countries' experience. A delegation from the science/technology sector was

expecting to visit Australia in March 2009 and include research being undertaken at the ANU and CSIRO.

2.30 Mr Dulic represented a number of the political and other leaders that the Delegation met who were from a younger, well-educated generation who possessed great enthusiasm and dedication in guiding their young country's democratic future.

***Meeting with Mr Oliver Ivanovic, Secretary of State, Ministry for Kosovo and Metohija***

2.31 Mr Ivanovic is an engineer and economics graduate. He was leader of the Serb List for Kosovo and Metohija, a Serb political party which held elected positions in Kosovo's Assembly. Mr Ivanovic was appointed Secretary of State by the new Government.

2.32 Mr Ivanovic confirmed that the declaration of independence was not recognised by Serbia, and this view had unity across political parties. He explained the historical importance of Kosovo to Serbian identity and that its loss would lead to feelings of disconnection.

2.33 However, Mr Ivanovic emphasised that the new Serbia was utilising legal avenues to address the issues, by seeking UN approval to place the issue before the International Court of Justice. In previous times he believed that Serbia would probably have adopted a military response. The importance of Serbia pursuing this issue through international legal institutions and procedures was emphasised in a number of meetings with the Delegation.

2.34 Mr Ivanovic, and others, were optimistic at the outcome of the UN vote. While Serbia understood that some countries would not withdraw their recognition of Kosovo's independence, it was hoped that pursuing this legal approach would slow down other countries from providing recognition and could stabilise the situation both domestically and internationally. It was also hoped that Serbia would gain international respect following the procedure it had chosen.

2.35 Mr Ivanovic outlined the need to focus on major problems in Kosovo, including infrastructure with road and rail and improving water and electricity supply; education; and addressing high unemployment. An emphasis on social issues would hopefully prevent the recurrence of the situation that arose in 2004 where demonstrations and instability resulted in the displacement of many people.

2.36 Mr Ivanovic explained that his Ministry was new and that its role was to try and refrain from overly politicising the issue. They wished to attract the return of people and were involved with and cooperated with international agencies working in Kosovo and in particular UNMIK and KFOR.

2.37 Concern was expressed at the assistance and levels of attention being provided to the Serbian population still in Kosovo by international organisations. Mr Ivanovic explained that the Serbian population considered their human rights were

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in jeopardy and there were issues of property rights and language and culture, and indications of Serbian heritage being removed.

2.38 Displacement of people as refugees had been a particular issue with 200 000 Serbs returning, as well as large numbers of Roma and Bosniaks moving to Serbia or Montenegro. These people required assistance with resettling and reintegration.

***Meeting with Mr Rasim Ljajic, Minister for Labour, Employment and Social Policy***

2.39 Mr Ljajic is also a medical graduate who entered politics in 1994. He is an experienced Minister having served previously as Yugoslav Minister for Ethnic communities and Serbia-Montenegrin Minister for Human and Minority Rights. He has been Minister for Labour and Social Policy since May 2007.

2.40 Mr Ljajic spoke of the dramatic changes in Serbia since democratisation from 2000, especially with the objective of joining the EU being a major aim. The move to EU integration was fully supported by adopting EU values and implementing through policy and legislative amendment. It was felt that Serbia's efforts in facing and addressing a range of problems had not always been met with understanding from the international community.

2.41 Mr Ljajic noted Serbia's efforts in extraditing war criminals to face trial at The Hague. Despite these efforts progress towards the EU was being blocked due to two particular war criminals not having been extradited. As the coordinator of the body to trace and arrest these indictees, Mr Ljajic assured the Delegation that the Serbian authorities were doing all that was possible to meet the EU requirement. Serbia also had a strong desire to promote reconciliation processes within the region.

2.42 The need to harmonise legislation to meet EU criteria has been as important in this portfolio as in many others. The area receiving most current attention was amendment to the labour law.

2.43 Policy in relation to refugees, some 200 000 from Kosovo accommodated in some 70 centres, now takes two directions – local integration into society as many are taking citizenship, or assisting their return. UNHCR provided initial aid though this is now reducing. Serbia is seeking broader international assistance and hopes that others in the international community will accept refugees.

***Meeting with Ms Ksenija Milivojevic, Assistant to the Deputy Prime Minister for European Integration***

2.44 Ms Milivojevic has a degree in law, is a founding member of the G17 Plus political party and was elected to the Serbian Assembly in 2003.

2.45 Ms Milivojevic noted that European integration and Kosovo were the top two current areas in foreign affairs.

2.46 With the EU, strong emphasis was again placed on the election in Serbia of a pro-Europe government having provided great impetus and progress and that Serbia remained committed to the Hague Tribunal. The desire to implement the Agreement as soon as possible that had been blocked by the Dutch was a great disappointment for Serbia.

2.47 The liberalisation of trade, especially lifting of customs tariffs, was an important provision, through the benefits for both sides was being constrained as the current situation continues.

2.48 The visa question was a particular issue for Serbia. In 2002 Serbia abolished the need for EU members to obtain a Serbian visa, which it did as a sign of goodwill. However issues remain for Serbians to obtain visa free travel at a tourist level, though different provisions apply for a working visa.

2.49 Ms Milivojevic also emphasised the points in relation to Kosovo that the Serbian position was to never recognise independence, though as the push for a UN vote demonstrated, Serbia would continue to make all diplomatic efforts to prove its case. Concern was expressed that a negative vote in UN could lead to adverse public reaction in Serbia. (A positive vote at UN subsequently showed these concerns to be unfounded). It was Ms Milivojevic's view that Serbia would accept any decision that would be made by the International Court of Justice as it was regarded as an unbiased international institution. There was recognition that the ICJ processes could take some time, even years, to complete and that situations are fluid.

2.50 Ms Milivojevic also noted that Serbia was a member of a range of regional initiatives and organisations and was strongly committed to regional cooperation.

#### ***Meeting with Mr Janko Guzijan, Secretary of State, Ministry of Finance***

2.51 Mr Guzijan is a graduate of the Faculty of Economics at Belgrade University from where he also received his MA. He worked as a Special Advisor to the IMF in Serbia from June 2004 and became State Secretary at the Ministry of Finance in May 2007.

2.52 Mr Guzijan spoke of the financial, political and economic challenges faced by Serbia. Financial challenges stemmed from the war years when GDP had reduced by nearly 70 per cent, trade and other sanctions were in place, and there was much corruption. With democratic governments since 2000, there has been considerable turnaround with a growth rate of around 6 per cent, with service, especially industry, growth being much greater.

2.53 Political challenges centered on the complexities involving the growth in party numbers – democracy and democratic practices were young and still evolving. Moves towards the EU and meeting EU requirements created challenges.

2.54 Economic challenges included increasing GDP, cutting inflation and reducing foreign debt. Governments needed to take hard decisions: with fiscal policy - to

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reduce fiscal deficit, and with monetary policy - liberalisation was required with moves to greater privatisation.

2.55 Mr Guzijan noted that Central Bank regulates the operation of banks, but not interest rates. There was discussion on credit and European country imports with much financing from abroad. As a former IMF advisor Mr Guzijan considered that Serbia needed greater discipline in economic policy and needed to invest in capital for future generations.

***Meeting with Mr Borko Stefanovic, Chief of Cabinet of the Minister of Foreign Affairs***

2.56 Mr Stefanovic was accompanied by Ms Jelena Markovic-Krstic, First Secretary and Ms Jelena Nikolic, Head of Directorate, The Far East, Australia and the Pacific Division, Ministry of Foreign Affairs.

2.57 Mr Stefanovic made similar comments to others on the EU integration and Kosovo issues noting:

- That the positive UN vote was important for removing the Kosovo issue from the political agenda and moving the issues to a legal argument before the ICJ;
- It was Serbia's clear intention to make progress with the EU and pushing on with the Interim Agreement, especially with trade and visa issues that were very important to Serbia;
- Serbia was very disappointed at the Dutch vote blocking progress;
- The importance of democratic forces having won all elections at different levels across the country since 2000;
- Adopting laws and meeting the many obligations to meet EU requirements was also providing much needed reforms in society.

2.58 Mr Stefanovic also indicated that following the UN vote there would be an immediate reconsideration of the position of recalled Ambassadors. This included to Australia, which was raised by the Delegation at a number of meetings. He emphasised the need to encourage Ministerial visits and was especially keen for the Australian Foreign Minister to visit – which would also be important for the Serbian diaspora in Australia.

2.59 Mr Stefanovic spoke of Serbia being a very important country for stability in this region. It had relations with many countries that would provide a balance with the EU and Russia. He noted that with its history as a former leader of the Non Aligned Movement and now coming back on the international stage, Serbia saw an important role as a bridge between the EU and Russian Federation.



*Delegation with Mr Borko Stefanovic, Chief of Cabinet of the Minister of Foreign Affairs*

***Meeting with Mr Tomislav Nikolic, President of the Parliamentary Group, Serbian Progressive Party***

2.60 Mr Nikolic is a former member of the Serbian Radical Party. He was Deputy Leader of the Party and parliamentary leader. He resigned from the Party in 2008 following a disagreement with the former leader Vojislav Seselj, who is now before The Hague Tribunal. Mr Nikolic is now the President of the Parliamentary Group of the Serbian Progressive Party.

2.61 As one of the leading figures in the Opposition, Mr Nikolic discussed his political party background, the split with the Radical Party and the role and future directions of the Serbian Progressive Party. 20 of the 78 Radical Party representatives had joined the Progressive Party and it was now undertaking a membership drive to pick up many former Radical Party members.

2.62 Mr Nikolic spoke of the acceptance of the multi party democratic system and of the importance that a strong opposition plays within this system. The Party is not likely to become a coalition partner and remains opposed to the Democratic Party.

2.63 Mr Nikolic expressed strong views on the moves to join the EU. He noted that in recent years much progress had been made with economic development, opening trade borders and liberalising the economy without having joined the EU. He remains wary that the many conditions that are imposed for membership may be unacceptable to many Serbian people.

2.64 Mr Nikolic also noted that many Serbs had moved to Australia during the period of war and he understood that they were now thriving in Australia's multi-ethnic society.

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***Meetings with Mrs Slavica Djukic-Dejanovic, Speaker and Ms Gordana Comic, Vice Speaker of the National Parliament***

2.65 Mrs Slavica Djukic-Dejanovic, Speaker of the Nation Assembly hosted a dinner for the Delegation. Mrs Djukic-Dejanovic is a graduate of the Medical Faculty of Belgrade receiving a PhD in 1986. She is a long time member of the Socialist Party of Serbia, has previous Ministerial experience and became Speaker in 2008.

2.66 A variety of subjects were discussed over dinner. In particular, as Australia and Serbia are fellow members of the 12 Plus geopolitical group at the Inter Parliamentary Union, a valuable opportunity was provided to informally discuss a range of issues relating to the IPU meeting being held in Geneva the following week which Speaker Djukic-Dejanovic and the Delegation would be attending.

2.67 Mr Price, as Delegation Leader, presented Madam Speaker with an invitation from the Presiding Officers of the Australian Parliament for a reciprocal delegation from the Serbian National Assembly to visit Australia.

2.68 Earlier in the afternoon the Delegation had met with Ms Gordana Comic, Vice Speaker of the National Assembly. Ms Comic is a member of the Democratic Party. She described Serbia as a country where perceptions and facts were not realised. Serbia was a very different country now than from the 1990s, having passed from a dictatorship through virtual revolution in 2000. It had been a country with limited institutions and had all the issues and challenges of a post-war economy where previously a large percentage of GDP had been spent at war.

2.69 Ms Comic outlined perceptions that had been held about Serbia: that democratic forces could not win elections, that there was no political will for dialogue over Kosovo and other areas and it was not willing to cooperate with International courts and tribunals. Yet Serbia had in recent years proved these perceptions to be illusory as it moved towards the EU adopting many legislative and administrative changes and societal reforms.

2.70 Ms Comic described a number of problems that were being addressed including:

- high unemployment levels;
- a 'grey' economy, like a black economy where people, often women, would be doing a few jobs without them being formally based;
- high public expenditures;
- reforming public enterprises, especially in the communication, energy, and water and resources sectors;
- reforming the justice system and establishing courts, particularly removing perceptions of corruption and guaranteeing independence and the protection of human rights. An Ombudsman and Auditor have been created;
- reforming education and health care;

- addressing a low birth rate and the resultant ageing population. Policies have been introduced that aim at families by providing broader housing assistance, improving the environment, providing work-break assistance and a cash bonus at birth (their very own baby bonus).

2.71 Ms Comic expressed great confidence for a strong Serbia in the future. The Government was now settled and she hoped that there would be no need for further elections until 2012. In 3 to 4 years time it was Ms Comic's hope that Serbia would be seen as no different from other European countries.

2.72 Ms Comic and the Delegation also had a general discussion on political parties, voting systems, parliamentary procedures, transparency in government, the roles of Presiding Officers and staffing assistance for members. Serbian members of Parliament do not have staff with research being undertaken by the individual member.

#### ***Meeting with Mr Dragoljub Micunovic, President, Centre for Democracy***

2.73 Mr Micunovic was a founding member of the Democratic Party and first President of the re-established Democratic Party in 1990. He has been a member of the State and Federal legislatures for over 10 years. After the victory of the Democratic Opposition in Serbia in 2000, Mr Micunovic was elected President of the Chamber of Citizens of the Federal Assembly. He also served a term as Speaker of the Parliament of Serbia and Montenegro in 2003-04.

2.74 In the mid 1990s Mr Micunovic and a group of prominent intellectuals founded the Centre for Democracy, a non-government organisation for the development of civil society and the non-governmental sector, civil education and preparation of political and social reforms. He remains a highly respected elder statesman and frequently acts as a spokesman for President Tadic.

2.75 Mr Micunovic expressed awareness that even though Australia was not directly involved in European forums it had joined forces in different war zones and was involved in many activities at an international level. He viewed parliamentary delegations as very important for improving diplomatic relations between countries. However, the disintegration of Yugoslavia and then Serbia-Montenegro had resulted in new starts having to be undertaken. It was therefore pleasing to welcome our Delegation, as the first Australian parliamentary delegation to visit.

2.76 Mr Micunovic also spoke about Kosovo, emphasising Serbia's resolve to address the issue through dialogue and peaceful means, insisting on using the UN forum, and by the recognition of international law getting the ICJ to be involved.

2.77 Mr Micunovic noted that as a broader issue separatism was becoming a key issue in the world today. He considers that world order relies on no border changes through the use of force or self-determination of internal people. If the latter principle came to dominate the creation of new states it would lead to significant international crises.

2.78 Mr Micunovic also stated that the signing of the EU candidacy Agreement reflected the strongly held majority view of the people to be pro-European. Serbia was actively trying to overcome the issue surrounding the two outstanding war criminals, though it should also be remembered that Serbia has supported The Hague Tribunal by extraditing many people, including Milosovic, former Ministers and military leaders.

2.79 Mr Micunovic noted that the modernisation of the country was an ongoing challenge, though considerable progress had been achieved in 8 years, especially the harmonisation of law, which was also a precondition for joining the EU. He particularly outlined the plans in rebuilding the Serbian economy including:

- need for privatisation to increase; especially oil and gas industries;
- attract foreign investment and companies to create employment, eg a Fiat automotive factory was being built;
- provide concessions for communications corridors;
- infrastructure development through road construction.

2.80 However some complicating factors were that modernisation and new technology led to workforce redundancies, and the ageing population and low birth rate resulted in pensioners providing pressures on public funds. On a broader scale Mr Micunovic was concerned at the deepening international economic crisis. Dependence on foreign loans and financial market instability could have a negative economic impact on Serbia.

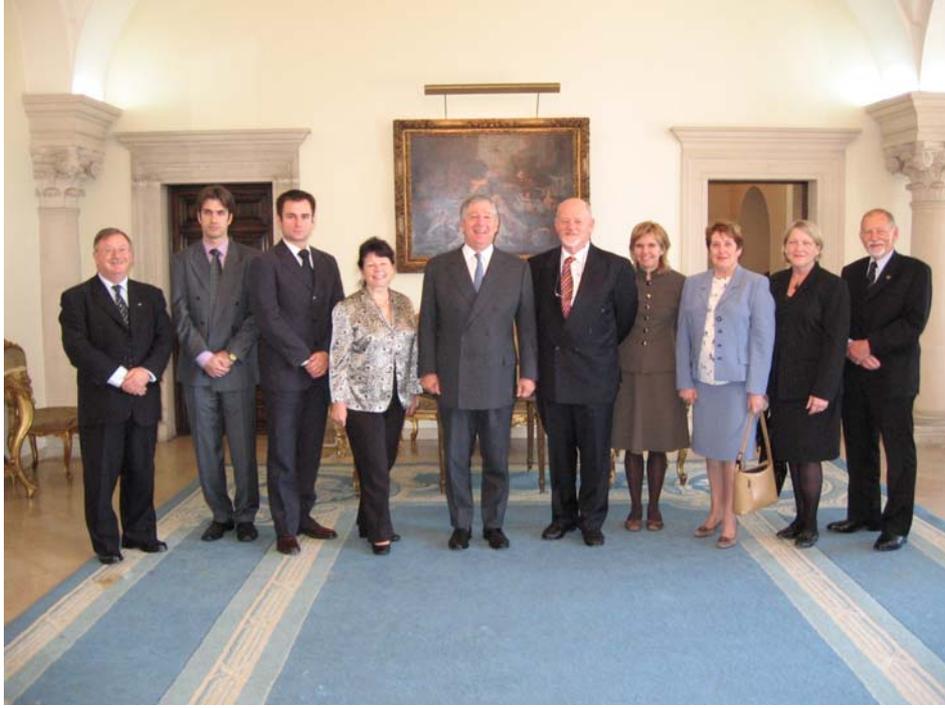
### ***Meeting with Crown Prince Aleksandar***

2.81 The Delegation was honoured to meet Crown Prince Aleksandar Karadjordjevic and Crown Princess Katherine at the Royal Palace (Kraljevski dvor).

2.82 During World War II King Peter II left to form a government-in-exile, eventually settling in London where Crown Prince Aleksandar was born in July 1945. After the War, the People's Federal Republic of Yugoslavia was established and the royal family was deprived of Yugoslavian citizenship and all family property was confiscated. It was not until after Milosevic was deposed that citizenship was restored to Crown Prince Aleksandar and property seized from the royal family, including the royal palaces, was returned in March 2001.

2.83 While the Crown Prince has returned to the Republic of Serbia, the issue of re-establishing a constitutional monarchy is virtually non-existent as it retains a very low profile among the vast majority of Serbs. The Crown Prince stays out of domestic politics as he and Crown Princess Katherine spend considerable time associated with humanitarian work. During the informal meeting with the Delegation, the Crown Prince discussed this charitable work, and other matters including the royal family's role in modern Serbia and the future challenges and needs facing Serbia.

2.84 The Delegation was privileged to receive a tour led by the Crown Prince of the Royal Palace (which prior to its return to the royal family had been used by Presidents Tito and Milosevic) and the White Palace (Beli dvor) which houses a notable art collection.



*The Delegation, Ambassador Birgin and Protocol officers with Crown Prince Aleksandar*

### **Visit to Vojvodina and Novi Sad**

2.85 The Delegation travelled to the town of Sremski Karlovci in the geographical region of Srem, to Novi Sad, Serbia's second largest city and capital of the northern Serbian province of Vojvodina, and the town of Kac.

2.86 In Sremski Karlovci the Delegation was honoured to have an audience with Bishop Vasilije, the Serbian Orthodox Bishop of Srem. Prior to being appointed Bishop of Srem, Bishop Vasilije had been based in Australia from 1978 to 1986 as the Bishop for Australia, New Zealand and South Africa. The Delegation was privileged to be given a tour of the religious artworks and artefacts in the Vladicarski Palace.

2.87 The Delegation also visited the Zivanovic local honey and wine production cellar and museum. Honey making had been introduced into the area and pursued by the family for well over a century and the art of bee-keeping and honey production techniques developed through many generations.

2.88 Overlooking the city of Novi Sad across the Danube is the fortress of Petrovaradin. Due to the strategic nature of the location fortresses have been built on the site since pre-Roman times. The Delegation had a short tour of the museum which provides a history of Petrovaradin and the development of the fortress areas over recent centuries.

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2.89 Novi Sad, founded in 1694, became the centre of Serbian culture and today is a large industrial and financial centre of the Serbian economy. As the Capital of the Autonomous Province of Vojvodina, Novi Sad is the home to Vojvodina's government and parliament.

2.90 The Delegation was joined for lunch in Petrovaradin by:

- Ms Maja Gojkovic, former Mayor of Novi Sad and a counsellor in the Parliament of Novi Sad representing her own party, Grupa Gradana - Maja Gojkovic, which she formed in 2008 after resigning from the Serbian Radical Party;
- Mr Bojan Pajtic, Chief Executive of the Vojvodina Assembly;
- Mrs Radmila Marinkovic-Neducin, Rector of the Novi Sad University, the largest educational institution in Novi Sad which is one of Serbia's most important centres of higher education and research;
- Mr Ratislav Varga, Ballet director of the Serbian National Theatre in Novi Sad which is the oldest professional theatre, founded in Novi Sad in 1861.

2.91 The Delegation enjoyed wide ranging informal discussions over lunch covering issues including the structure and operation of local and regional government (which built on earlier discussions with Mr Milan Krkobabic, Deputy Mayor of Belgrade); the nature and makeup of political parties and groupings; the funding, operation, successes and challenges confronting tertiary education; and the diversity of artistic programs undertaken by the National Theatre and its successes and limitations resulting from centralised funding. These informal discussions complemented those from lunch on the previous day when the Delegation met Mr Nikola Hajdin, President of the Serbian Academy of Science and Arts and a permanent member of the European Academy of Sciences, Arts and Literature and Mr Dejan Savic, Director of the National Opera since 2001.

2.92 In the nearby town of Kac the Delegation visited the Djura Jaksic Primary School, meeting with Mr Mike Budimir, Director and members of the school staff. The Australian Embassy has close links with the school having donated computers for use by the children, many of whom have relatives now living in Australia.

2.93 The Delegation and Mr Budimir and his staff exchanged views on the operation of the school systems in Serbia and Australia and on education issues generally. The Delegation also inspected the school's computer rooms and met some children utilising the facilities.

2.94 The Serbian education system differs to that in Australia. It is divided into three stages – primary education which is compulsory and lasts from 7 to 14 years of age (a preparatory educational period of one year is undertaken beforehand); secondary education runs from 14 to 17 or 18 years of age at either comprehensive grammar schools or technical and vocational schools; and then from 18 years higher education is offered at universities, colleges and specialist institutes.



*The Delegation and Ambassador Birgin at Djura Jaksic Primary School, Kac*

### **Delegation comment and observations**

2.95 As the first Australian Parliamentary Delegation to visit the Republic of Serbia, the Delegation considers that the visit was not only very important but also highly successful in its outcomes.

2.96 Valuable and informative meetings were held with the Speaker and Vice Speaker of the National Assembly, with Ministers, Secretaries of State and Political leaders which all contributed to achieving the most important objective of establishing relations with the new Serbian Parliament.

2.97 Serbia is a young democracy and the Delegation was impressed by the continuing efforts to develop and enhance democratic traditions. These efforts need to be acknowledged and treated more favourably at the international level. The Delegation considers that Australia could provide assistance in strengthening parliamentary democracy by sponsoring exchanges of parliamentary staff and/or officials through AUSAID programs or by the Australian Parliament.

2.98 The Delegation was also impressed by the younger, well-educated, progressive, and professional generation of Ministers and political leaders that it met. They have great dedication and confidence in the future of their country and see membership of Europe as the way ahead.

2.99 Membership of the EU has strong support politically and within the population as evidenced by the support for pro-European parties at the previous election. The harmonisation of laws to meet European requirements has the added result of bringing strong benefits economically and socially to Serbia. However,

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disappointment was expressed at the Dutch blocking further progress. Serbia has been cooperating fully with the Hague Tribunal and European requirements as demonstrated by the numbers that have already been extradited to the Tribunal. The Delegation did not find any reluctance to pursue the two remaining indictees, including Ratko Mladic. The Delegation was very sympathetic to the admission of Serbia to membership of the EU as an important step for stability in the region.

2.100 The Delegation also gained a deeper understanding of Serbia's position on the issue of Kosovo's independence and Serbia's perspectives of the region. Serbia regards Kosovo as an integral part of its identity, and remains very determined not to recognise Kosovo's independence. There was significant emphasis though that the actions and procedures adopted in response by Serbia have been via recourse to international law and institutions. Serbia is very aware of its former image and is very keen that its commitment to and utilisation of international legal procedures will enhance its new image, emphasise its emerging democratic status, and gain international respect.

2.101 In addition to adopting pro-European policies, Serbia also remains committed to regional cooperation. It is actively involved in a range of regional organisations and initiatives. Serbia is in a position of strength within the Balkan region and is a key to stability in the region. It retains good relations with Russia and can provide a valuable role in balancing Europe with Russia by providing a gateway into Russia and for Russia into Europe.

2.102 The Delegation considers that there is significant potential for increased cooperation or bilateral agreements across many sectors. Trade is at very low levels and offers scope for development. Early discussions are occurring over a social security agreement and there is potential for health care agreements.

2.103 The scientific, technological and educational sectors are areas where exchanges of information and expertise could provide significant benefits and development. While assistance at the primary and secondary education levels such as the donation of IT and other equipment is of great benefit, the greatest potential exists at the tertiary level, and especially cooperation with research and the opportunity for exchange of personnel or the possibility to pursue graduate or postgraduate study.

2.104 The environmental and resources sectors also provide potential for assistance, especially in the environmental protection, waste management and related areas.

2.105 Culture and the arts are areas that could also benefit from Australian support and assistance, financial or otherwise. A highly developed and sophisticated artistic scene in Serbia is led by a number of extremely motivated and dynamic people. While artistic and theatrical troupes receive full support from the Serbian government, there is limited opportunity to travel due to expense.

2.106 At the political level, representation and relationships are very important. The Delegation was very pleased to meet Speaker Djukic-Dejanovic who not only hosted a dinner for the Delegation but had facilitated a range of the meetings and of the

Delegation's visit generally. In addition, with both Madam Speaker and the Delegation attending an Inter-Parliamentary Union meeting in Geneva the following week and with Australia and Serbia being members of the 12 Plus geopolitical group at the IPU, the opportunity to informally discuss a range of issues relating to the forthcoming IPU meeting proved to be invaluable.

2.107 The Delegation commented at a number of the meetings on the importance of representation at the highest diplomatic level and expressed Australia's keen desire for the Serbian Ambassador to be returned to Australia. Shortly after the visit, and in accordance with undertakings made in some meetings that diplomatic representation would be re-assessed after the UN vote, the Delegation is pleased to report that a positive decision has since been taken and the Serbian Ambassador has now returned to Australia.

### **Recommendation 1**

**2.108 That the Australian Parliament and the Government through AUSAID programs sponsor exchanges by parliamentary staff from the National Assembly of Serbia and/or other governmental officials with the objective of providing assistance in strengthening Serbia's fledgling parliamentary democracy.**

### **Recommendation 2**

**2.109 That the Australian Government in conjunction with the tertiary education and research institutions provide opportunities for:**

- **cooperation with research,**
- **exchanges of academic and qualified research personnel, and**
- **the pursuit of graduate or postgraduate study in Australia.**

### **Recommendation 3**

**2.110 That the Australian Government combine with the range of Australian artistic and cultural Councils and organisations to provide support and assistance for visits by Serbian artistic and theatrical troupes.**

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## Delegation Program in Serbia

### Monday, 6 October 2008

- 12:20 Arrive Belgrade from Vienna
- 14:30 Lunch with Mr Milan Krkobabic, Deputy Mayor of Belgrade
- 16:20 Meeting with Mr Oliver Dulic, Minister for Environment and Spatial Planning
- 17:15 Tour of Kalemegdan Fortress
- 19:30 Dinner hosted by Ambassador Birgin at Australian Ambassador's Residence

### Tuesday, 7 October 2008

- 10:00 Meeting with Mr Oliver Ivanovic, Secretary of State, Ministry for Kosovo and Metohija
- 11:00 Meeting with Mr Rasim Ljajic, Minister for Labour, Employment and Social Policy
- 12:00 Meeting with Ms Ksenija Milivojevic, European Integration Advisor
- 13:00 Lunch with Mr Predrag Tojic, Secretary of State, Ministry for the Diaspora
- 15:30 Meeting with Mr Janko Guzijan, Secretary of State, Ministry of Finance
- 19:30 Reception hosted by the Hon Roger Price, MP and Ambassador Birgin in honour of the National Assembly of the Republic of Serbia

### Wednesday, 8 October 2008

- 10:00 Meeting with HRH Crown Prince Aleksandar Karadjordjevic & HRH Princess Katarina and tour of the White Palace
- 11:15 Meeting with Mr Borko Stefanovic, Chief of Cabinet of the Minister of Foreign Affairs
- 12:30 Lunch with Mr Dejan Savic, Director of the National Opera and Mr Nikola Hajdin, President of the Serbian Academy of Science and Arts
- 14:00 Meeting with Mr Tomislav Nikolic, President of the Parliamentary Group, Serbian Progressive Party
- 14:40 Meeting with Ms Gordana Comic, Vice Speaker National Assembly
- 16:00 Meeting with Mr Dragoljub Micunovic, President of the Centre for Democracy
- 16:30 Tour of the National Assembly
- 19:30 Dinner hosted by Mrs Slavica Djukic-Dejanovic, Speaker of the National Assembly

**Thursday, 9 October 2008**

- 09:30 Depart hotel for Sremski Karlovci, Novi Sad and Kac
- 10:40 Meet with Vladika Vasilije, Bishop of Srem and tour Vladicarski Palace
- 11:45 Visit Zivanovic a local honey and wine production cellar and museum
- 13:00 Tour of Museum at the Petrovaradin Fortress
- 13:30 Lunch at Petrovaradin with:  
Ms Maja Gojkovic, former Mayor of Novi Sad and party leader in the Parliament of Novi Sad  
Mr Bojan Pajtic, Chairman of the Executive Council of Vojvodina  
Mrs Radmila Marinkovic-Neducin, Rector of the Novi Sad University  
Mr Ratislav Varga, Ballet Director of the Serbian National Theatre in Novi Sad
- 15:45 Meeting with Mr Mile Budimir, Director, and staff of the Djura Jaksic Primary School, Kac and tour of School
- 17:00 Return to Belgrade
- 19:30 Attend 'The Sorrows of young Werther' at the National Opera Theatre

**Friday, 10 October 2008**

- 09:00 Press Conference at Hotel with representatives of local print and electronic media
- 10:15 Visit to the Australian Embassy and meet with Embassy staff
- 11:00 Depart for Airport 'Nikola Tesla'
- 12:55 Depart Belgrade for Geneva

## CHAPTER 3

### Inter-Parliamentary Union

#### IPU Council and Assembly

3.1 The Inter-Parliamentary Union (IPU), established in 1889, is the international organisation that brings together representatives of the Parliaments of sovereign states. The IPU works for peace and co-operation among peoples and for the firm establishment of representative democracy. There are now 154 members and 8 associate members of the IPU.

3.2 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.

3.3 The IPU supports the efforts of the United Nations, whose objectives it shares, and works in close co-operation with it. The IPU also co-operates with regional inter-parliamentary organizations, as well as with international intergovernmental and non-governmental organizations which are motivated by the same ideals.

3.4 A 17-member Executive Committee administers the IPU and supervises its annual program and budget.

#### Geo-political meetings

3.5 The 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.

3.6 The Australian delegation participates in the meetings of the Twelve Plus Group (with 45 members it is the geo-political group centred originally on European Union membership but now including several other countries) and also the Asia-Pacific Group (with 26 members). 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.

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

3.8 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.

### **Delegation report**

3.9 The summary of meetings and other IPU activities outlined in the following chapters of this report is based on the official *Results of the 119th Assembly and related meetings of the Inter-Parliamentary Union* produced by the IPU Secretariat. Appendixes 3 and 5 have been reproduced from this document.



*The Delegation – the Hon Danna Vale, Senator the Hon Judith Troeth, the Hon Roger Price (Leader) and Senator Claire Moore at the IPU Assembly*

## Delegation comments and observations

3.10 The Delegation wishes to provide some observations and comments on a number of the issues that arose during the IPU meeting.

### **First Standing Committee Panel Discussion – Advancing nuclear non-proliferation and disarmament**

3.11 To introduce the panel discussion before the Assembly on the subject considered by the First Standing Committee, Mr Price delivered the draft report on *Advancing nuclear non-proliferation and disarmament, and securing the entry into force of the Comprehensive Nuclear-Test-Ban Treaty: The role of parliaments*. A copy of Mr Price's speech is at Appendix 1.

3.12 A lively discussion followed with some 50 speakers representing many countries contributing to the debate and a number of others who had wished to contribute not being able to do so by the expiration of the discussion time that had already gone beyond its allocated time. Considerable interest was generated by the draft report with a range of issues being raised and many comments being made during the debate that will be taken into consideration as the report is re-drafted and a preliminary resolution is prepared for submission to the next meeting in Addis Ababa in April 2009. The interest aroused and calibre of debate on the draft report was a most successful and pleasing outcome.



*Mr Price addresses the IPU Assembly*

3.13 A number of informal meetings were held in conjunction with this item involving Mr Price, the co-rapporteur Mr Jack Mwiimbu from Zambia, Ms Anda Filip from the First Committee secretariat and DFAT advisers to discuss the processes and

procedures for the panel discussion and then subsequently the requirements for re-drafting the report and preparation of the preliminary resolution.

### **Amendment of IPU Rules and admission of Palestine**

3.14 The issue of admitting Palestine to membership of the IPU and the necessity of amending IPU Statutes and Rules to permit this to occur had been postponed from the previous IPU meeting in Capetown to allow further consideration by the Executive Committee.

3.15 The question to amend the IPU Rules was the only roll-call vote to be taken during this meeting. Australia voted to oppose the Rule change. The full roll-call vote is at Appendix 3. With the Rule changes having been agreed to, the question to accept Palestine as a member passed on the voices (Australia also opposed this question though a formal roll-call vote was not taken).

3.16 The Delegation had been briefed on Australia's position regarding the situation with Palestine and the Middle-East and upheld this position in exercising its vote. The issue of Palestine is highly complex.

3.17 The Palestinian Territories do not constitute a sovereign state. Australia supports and engages with the emergency government of the Palestinian Authority (PA) as sworn in by President Mahmoud Abbas in June 2007. The emergency government does not include members of Hamas.

3.18 The Palestinian Legislative Council (PLC) (an elected body responsible for drafting and monitoring legislation – similar to a Parliament) is the legislature of the PA (the executive arm of government). The PLC last held elections in 2006 in which Hamas defeated Fatah. Due to Palestinian infighting and the establishment of the emergency government, this Hamas-dominated PLC is currently moribund.

3.19 The Palestinian National Council (PNC) is the legislative body of the Palestine Liberation Organization (PLO). The PLO is an umbrella organisation which represents a number of Palestinian organisations and all Palestinian people, including the diaspora who live outside of the Palestinian Territories. Neither the PNC or the PLO exercise government functions – these are performed by the PA or the PLC.

3.20 Australian policy is that officials must avoid contact with Hamas. Australia has designated Hamas, in its entirety, as a terrorist entity for asset freezing purposes and has specifically designated its military wing (Izz al-Din al-Qassam Brigades) as a terrorist organisation under the Criminal Code.

3.21 The international community has made clear that Hamas must renounce violence, recognise Israel and respect commitments already made by the Palestinian leadership.

3.22 On the Middle East Peace Process Australia is committed to a two-state solution based on Israel's right to live in peace with secure borders and the legitimate aspirations of Palestinian people for a state of their own.

3.23 Australia doubled its aid to the Palestinian Territories to AUS\$45 million in 2008. This assistance is being given to improve essential services, such as basic health care and food security, and to promote democracy and good governance.

3.24 In respect to the question of amendment of the IPU statutes and the admission of Palestine, the Delegation considered that the proposed amendment was highly inappropriate as it was not consistent with the IPU's own Statutes which state that the function of the IPU is to represent parliaments of sovereign states.

3.25 Although the amendment was argued to be specifically drafted to admit only 'Palestine', the Delegation considered that it would set an unhelpful precedent because it may encourage other non-state entities to pursue similar representation and was clearly politically motivated.

3.26 Australia's position is to recognise Palestinian aspirations for statehood and to strongly support a two-state solution to the Israel-Palestinian issue, based on the legitimate aspirations of the Palestinian people to a state of their own, and Israel's right to live in peace with secure borders.

3.27 The Delegation did not consider that the course of action being proposed through the IPU would advance this position nor enhance the peace process.

## **Geopolitical Groups**

3.28 Australia maintains its membership of both the Twelve Plus (12+) and Asia-Pacific Geopolitical Groups. The Delegates attended all meetings of both Groups.

3.29 The 12+ Group meeting heard reports from the IPU Executive Committee, the Advisory Committee on UN Affairs, the Coordinating Committee of Women Parliamentarians and on the panel discussions of the Standing Committees. There was discussion on the candidate to support in the election of IPU President and especially on the admission of Palestine. After considerable debate on the latter, the Chair commented that he 'felt that Members' contributions during the current meeting revealed that there was little consensus between 12+ Members, except an agreement that the PLC was the legitimate Palestinian Parliament'. The Group also agreed to renew Mr John Austin MP, UK, for a further two-year term as Chair of the Group.

3.30 The Asia Pacific Group heard briefings from the Group's representatives on the Executive Committee, from ASEAN +3 and on the panel discussions of the Standing Committees. The Group also discussed the Emergency Item, the IPU 2009 draft budget and IPU vacancies. A proposal to reform the Asia-Pacific Group submitted by Mr Price was passed on to the incoming Chair for consideration by the Working Group and then for discussion at the next meeting in Addis Ababa.

3.31 Mr Price suggested that the Group build on recent reforms by instituting an elected position of Secretary for a period of three years which would provide the secretarial support and assistance to the Chair. The Secretary would be subordinate to and subject to the direction of the Chair of the Group. Mr Price considered that this proposal would allow for the development of skills and expertise and continuity and ensure that the Secretary was providing the Chair with as much information as possible and through the Chair would allow all members increased information and opportunity for participation, especially for the periods between IPU Assemblies.

3.32 The Chairmanship of the Asia Pacific Group was passed onto Mr Zha Peixin of China. The Australian Delegation was delighted at Mr Zha assuming the Chair of the AP Group as he is also the Chair of the China-Australia Parliamentary Friendship Group. The Delegation has pledged its support and commitment to working very closely with Mr Zha in advancing the interests of the Asia Pacific Group within IPU.

### **Election of IPU President**

3.33 Two candidates stood for election as IPU President, Mr Agung Laksono, the Speaker of the Indonesian Parliament, and Mr Theo-Ben Gurirab, the Speaker of the Namibian National Assembly. The IPU President receives a three-year mandate.

3.34 The Australian Delegation gave strong support to the candidacy of Mr Laksono. Although Mr Laksono was not successful at the election, he expressed deep appreciation for Australia's support commenting in a letter to the Delegation:

The unequivocal support from the Parliament of Australia is not only a reflection of the excellent bilateral relations between the two Parliaments, but also a confirmation of the confidence to entrust the leadership of the IPU to me. Indeed, it is a great honor for me personally and for Indonesia to receive your invaluable support. The House of Representatives of the Republic of Indonesia hopes that our two Parliaments will continue to enhance cooperation and mutually beneficial exchanges in the context of bilateral as well as multilateral fora.

### **Assistance for Asian and Pacific neighbours**

3.35 The Delegation was concerned at the position of the Pacific nations and some of our smaller Asian neighbours. In particular, representation at the IPU Assembly by Pacific countries was limited, Samoa was represented by a single delegate without any support and Papua New Guinea had lost its voting rights as it had become unfinancial. Timor Leste is a newly emerging nation and is still finding its way as a participant in international institutions. The Delegation held a bilateral meeting with the representatives from Timor Leste to discuss issues of mutual interest. An Australian Parliamentary Delegation was scheduled to visit Timor Leste before the end of the year where these issues could be pursued in greater detail.

3.36 The Delegation considers that Australia and New Zealand must play a greater role in supporting the Pacific and neighbouring countries and especially to encourage

these countries to engage with the IPU and gain a higher profile on the international stage.

3.37 The Delegation suggests that direct assistance could be provided to lessen the burden of affiliation. Through political or diplomatic channels, Australian delegations should identify and make contact with other Pacific countries that may be attending IPU meetings.

3.38 The Delegation further suggests that the issues in this area could be of particular interest for the Parliamentary Secretary for Pacific Islander Affairs to pursue. An annual visit to Pacific countries led by the Parliamentary Secretary could also broaden the understanding and experience of Australian parliamentarians with Pacific Island issues and challenges. A role could also be played by the Centre for Democratic Institutions within its programs and activities in the Asia-Pacific region.

### **Recommendation**

**3.39 That the Parliamentary Secretary for Pacific Island Affairs request the Centre for Democratic Institutions to investigate ways for Australia to encourage Pacific countries to become more involved in international fora and especially with the IPU.**



*The Delegation meeting informally with the delegation from Timor Leste*

### **Seminar on Parliaments and CEDAW**

3.40 The Hon Danna Vale, Senator the Hon Judith Troeth and Senator Claire Moore attended the Sixth Information Seminar on Parliaments and CEDAW held following the IPU meeting. The Seminar consisted of three sessions: Introducing the Convention on the Elimination of All Forms of Discrimination against Women

(CEDAW) and its Optional Protocol, *Focus on Addressing laws that Discriminate against Women* and Implementing the Convention: the Role of Parliament.

3.41 During debate on the Optional Protocol some comments were made about Australia not yet having ratified the Optional Protocol.<sup>1</sup> However, by the end of the year Australia's reservations had been overcome and the Optional Protocol had been ratified.



*Senator Claire Moore, the Hon Danna Vale and Senator the Hon Judith Troeth at the CEDAW conference*

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1 By ratifying the Optional Protocol, a State recognizes the competence of the Committee on the Elimination of Discrimination against Women -- the body that monitors States parties' compliance with the Convention -- to receive and consider complaints from individuals or groups within its jurisdiction.

The Protocol contains two procedures: (1) A communications procedure allows individual women, or groups of women, to submit claims of violations of rights protected under the Convention to the Committee. The Protocol establishes that in order for individual communications to be admitted for consideration by the Committee, a number of criteria must be met, including those domestic remedies must have been exhausted. (2) The Protocol also creates an inquiry procedure enabling the Committee to initiate inquiries into situations of grave or systematic violations of women's rights. In either case, States must be party to the Convention and the Protocol. The Protocol includes an "opt-out clause", allowing States upon ratification or accession to declare that they do not accept the inquiry procedure. Article 17 of the Protocol explicitly provides that no reservations may be entered to its terms.

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## Highlights of the Australian Delegation at the IPU

Mr Price, as co-rapporteur, presented a draft report to open the panel discussion on the subject to be considered by the First Standing Committee at the 120<sup>th</sup> Assembly in April 2009: *Advancing nuclear non-proliferation and disarmament, and securing the entry into force of the Comprehensive Nuclear-Test-Ban Treaty: The role of parliaments.*

Members of the delegation attended panel discussions of the Second and Third Standing Committees on the subjects of *Climate change, sustainable development models, and renewable energies* and *Freedom of expression and the right to information.*

The delegation participated in the roll call vote on amending the Statutes and Rules of the IPU.

Members of the delegation attended all meetings of the 12+ geopolitical group.

Members of the delegation attended the meetings of the Asia-Pacific geopolitical group, where a proposal by Mr Price to reform the group was referred for consideration by the Working Group and then discussion at the next meeting.

Senator Troeth and Senator Moore attended the plenary meetings and discussions of the IPU Committee on United Nations Affairs.

The delegation held bilateral discussions with delegations from Iraq and Timor Leste.

Mrs Vale, Senator Troeth and Senator Moore attended the meeting initiated by Women Parliamentarians with the candidates for the IPU Presidency.

Senator Moore sat in as an observer at the meeting of the Coordinating Committee of Women Parliamentarians.

The delegation gave strong support to the candidacy of Speaker Laksono from Indonesia for the position of IPU President.

Senator Moore participated in the workshop on *Ensuring transparency in parliamentary processes.*

Members of the delegation attended official ceremonies and social functions hosted variously by France, Indonesia, Korea, Namibia, Parliamentarians for Nuclear Non-proliferation and Disarmament and 12 Plus.

Mrs Vale, Senator Troeth and Senator Moore attended the Sixth Information Seminar on Parliaments and CEDAW



## **CHAPTER 4**

### **119th Assembly of the Inter-Parliamentary Union**

#### **Opening of the Assembly**

4.1 The 119th Assembly of the Inter-Parliamentary Union opened its proceedings at the Geneva International Conference Centre in the morning of Monday, 13 October 2008. The President of the IPU, Mr P F Casini, welcomed the participants and declared the 119th Assembly officially open. He was subsequently elected President of the Assembly, and the Vice-President of the Executive Committee, Mr A Radi (Morocco), was elected Vice-President.

#### **Participation**

4.2 Delegations of the following 134 Member Parliaments took part in the work of the Assembly: Afghanistan, Albania, Algeria, Andorra, Angola, Argentina, Armenia, Australia, Austria, Bahrain, Belarus, Belgium, Benin, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Bulgaria, Burkina Faso, Burundi, Cambodia, Cameroon, Canada, Chile, China, Colombia, Comoros, Congo, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Democratic Republic of the Congo, Denmark, Dominican Republic, 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, Jordan, Kazakhstan, Kenya, Kuwait, Lao People's Democratic Republic, Latvia, Lebanon, Lesotho, Libyan Arab Jamahiriya, Liechtenstein, Luxembourg, Madagascar, Malaysia, Maldives, Malta, Mauritania, Mauritius, Mexico, Monaco, Mongolia, Morocco, Mozambique, Namibia, Nepal, Netherlands, New Zealand, Niger, Nigeria, Norway, Oman, Pakistan, Palestine, Panama, Papua New Guinea, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Romania, Russian Federation, Rwanda, Samoa, Sao Tome and Principe, Saudi Arabia, Senegal, Serbia, Singapore, Slovakia, South Africa, Spain, Sri Lanka, Sudan, Suriname, Sweden, Switzerland, Syrian Arab Republic, Thailand, The former Yugoslav Republic of Macedonia, Timor-Leste, Tunisia, Turkey, Uganda, Ukraine, United Arab Emirates, United Kingdom, United Republic of Tanzania, Uruguay, Venezuela, Viet Nam, Yemen, Zambia and Zimbabwe.

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

4.4 Observers included representatives of:

- (i) United Nations system: United Nations, United Nations Conference on Trade and Development (UNCTAD), International Labour Organization (ILO), United Nations Educational, Scientific and Cultural Organization (UNESCO), United Nations Children's Fund (UNICEF), World Health Organization (WHO);
- (ii) World Bank, Organization for the Prohibition of Chemical Weapons (OPCW), Commission for the Comprehensive Nuclear-Test-Ban Treaty Organization (CTBTO) and World Trade Organization (WTO);
- (iii) African Parliamentary Union (APU), Arab Inter-Parliamentary Union (AIPU), Asian Parliamentary Assembly (APA), Assembly of the Western European Union (WEU), Association of Senates, Shoora and Equivalent Councils in Africa and the Arab World (ASSECAA), Commonwealth Parliamentary Association (CPA), Confederation of Parliaments of the Americas (COPA), European Parliamentarians for Africa (AWEPA), Inter-Parliamentary Assembly of the Commonwealth of Independent States (CIS), Inter-Parliamentary Assembly of the Eurasian Economic Community (EURASEC), Maghreb Consultative Council, Parliamentary Assembly of the Black Sea Economic Cooperation (PABSEC), Parliamentary Assembly of the Union of Belarus and the Russian Federation, Southern African Development Community (SADC) Parliamentary Forum, Transitional Arab Parliament (TAP);
- (iv) Human Rights Watch, International Committee of the Red Cross (ICRC) and International Federation of Red Cross and Red Crescent Societies (IFRC).

4.5 Of the 1,197 delegates who attended the Assembly, 532 were members of national parliaments. The parliamentarians included 37 Speakers, 41 deputy Speakers and 158 women parliamentarians (29.7%).

### **Choice of an emergency item (Agenda item 2)**

4.6 The Assembly had before it a consolidated request for the inclusion of an emergency item submitted by the delegations of Belgium, Egypt, the Islamic Republic of Iran, Mexico and the United Arab Emirates. The item, entitled "The role of parliaments in containing the global financial crisis and its economic impact, both on developing and developed countries", was unanimously adopted by the Assembly and added to the agenda as Item 6.

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## **Debates and decisions of the Assembly and of the IPU Committee on United Nations Affairs**

### ***Debate on the emergency item***

*The role of parliaments in containing the global financial crisis and its economic impact, both on developing and developed countries (Agenda item 6)*

4.7 The debate on the emergency item took place in the afternoon of Monday, 13 October. It was chaired in turn by the President and by Mr A Kozlovskiy (Russian Federation), acting as Vice-President. A total of 30 speakers from 29 parliamentary delegations and one observer took part.

4.8 During the debate, speakers expressed concern about the current crisis and underlined the serious impact it was having on developing and developed countries. They called for greater transparency of financial markets, for regulation of the financial sector so as to prevent future financial crises, for oversight of financial institutions and for central banks and currency control agencies to implement precautionary policies. They also spoke of the need to reduce the social consequences of the financial crisis and called on the IPU to convene an international parliamentary conference as soon as possible to examine the causes and effects of the international financial crisis, so as to identify ways of dealing with its consequences. These and other concerns and initiatives were reflected in the resolution prepared by a drafting committee made up of members of the delegations of Belgium, Egypt, India, Mexico, Netherlands, Nigeria, Russian Federation, United Kingdom and Venezuela. The drafting committee appointed Mr B Apte (India) as its president and rapporteur.

4.9 The draft resolution was adopted unanimously by the Assembly on Wednesday, 15 October. The full text of the resolution is at Appendix 2.

### ***Report of the IPU Committee on United Nations Affairs (Agenda item 4)***

4.10 The IPU Committee on United Nations Affairs convened on 13 and 15 October 2008 under the chairmanship of Mr F M Vallersnes (Norway). Its Advisory Group met on 14 October to deliberate and draft the conclusions of the Committee's 2008 session. The Committee's report was presented to the Assembly on 15 October by Ms N Madlala-Routledge (South Africa) and endorsed by acclamation.

4.11 The Committee took stock of the United Nations Secretary-General's 2008 Report on Cooperation between the United Nations and the Inter-Parliamentary Union contained in UN General Assembly document A/63/228. It welcomed the strong and growing partnership between the two organizations and endorsed the recommendations formulated by the United Nations Secretary-General. It encouraged parliaments to secure the fullest possible support from their foreign ministries for a strong General Assembly resolution, based on his conclusions.

4.12 The Committee discussed a draft survey on parliaments' interaction with the United Nations. The survey proposed to determine the manner in which parliaments

related to the UN system, to the special meetings and major negotiating processes under way at the United Nations, and to UN country offices. All parliaments were urged to submit their responses to the survey no later than 30 November 2008. The survey conclusions, including good practices and recommendations for future action, would be discussed at the 120th IPU Assembly, in Addis Ababa.

4.13 The Committee received the report of its Advisory Group meeting of 18 July 2008, and expressed strong support for the Group's work. It encouraged the Advisory Group to continue to give priority to those questions falling within its mandate, such as United Nations reform at the country level, which were conducive to practical activities through which the IPU and national parliaments could make a real difference on the ground.

4.14 The Committee welcomed the report on its Advisory Group's field mission to Tanzania to evaluate the One UN reform and gauge parliament's part in the process. It endorsed the report's conclusions calling for parliament to play a more dynamic role in the conception, implementation and oversight of national development plans, which implied increased involvement in the upstream planning of the national budget.

4.15 The Committee was convinced that the One UN reform in Tanzania would lead to more efficient delivery of development aid. It therefore urged parliaments also in other countries to encourage a more coherent approach to aid delivery at the country level, where appropriate along the lines of the One UN principles, and to promote greater effectiveness, transparency and accountability of UN operations at the national level.

4.16 The Committee welcomed the results of the Third High-level Forum on Aid Effectiveness and the ensuing Accra Agenda for Action. It was particularly pleased at the Forum's acknowledgement that successful implementation of the Agenda would require national parliaments to play an enhanced role and bear greater responsibility in the preparation of national development plans, the integration of international development assistance into national budgets and the monitoring of development policies, strategies and performance. It urged all national parliaments to follow this process closely and act on the recommendations.

4.17 The Committee urged members of parliament, while duly respecting the principle of the separation of powers, to join national delegations to major international events and conferences more systematically, particularly those relating to development cooperation and other major global issues.

4.18 As national parliaments and the IPU expanded their work in the area of development cooperation, the Committee called for the IPU to engage in more structured dialogue with international financial institutions, in particular the World Bank and the International Monetary Fund.

4.19 The Committee heard presentations from the United Nations Special Rapporteur on the right to food, the World Food Programme and the World Health Organization on the food crisis and its health implications. It held a debate on the

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topic, and identified possible avenues for action and cooperation by national parliaments.

***Panel discussion (First Standing Committee subject item at 120th Assembly):***

*Advancing nuclear non-proliferation and disarmament, and securing the entry into force of the Comprehensive Nuclear-Test-Ban Treaty: The role of parliaments  
(Agenda item 3(a))*

4.20 The panel discussion took place in the morning of 14 October. It was chaired by Mr T Boa (Côte d'Ivoire), President of the Standing Committee on Peace and International Security. The co-Rapporteurs, Mr Roger Price (Australia) and Mr Jack Mwiimbu (Zambia), presented their draft report which focused on the current situation, the challenges ahead, and the role and responsibility of parliaments and parliamentarians. Participants also heard keynote presentations from Mr T Toth, Executive Secretary of the Preparatory Commission of the Nuclear-Test-Ban Treaty Organization (CTBTO) and Mr A Ware, Global Coordinator of Parliamentarians for Nuclear Non-proliferation and Disarmament.

4.21 A lively discussion followed, with some 50 legislators from as many parliaments taking the floor. Participants recognized that nuclear disarmament and non-proliferation were crucial matters, and that their constituencies expected them, as parliamentarians, to play a more active role in overcoming some of the major impediments to the current nuclear non-proliferation and disarmament regime. As one participant remarked, the abolition of nuclear weapons would not only rid the world of one of the greatest threats to its security and survival, but would also open the doors to the international collaboration required to solve other key global problems.

4.22 Inversely, the point was made that in today's world, marked by dramatic climate change, depleting oil reserves and daunting development challenges, a revival of nuclear energy could not be ruled out. Due to technological advances, making a clear distinction between the development of peaceful nuclear capacity on the one hand and military nuclear capacity on the other was becoming increasingly difficult, and the distinction often became a purely political one. The international community, therefore, needed a clear, comprehensive and non-discriminatory approach, based on a set of common guidelines, safeguards and verification mechanisms.

4.23 The gender dimension of nuclear non-proliferation was also raised, as women and children tended to become the weakest link in a brutal economic system where nuclear waste was dumped in poor regions with few or no safeguards in place. That had a devastating impact on the world's most vulnerable populations.

4.24 Participants evoked a series of good practices and bold legislation that might inspire other parliaments to take action. Examples included the establishment of nuclear-free zones, the voluntary renouncement of nuclear capacity, pension fund regulations to prevent investments in nuclear activities, and the leading role played by some parliaments in expediting ratification and implementation of major international

treaties. Several delegations stated their intention to contribute to the early entry into force of the CTBT, preferably before the next review conference in 2010.

***Panel discussion (Second Standing Committee subject item at 120th Assembly):***

*Climate change, sustainable development models, and renewable energies (Agenda item 3(b))*

4.25 The panel discussion took place in the afternoon of 14 October 2008, with Mr P Martin-Lalande (France), President of the Second Standing Committee on Sustainable Development, Finance and Trade, in the chair. The panel provided an opportunity for IPU Members to deepen their understanding of the subject item to be debated at the 120th IPU Assembly. In addition to the two co-Rapporteurs, Mr H J Fuchtel (Germany) and Mr Á Lins (Brazil), who were to prepare a report and a draft resolution on the agenda item for the next Assembly, the panel included two experts, Mr C Frei, Senior Director, Energy Industries and Strategy, World Economic Forum, and Mr C Nuttall, Director, Centre for Innovative Partnerships, UNDP.

4.26 The four panellists' introductory statements were followed by a lively exchange of views, with a total of 38 delegates taking the floor. While agreeing on the pressing need for concerted global action to mitigate the effects of climate change, delegates offered widely differing views on what sources of energy could offer the best solution in terms of reducing the carbon footprint of human activity. The controversy surrounding the use of nuclear energy and biofuels as alternatives to fossil fuel energy production drew particular attention.

4.27 It was noted that parliaments bore their share of responsibility for preserving the planet's natural resources and safeguarding ecological sustainability in the sense of the UN Millennium Development Goals (MDGs). The challenge could be met only if industrialized countries, emerging economies and developing countries established a global development partnership and worked together to eradicate poverty and hunger. During the debate, delegates proposed a number of additions to the texts of the draft reports prepared by the co-Rapporteurs.

***Panel discussion (Third Standing Committee subject item at 120th Assembly):***

*Freedom of expression and the right to information (Agenda item 3(c))*

4.28 The panel discussion took place in the morning of 14 October 2008. It was chaired by Mr D Cánepa (Uruguay), President of the Standing Committee on Democracy and Human Rights. The co-Rapporteurs, Mr A Dismore (United Kingdom) and Mr P Rashtrapal (India), replacing Mr K Malaisamy, informed participants of progress made in the preparation of their report and draft resolution.

4.29 They highlighted the main issues addressed in the draft report and called on the participants to make inputs in order to enrich the final report and inform the draft resolution under preparation. Participants also heard keynote presentations from Ms P Tlakula, Commissioner of the African Commission on Human and Peoples' Rights,

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and Ms A Callamard, Executive Director of ARTICLE 19, a human rights organization. Some 37 delegates also took the floor to address those issues.

4.30 Participants stressed the importance of freedom of expression to democracy. While all citizens needed to enjoy this right, they should do so responsibly. Freedom of expression should be exercised with due regard for other people's rights and reputation. Furthermore, tolerance and respect for religious and cultural beliefs of diverse segments of the population should be encouraged.

4.31 Freedom of expression required a strong and independent media that was able to express the diverse views of society. Press censorship was inimical to democracy. Rather, the press should adopt self-regulatory mechanisms and codes of conduct that prevented abuse. State authorities should also refrain from curtailing media freedom in the name of fighting terrorism or invoking emergency measures.

4.32 Discussions focused on the need for State-controlled media to implement the necessary transformation to become a full-fledged public service tool in the interest of all. Plurality and diversity of media ownership was also highlighted as essential to freedom of expression.

4.33 Participants stressed that access to information was a fundamental right of all citizens and that State institutions were the custodians of information on behalf of the people. It should be mandatory for them to provide such information to enable citizens to make informed choices. Efforts should be made to limit the circumstances under which information could be withheld, for instance, in cases of State secrecy.

4.34 Parliaments and their members had an important role to play to ensure transparency of their internal processes but also to promote and protect citizens' right of access to information. They should adopt and oversee implementation of an appropriate legislative framework. Parliaments were also called on to work towards the removal of other barriers to access, for instance, by combating illiteracy and promoting new means of delivering information to the public, including the Internet. Citizens should be able to access information in an equitable fashion and every effort should be made to avoid a situation where impediments to access aggravated socio-economic inequalities, especially in respect of women, who were often the victims of stereotyping.

### **Amendments to the Statutes and Rules of the Inter-Parliamentary Union (Agenda item 5)**

4.35 At its first sitting on Monday, 13 October, the Assembly had before it a proposal, previously endorsed by the Governing Council, to amend Article 3 of the Statutes in order to make it possible for the Parliament of Palestine to become a Member of the IPU. It heard the delegate of Israel, who expressed his delegation's opposition to the adoption of the proposed amendment. The proposed amendment read as follows:

**Membership**

Article 3, add a new Article 3.1 bis as follows:

"1bis. The parliament constituted in conformity with the basic law of a territorial entity whose aspirations and entitlement to statehood are recognized by the United Nations, and which enjoys the status of Permanent Observer to that Organization with substantial additional rights and privileges, may also become a Member of the Inter-Parliamentary Union."

4.36 The Assembly adopted the amendment by a roll-call vote, in accordance with Article 16.1 of the Statutes of the IPU. The results of the vote were 1,219 in favour, 93 against and 230 abstentions. The roll-call vote is at Appendix 3.

## **CHAPTER 5**

### **183<sup>rd</sup> Session of the Governing Council**

#### **Election of the President of the Inter-Parliamentary Union**

5.1 The Governing Council elected Mr. Theo-Ben Gurirab (Namibia) as President of the Inter-Parliamentary Union for a three-year term ending in October 2011.

#### **Membership of the IPU**

5.2 At its sitting on 13 October, the Governing Council approved the request for affiliation of the Parliament of Oman and the requests for reaffiliation of the parliaments of Comoros and Sierra Leone. At its sitting on 15 October, it approved the affiliation of the Parliament of Palestine. The text of the recommendation by the Executive Committee that was approved by the Governing Council is at Appendix 3. The delegation of Palestine subsequently made a statement thanking the IPU for having accorded its Parliament the status of full Member and setting out its position on that issue. The IPU currently comprises 154 Member Parliaments.

5.3 The Governing Council took note that the Parliament of Kyrgyzstan had accumulated more than three years' arrears in the payment of its contribution and would therefore automatically be suspended on 1st January 2009, unless payment was received before 31 December 2008.

5.4 The Governing Council also approved requests for observer status from the Parliamentary Assembly of the Mediterranean (PAM) and from the International Institute for Democracy and Electoral Assistance (International IDEA).

#### **Financial situation of the IPU**

5.5 The Governing Council received a comprehensive written report on the financial situation of the IPU as at 30 September 2008. The Secretary General projected a substantial operating surplus as a result of savings from the weak US dollar and due to the changes in the financial regulations by which contributions from new Members and earnings on the Working Capital Fund were recognized as income. A list of Members' arrears as at 10 October 2008 showed five Members with significant arrears and subject to sanctions under the Statutes.

5.6 The Council was told that the financial crisis had had a deleterious effect on the closed Staff Pension Fund, which had lost 9 per cent of its value since the start of the year. It was noted that the IPU was responsible for any eventual deficit in the Fund, which provided the pensions for 12 retired members of the Secretariat.

## **Programme and budget for 2009**

5.7 The Council received the budget proposal for 2009 and a summary of planned activities and requirements for 2009-2011. The Secretary General noted that the consolidated budget was results-based and sustainable, in both fiscal and environmental terms. For each area of expenditure the gender effects and the environmental impacts were clearly identified. As in the previous year, the budget proposed to be carbon-neutral by providing funds to offset carbon emissions.

5.8 Mr R del Picchia (France) reported on the discussions of the Executive Committee which had unanimously endorsed the budget. The Committee expressed support for the budget presentation, which it commended for its transparency and detail. Mr R del Picchia noted that the budget included additional funds for parliamentary activities related to development, such as promoting the MDGs and combating HIV/AIDS, more funding for peace activities, including missions of the Committee on Middle East Questions, and new funding for security at the second Assembly and for preparations for a Conference of Speakers of Parliament in 2010. The proposed increase in assessed contributions was below inflation and in keeping with the longer term commitment to limit fee increases.

5.9 One delegate from each geopolitical group spoke on the budget analysis their group had undertaken. All of the speakers noted the continued improvement in the content and visual quality of the budget that made it easier to understand. They applauded the targeted increases in spending on gender issues, development issues and peace activities. Several speakers welcomed the expenditure on teleconferencing facilities and called for more efforts to reduce travel. The African Group echoed the request of the Executive Committee for measures to facilitate the participation of parliaments that could not afford to join the IPU. Members drew attention to past difficulties in fully executing the budget and in particular looked forward to progress in the implementation of a communication strategy for the IPU.

5.10 At the end of the debate, the Governing Council approved the 2009 budget as recommended by the Executive Committee with gross operating expenses of CHF 18,359,000 for 2009, requiring an overall increase of 2.5 per cent in assessed contributions, and capital expenditures of CHF 100,000. The Council authorized carbon emissions of up to 1,709 tonnes in relation to heating and staff travel and agreed to offset those emissions. The Executive Committee was expected to bring forward a proposal for effective offsetting measures to the next session of the Governing Council.

## **Cooperation with the United Nations**

5.11 The Governing Council welcomed the biennial Report of the United Nations Secretary-General on Cooperation with the IPU, in particular its conclusions and recommendations for future action. All Member Parliaments were encouraged to work closely with their foreign ministries to garner strong support for an ambitious resolution of the UN General Assembly.

5.12 The Council received the latest information on the 2008 joint Parliamentary Hearing at the United Nations, to be held on 20 and 21 November at UN Headquarters in New York, under the chairmanship of the President of the IPU and the President of the UN General Assembly. The Hearing will examine the topic *Towards effective peacekeeping and the prevention of conflict: Delivering on our commitments*. All Member Parliaments were encouraged to participate actively in the event, as well as in other parliamentary meetings organized in New York during the week commencing 17 November: a conference on legislative frameworks for human rights and child protection convened by UNICEF with IPU support, and a panel discussion organized by the IPU on a parliamentary fact-finding mission to Tanzania.

5.13 The Governing Council was pleased to note that preparations were under way for the parliamentary hearing to be held on 28 November 2008 in Doha, Qatar, on the occasion of the Follow-up International Conference on Financing for Development to Review the Implementation of the Monterrey Consensus. It endorsed a draft parliamentary message to be delivered at that event.

5.14 The Council also took stock of parliamentary action in support of the MDGs, particularly those related to child and maternal health. The Council heard a presentation by Dr F Songane, Director of the Partnership for Maternal, Newborn and Child Health, who reported on follow-up action to the Countdown to 2015 Conference held in Cape Town, in parallel with the 118th IPU Assembly. The IPU would be working closely with the Countdown initiative to support the 68 countries currently not on track to meet the relevant MDGs. It would be preparing case studies featuring good practices adopted by at least six parliaments in framing legislation and ensuring adequate budget allocations, and would present those studies on the occasion of the 120th IPU Assembly in Addis Ababa.

5.15 The Governing Council took stock of recent developments in IPU–United Nations cooperation, was informed of a variety of activities carried out in collaboration with or in support of the United Nations, and approved a calendar of forthcoming initiatives and meetings.

### **Activities in the field of development**

5.16 In the context of consolidation of the reform of the IPU, the Governing Council was informed of recent IPU activities in the field of development and of efforts under way to start transforming them into a more comprehensive programme of activities. The Council gave its general endorsement to the plans to establish a programme to mobilize parliaments on development issues, with special focus on such issues as the attainment of the MDGs, reduction of child mortality and improvement of maternal health, the fight against HIV/AIDS and other pandemic diseases, poverty reduction, environmental sustainability, and promotion of global partnerships for development. Those priorities were duly reflected in the IPU's programme and budget for 2009 as well as the Planned Activities and Requirements for Voluntary Funding 2009-2011.

## **IPU Policy on the participation of persons with disabilities**

5.17 The Governing Council approved a policy to ensure the participation of persons with disabilities in the work of the Organization, whether as delegates, as candidates for employment, as employees or as public interlocutors. The policy, which was premised on the Convention on the Rights of Persons with Disabilities, set out objectives to raise awareness and promote inclusion. The IPU undertook to make its meetings accessible, provide public information that could be understood by all, provide barrier-free access to facilities, ensure equal employment opportunities and accommodate disabled employees.

5.18 The Governing Council stipulated that the policy should be gradually implemented within a reasonable timeframe and without imposing undue burden, financial or otherwise, on the IPU. The Secretary General would report back on the implementation of the policy.

## **Action by the IPU to strengthen democracy and parliamentary institutions**

### ***First International Day of Democracy***

5.19 The Governing Council took note of a report by the Secretary General on activities undertaken by parliaments and the IPU to celebrate the first International Day of Democracy on 15 September 2008. The Day was proclaimed by the United Nations in November 2007 and coincided with the 11th anniversary of the adoption of the IPU Universal Declaration on Democracy in September 1997.

5.20 Some 50 parliaments had reported to the IPU on the activities they had organized. They included, among others, the adoption of resolutions marking the Day, television and radio programmes, "open days" and special parliamentary sessions. The IPU President had participated in one such session at the Hellenic Parliament. Other activities included the involvement of the public, in particular young people, in parliamentary proceedings and the organization of democracy-related exhibitions. Many of the parliaments had made use of the information that the IPU had placed at their disposal, which included a poster and leaflet, as well as a redesigned version of the 1997 Universal Declaration on Democracy. Some had translated or intended to translate the material into their national language(s).

5.21 At its Geneva Headquarters, the IPU had organized a panel discussion on 15 September 2008, focusing on the challenges to democracy today. Guest speakers included Mr D Türk, President of Slovenia; Ms M Lagos, Executive Director of LatinoBarómetro, a polling organization in Chile; and Professor B Barber, a US-based political analyst and writer. Former US President Jimmy Carter had sent a video message and Mr S Ordzhonikidze, Director of the United Nations Office at Geneva (UNOG) had made a few introductory remarks on behalf of his Organization. The event was attended by ambassadors, journalists, students and representatives of international organizations and non-governmental organizations. It was webcast live and can be seen at the IPU website.

5.22 In addition, the IPU had set up an exhibition of caricatural drawings portraying challenges to democracy. The exhibition had also been on display during the 119th Assembly. A special section on the International Day of Democracy was created on the IPU website. The section contained background information, a list of events organized by the IPU and its Member Parliaments, a series of questions and answers entitled "10 things you should know about democracy", a video extract of the above mentioned panel discussion, and the exhibition of political caricatures.

5.23 The Governing Council took note of the activities. They endorsed the appeal by the Secretary General for an increasing number of parliaments to celebrate the Day in the future.

### ***Promoting and defending democracy***

5.24 The Council took note of a comprehensive report by the Secretary General on activities carried out recently by the IPU in the area of democracy. The work continued to be inspired by the 1997 Universal Declaration on Democracy and the 2006 handbook on Parliaments and democracy in the twenty-first century: A guide to good practice.

5.25 As far as strengthening parliaments was concerned, the IPU continued to give priority to parliaments in post-conflict countries. It had carried out extensive needs assessments of the parliaments in the Democratic Republic of the Congo, Lao People's Democratic Republic, Sierra Leone and Togo. Those assessments were currently being converted into assistance projects in cooperation with the United Nations and the parliaments concerned. The IPU continued to assist the parliaments of Afghanistan, Burundi, Equatorial Guinea and Timor-Leste. In Burundi, the IPU had initiated a good offices mechanism to facilitate political dialogue and inclusiveness in the functioning of the parliament.

5.26 The IPU's parliamentary strengthening programmes increasingly focused on capacity-building in substantive areas identified in cooperation with the parliaments and less and less on procedure and processes. They were complemented by thematic regional and subregional seminars on issues where the IPU had developed specific expertise, such as human rights, gender equality and gender budgeting, reconciliation, security sector reform and sustainable development.

5.27 Four specific initiatives had been launched recently. The first sought to facilitate the involvement of parliaments in the least developed countries in the implementation of the 2001 Brussels Programme and Plan of Action, which set out a comprehensive poverty reduction strategy tailored specifically to the needs of the LDCs. The second consisted of helping a number of French-speaking African parliaments to promote and ensure implementation of major human rights treaties. A third initiative was aimed at assisting English-speaking African parliaments to promote national reconciliation. The fourth project sought to promote a better understanding of how minorities and indigenous groups were represented in

parliaments and on the basis of that knowledge, develop tools for better and more effective representation.

5.28 In the area of human rights, the IPU Committee on the Human Rights of Parliamentarians was working to protect an ever growing number of parliamentarians who came under threat merely for exercising their right to freedom of expression. The Committee, apart from one on-site visit carried out under its confidential procedure, had carried out on-site missions to the Philippines, Ecuador and Sri Lanka, observed trial proceedings in one confidential case, as well as trial hearings of a Palestinian legislator imprisoned in Israel and hearings relating to a request for his early release.

5.29 The IPU, at the request of the Committee, also intended to carry out an in-depth study on freedom of expression and the ability of members of parliament to freely carry out their popular mandate.

5.30 The IPU was building a coalition among parliamentary human rights committees and continued to organize yearly meetings for their members to exchange views with human rights specialists. In 2007, the meeting had addressed the human rights perspective on migration. In Sri Lanka, the IPU also facilitated the work of an International Independent Group of Eminent Persons set up to observe the proceedings of the country's National Inquiry Commission, which was investigating a number of alleged human rights violations, including the murder of two parliamentarians.

5.31 In the area of promoting gender partnership in politics, the IPU continued to track and analyse the evolution of women in parliaments and government and had published a new edition of the world map on Women in politics: 2008. It had carried out research on women in the political arena and had completed a major survey on Equality in politics: a study of women and men in parliaments, which had been launched in April 2008.

5.32 The IPU also implemented technical assistance activities for women parliamentarians and mobilized them on specific gender issues. It had organized for the second year running a Conference for women decision-makers from the Gulf Cooperation Council States. It had launched a project in Burundi to provide technical and material assistance to women parliamentarians to enable them to contribute effectively to decision-making in parliament and build strong ties with civil society in support of gender issues. The IPU also brought together members of parliamentary committees dealing with gender equality issues. In 2007, the meeting had focused on Women and Work.

5.33 In its work to promote knowledge and set standards for parliaments and democracy, the IPU had undertaken a thorough review of the Chronicle of Parliamentary Elections, which had resulted in several improvements. The IPU had also upgraded information tools available on its website and the PARLINE database had undergone a major overhaul to make it more user-friendly. The IPU worked closely with the Global Centre for Parliaments and ICT (jointly established with the

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UN Department for Economic and Social Affairs) to promote parliaments' use of ICT. They had organized a first Global e-Parliament Conference in Geneva late last year and had published the first ever World e Parliament Report in early 2008.

5.34 In view of its increasing work in the area of democracy, the IPU had continued to expand its funding base through support from a growing number of donors. That would enable it to deepen and expand its activities. Future areas of priority included promoting political dialogue and inclusiveness in post-conflict parliaments.

### **Recent specialized conferences and meetings**

5.35 The Governing Council took note of the results of the seminar on The role of parliaments in Central America in reconciliation and democratization processes, the Conference organized by the African Parliamentary Union in cooperation with the IPU on Africa and migration: Challenges, problems and solutions, the Parliamentary briefing on HIV/AIDS, the Stakeholder Forum on The role of national and local stakeholders in contributing to aid quality and effectiveness, the Panel discussion on Parliaments, peace building and reconciliation, the Regional Seminar on The role of parliaments in national reconciliation processes in English-speaking Africa, the Parliamentary briefing at the XVII International AIDS Conference, the Annual session of the Parliamentary Conference on the WTO, and the Subregional workshop on special measures for women.

### **Reports of plenary bodies and specialized committees**

5.36 At its sitting on 15 October, the Governing Council took note of the reports on the activities of the Coordinating Committee of Women Parliamentarians, the Committee on the Human Rights of Parliamentarians, the Committee on Middle East Questions, and the Gender Partnership Group.

### **Future inter-parliamentary meetings**

5.37 The Governing Council approved a list of future meetings and other activities to be funded by the Union's regular budget as well as by external sources. The Council approved a list of international organizations and other bodies to be invited to follow the work of the 120th Assembly as observers. It also approved the venue of Bangkok (Thailand) for the 122nd Assembly.



## **CHAPTER 6**

### **252<sup>nd</sup> Session of the Executive Committee**

6.1 The Executive Committee held its 252nd session in Geneva on 10, 11 and 14 October 2008. The President chaired the meetings on 10 and 14 October and the Vice-President of the Committee chaired on 11 October. The following titular and substitute members took part in the session: Ms Z Drif Bitat (Algeria), Mr G Versnick (Belgium), Ms J Fotso (Cameroon) Mr F Salaberry Soto substituting for Mr J A Coloma (Chile), Mr T Páez Hernández substituting for Ms K Serrano Puig (Cuba), Mr T Toga (Ethiopia), Mr R del Picchia (France), Ms E Papademetriou (Greece), Ms Á Möller (Iceland, absent on 10 October), Mr A Toha (Indonesia), Mr A Radi (Morocco, Vice-President, substituted on 14 October by Ms Z Bouayad), Ms P Cayetano (Philippines, absent on 10 October), Mr Chin Young replacing Mr J.-K Yoo (Republic of Korea), Mr A Kozlovskiy (Russian Federation) and Mr N Anh Dzung (Viet Nam). Mr M Nago (Benin) was absent.

6.2 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.

6.3 Once the IPU Statutes had been amended to allow for membership of the Parliament of Palestine, the Committee was called upon to make a recommendation to the Governing Council on that parliament's request for full membership. Its opinion, recommending the admission of the Parliament of Palestine, stated that the Palestinian Legislative Council (PLC) was a parliament constituted in conformity with the basic law of the Palestinian Authority and endowed with legislative and oversight functions. The recommendation then noted that the situation in the Palestinian territories impeded the functioning of the PLC and that its participation in the work of the IPU might therefore be temporarily facilitated by the Palestine National Council (PNC).

6.4 Pursuant to the financial regulations, the Secretary General informed the Executive Committee of transfers he had made between budgetary headings in order to implement additional activities in the work program. The additional costs had all been met by transfers within the total appropriation approved by the Council.

### **Coordinating Committee of Women Parliamentarians**

6.5 The Coordinating Committee of Women Parliamentarians met on 12 October 2008. The sitting was chaired by Ms P Cayetano (Philippines), President of the Committee. The session served to follow up on the previous Meeting of Women Parliamentarians and to prepare the work of the forthcoming Meeting. The Coordinating Committee also discussed women's contribution to the work of the 119th IPU Assembly.

6.6 The Committee was briefed on the work and recommendations of the Gender Partnership Group by one of its members, Ms Z Drif Bitat (Algeria). It noted that close to 30 per cent of delegates at the Geneva Assembly were women, and underlined that this was not an improvement over the previous Geneva Assembly in 2007. It called on delegations to pursue their efforts. It applauded the fact that the budget for 2009 included detailed information on gender-specific allocations.

6.7 Follow-up by women parliamentarians on the meetings held in Cape Town was also discussed. Committee members reported on recent developments in their respective countries, in the field of women and the media, trafficking of women and women in politics. Many members also reported on follow-up to the survey *Equality in Politics: A Survey of Women and Men in Parliaments*. In particular the Parliament of Mexico was thanked for having translated the publication into Spanish.

6.8 The Committee went on to discuss its contribution to the 119th Assembly. It discussed the three themes of the Assembly's panel discussions, highlighting aspects of each topic's gender dimension, which the respective rapporteurs might wish to take into account.

6.9 Preparations for the fifteenth Meeting of Women Parliamentarians were also discussed. It was decided that women would debate agenda item 5 of the 120th Assembly on Climate change, sustainable development models, and renewable energies. It was also agreed that part of the Meeting's afternoon session would be dedicated to a dialogue between men and women on the role of women in ensuring financial stability and contributing to economic development, in particular as it related to the current financial climate, which posed a threat to women's livelihoods and the attainment of the MDGs.

6.10 Following a presentation by the representative of the United Nations Children's Fund (UNICEF), the Committee proposed that the panel at the 120th Assembly should consider the question of Adolescent girls: the girls left behind?

6.11 The Committee was briefed on the IPU's upcoming activities related to gender issues. It discussed follow-up of the Panel on Child Survival (MDG 4) and Maternal Health (MDG 5). The Committee members committed themselves to following up on action at the national level, to raising the issue in their respective parliaments and to mobilizing parliaments in their region. The Committee also discussed the "Say No to Violence against Women" campaign orchestrated by UNIFEM, which sought to collect one million signatures in support of its cause. That effort would contribute to the UN Secretary-General's Campaign to End Violence Against Women. All Committee members signed up to the UNIFEM campaign, and called on IPU members to do so in their respective parliaments. Lastly, the Committee renewed its support for the iKNOW Politics initiative ([www.iknowpolitics.org](http://www.iknowpolitics.org)).

6.12 On 14 October 2008, the Coordinating Committee organized a meeting between women parliamentarians and the two candidates to the presidency of the IPU.

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Each candidate was received separately for a thirty-minute exchange with the women parliamentarians.

## **Subsidiary Committees and other activities**

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

6.13 The Committee on the Human Rights of Parliamentarians held its 123rd session from 11 to 14 October 2008. Ms Z Benarous (Algeria), Ms S Carstairs (Canada), Ms R Green (Mexico), Mr P Mahoux (Belgium) and Mr A Q Pimentel Jr. (Philippines) participated in their titular capacity, while Ms A Boumediene-Thiery (France) and Mr K Jalali (Islamic Republic of Iran) participated in their capacity as substitute members.

6.14 The Committee held eight hearings with delegations from countries where it had cases pending, and with representatives of the sources. The Committee examined 63 cases in 33 countries. It submitted for approval of the Governing Council the cases of 239 parliamentarians in 18 countries around the world.

6.15 In accordance with its usual practice, the Delegation includes the report adopted by the Governing Council as Appendix 4.

### **Committee on Middle East Questions**

6.16 The Committee on Middle East Questions met on 12 and 13 October. Titular members present were Ms A Clwyd (United Kingdom), and Mr M El-Feki (Egypt). The substitute members in attendance were Mr F-X de Donnea (Belgium), Mr A Ponlaboot (Thailand), Mr L H Ishaq (Indonesia), Ms L Coutinho (Portugal), and Mr M Sahin (Turkey).

6.17 The proceedings began with the election of Ms A Clwyd as Chairperson of the Committee for a four-year term.

6.18 Ms Clwyd gave a presentation of the report on the recent mission to the Middle East region led by Mr J Carter (New Zealand). The mission had had two objectives: to find out about the current status of the peace process, and the possibility of both sides reaching a negotiated settlement; and to support the peace process, in particular to ensure that channels of communication between Israelis and Palestinians remained open by enabling parliamentarians from both sides to meet. Through their discussions with Israelis and Palestinians, the members of the mission had been able to gain a good understanding of the current state of negotiations and the difficulties to be overcome before a settlement could be reached.

6.19 The Committee, of which much of the membership had recently been renewed, discussed its own mandate and objectives. The members agreed that their task was to act as neutral brokers in trying to help build trust between the two sides. The Committee expressed interest in holding meetings outside the context of the IPU Assemblies, to which parliamentarians from the different political parties and factions

of the two sides should be invited. The Committee asked the IPU Secretariat to explore avenues for organizing such encounters.

6.20 The Committee also agreed that their work would be helped by making missions to the region to learn more about the day-to-day humanitarian situation as it affected Palestinians and Israelis. If possible, such missions should include Israel, the West Bank and Gaza in the itinerary.

### **Gender Partnership Group**

6.21 The Gender Partnership Group held its 22nd session on 10 October 2008. The participants were Mr R del Picchia (France), Ms Z Drif Bitat (Algeria), Mr N Anh Dzung (Viet Nam) and Ms E Papademetriou (Greece). Mr del Picchia acted as moderator.

6.22 The Group welcomed the fact that 29.7 per cent of participants at the 119th IPU Assembly were women. Though commendable, the figure showed a small drop in comparison with other Assemblies held in Geneva. Of the 133 delegations attending the Assembly (as at October 14), 125 were composed of two delegates or more. Of those, 13 (10.4 %) were all-male, up from 9.3 per cent at the previous Assembly in Cape Town. The all-male delegations were from the parliaments of Albania, Bosnia and Herzegovina, Cambodia, Guinea, Kuwait, Liechtenstein, Maldives, Malta, Oman, Qatar, Saudi Arabia, Sri Lanka and Yemen. Two delegations were all-female, namely those of Costa Rica and Iceland.

6.23 The delegations from the following five countries were sanctioned at the Assembly as they were all male for the third consecutive time: Kuwait, Liechtenstein, Malta, Qatar and Saudi Arabia.

6.24 The Group also discussed the gender sensitivity of the IPU's budget, which it had been examining from the point of view of gender parity since 2004. In 2005 it had recommended that specific indicators be included in IPU budget proposals. The draft budget for 2009 represented significant progress in that regard, as it contained information on gender specific allocations, both in absolute and comparative terms for the past five years, a presentation on each sector of activity explaining how that sector helped promote gender equality, and information on women in the Secretariat.

6.25 The Group then examined the situation of parliaments with no women members. At 10 October 2008, seven out of 189 parliaments had no women members: the Federated States of Micronesia (single chamber), Nauru (single chamber), Palau (lower and upper chambers), Qatar (single chamber), Saudi Arabia (single chamber), the Solomon Islands (single chamber) and Tuvalu (single chamber). Two of those parliaments had been renewed since the Assembly in Cape Town. No noticeable progress had been made in the countries in question, with the Pacific Island States remaining most concerned. The Group recommended that greater efforts be made in the form of meetings, hearings and initiatives. It also heard Ms Mensah-Williams (Namibia), who had led a mission to that region on behalf of the IPU.

6.26 Women faced many barriers to political participation, and the cultural barrier was one of the highest. Discussions in the region therefore focused on the need to adopt proactive measures. In the face of persistent misgivings, heightened advocacy was needed.

6.27 On 15 October 2008, the Group held dialogue sessions with the delegations of Kuwait and Papua New Guinea. Both meetings were informative and constructive. The Group expressed the hope that more women would become members of these two parliaments in the near future.

### **Other activities**

#### ***Workshop on Ensuring transparency in parliamentary processes***

6.28 The Workshop was attended by more than 80 participants. It was led by Professor D Beetham and based on a recent IPU publication entitled *Evaluating parliament: A self-assessment toolkit for parliaments*.

6.29 Professor Beetham introduced the philosophy and aims of the toolkit before inviting participants to answer the questions in the section on Transparency and accessibility. A lively discussion followed, during which participants provided feedback on the toolkit and exchanged experiences on efforts made by their respective parliament to be transparent and to inform citizens of its work.

6.30 Participants were reminded that the IPU intended to pilot test the toolkit; parliaments interested in carrying out a self-assessment were invited to contact the IPU Secretariat.

#### ***Say no to Violence against Women campaign***

6.31 At the 118th Assembly, the IPU pledged to step up action to combat violence against women (VAW) and support parliaments in making this fight a national priority. This commitment serves to complement, from the parliamentary perspective, the United Nations Secretary-General's Campaign to End Violence Against Women, which was launched in March 2008.

6.32 In 2008, UNIFEM launched its Say no to Violence against Women campaign. It was a global Internetbased advocacy effort in which participants added their names to an Internet list as an expression of public support and call for action. The objective was to collect 1 million signatures by the end of 2008.

6.33 During the 119th IPU Assembly, participants were invited to sign up to the campaign, thereby expressing the parliamentary community's commitment to take action against VAW. The Campaign was signed by some 150 members of parliament and parliamentary staff from more than 65 countries. The outgoing President of the IPU, as well as both presidential candidates, also signed. All members of the Coordinating Committee of Women Parliamentarians gave their signatures and committed themselves to disseminating the campaign in their respective countries.

***Exhibition on the Preparatory Commission of the Comprehensive Nuclear Test-Ban Treaty Organization (CTBTO)***

6.34 The Preparatory Commission of the Comprehensive Nuclear-Test-Ban Treaty Organization (CTBTO) set up an exhibition consisting of screens depicting the Treaty and providing facts on its verification regime.

6.35 The exhibition included powerful images of the Treaty, its history and various activities related to its verification regime.

***Exhibition on Democracy and Freedom of Expression***

6.36 The IPU exhibition of satirical drawings, set up at its Headquarters on the occasion of the first International Day of Democracy, was also on display at the 119th IPU Assembly. Drawings of caricaturists from different regions of the world were selected from the archives of the magazine *Courrier international*.

## Chapter 7

### Meetings of the Association of Secretaries General of Parliaments

#### Introduction

7.1 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 119<sup>th</sup> IPU Assembly in Geneva. The meetings of the ASGP were held from 13 to 15 October 2008. Ms Surtees attended all the meetings as the substitute of the Clerk of the House, Mr Ian Harris, participating in the full range of proceedings of the ASGP.

#### Relations between the ASGP and the IPU

7.2 Mr Pier Ferdinando Casini, outgoing President of the IPU, attended a meeting and made an intervention on cooperation between the IPU and the ASGP. He noted the achievement of closer relations which had developed between the two organisations during his term as President, recognising the strong contribution that Secretaries General had to make to the continuity of the institutions of parliament.

7.3 Mr Martin Chungong, Director of the Division for the Promotion of Democracy, IPU Secretariat, attended a meeting and led debate on recent activities of the IPU. He recommended that members obtain copies of a recent IPU publication *Evaluating parliament: A self assessment toolkit for parliaments*, recording his thanks to Mr Harris, and others, who had been contributors to the handbook. Mr Chungong also noted that some 50 parliaments had reported on how they had celebrated the International Day of Democracy on 15 September 2008, and referred members to the website for a report of the activities < <http://www.ipu.org> > . He concluded by encouraging members to participate in the conference on building capacity to meet parliamentarians' information and knowledge needs, which would follow the ASGP meetings on Thursday.

#### **Informing democracy: Building capacity to meet parliamentarians' information and knowledge needs—16 October 2008**

7.4 For the third year running, the IPU and the ASGP combined, on this occasion together with the International Federation of Library Associations and Institutions (IFLA), to organise a special conference to follow the regular meetings in Geneva. The agenda was developed to examine the challenges faced by parliaments in obtaining the information and knowledge they require to function effectively. Opening remarks were made by outgoing ASGP President, Mr Anders Forsberg (Sweden) and incoming IPU President, Speaker Theo-Ben Gurirab (Namibia). Parliamentarians, secretaries general and persons responsible for library and research services

participated in discussions focusing on the evolving needs of parliamentarians, the role that can be played by library and research services, innovative strategies to meet needs and the development and sharing of good practices and building capacity. Closing remarks were made by Dr Hafnaoui Amrani (Algeria) incoming ASGP President. Ms Surtees attended this conference and participated in proceedings.

### **Consideration of parliamentary matters**

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

- Staff activities during general election periods (a topic suggested by Australia); and
- Parliamentary committees: learning from difficult situations.

7.6 Each subject was open to discussion and each was fully debated at the meeting. In addition, there was an introduction to a general debate on questions to Ministers, to be held at the next meeting.

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

- Establishment of E-Parliament in the Ubiquitous Era;
- Executive accountability in the parliamentary system;
- Questions of privilege;
- The role of Parliament in the process of constitutional review in Zambia;
- Laying currency notes on the table in Parliament;
- Enhancing accountability and transparency in Parliaments; and
- Youth programmes.

### **Administrative matters**

#### ***New members***

7.8 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 the House of Elders of Afghanistan was admitted because this chamber was joining the ASGP for the first time.

#### ***Other membership matters***

7.9 Mr Forsberg reported that the Executive Committee had agreed that the subscription fees were to be increased, noting that it had been several years since the last increase. The effect of this decision is that fees will increase by Sf50 for the two categories of membership for which lower fees apply, and for the two categories of membership for which higher fees apply, fees will increase by Sf100.

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7.10 Mr Forsberg also reported that the Executive Committee had received advice of the suspension of Bangladesh from the IPU because the Parliament had ceased to function. He announced that representatives from Bangladesh were to remain eligible to be members of the Association, noting that in such times the support of colleagues was most important.

### *Executive Committee matters*

7.11 Mr Forsberg reported the following vacancies on the Executive Committee, the office of President, one post as Vice President and two posts of ordinary member. On Tuesday, an election took place for the President and Dr Amrani (formerly Vice President) was elected by a majority of members at a formal vote of the plenary. On Wednesday, at the commencement of normal business, Mr Forsberg announced that the Executive Committee had decided to fill both vacant posts of Vice President. Mr Marc Bosc (Canada) and Mr José Montero (Uruguay), as the only nominees, were declared elected as Vice Presidents. Later that day, Mr Forsberg announced that the Executive Committee had decided to fill the four vacant posts of ordinary member, and that as there were only four nominees, Mr Heiki Sibul (Estonia), Shri PDT Achary (India), Mr Moussa Moutari (Niger) and Mr Oum Sarith (Cambodia), they were declared elected to the Executive Committee.

7.12 The meeting concluded by passing a vote of thanks to the outgoing president, Mr Forsberg.

### *Next meeting*

7.13 Mr Habtamu Nini Abino (Ethiopia) made a communication on Ethiopia, the host of the 120<sup>th</sup> IPU Assembly and associated ASGP meetings.

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



## **APPENDIX 1**

### **Speech by the Hon Roger Price to open Panel Discussion on Draft Report for First Committee**

Assembly of the Inter-Parliamentary Union and Related Meetings

Geneva, 14 October 2008

#### **Introductory Statement on the Draft Report 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 Roger Price (Australia):

Mr Chairman, distinguished Colleagues, my fellow panellists,

It is my honour to submit to the Assembly, the draft report on Advancing Nuclear Non-Proliferation and Disarmament, and Securing the Entry into Force of the Comprehensive Nuclear-Test-Ban Treaty: The Role of Parliaments, the text of which has already been circulated.

It is both fitting and timely that the parliaments of the world should once again take up the issue of nuclear non-proliferation and disarmament.

In January 2007 the Bulletin of Atomic Scientists moved the hands of its famous Doomsday Clock two minutes closer to midnight, in recognition of the growing danger from nuclear weapons.

Concerns have focussed mainly on the spread of nuclear weapons, including the possibility that terrorist groups might acquire such weapons. An act of nuclear terror would devastate the community attacked, and psychologically terrorise the rest of the nation.

The explosion of a nuclear weapon by anyone – state or non-state actor – would have consequences – economic, social and environmental – too awful to contemplate.

In this context it is disappointing that states with nuclear weapons continue to modernise their arsenals. While I welcome the reductions in deployed strategic weapons achieved in recent years by the United States and Russia, these countries - possessors by far of the largest nuclear arsenals - are yet to negotiate a successor agreement to the Strategic Arms Limitation Treaty which will expire in 2009. If this situation persists, after 2012, when the Moscow Treaty of Strategic Offensive Reductions (SORT) will expire, there will be no binding commitment on either the United States or Russia to reduce their nuclear stockpiles.

The doctrine of nuclear deterrence, which some thought might wither away at the end of the Cold War, has been eroded to some extent by the emergence of nuclear armed states outside the main power blocs and because nuclear deterrence cannot be used against terrorists. But essentially it remains in place in state-to-state relations. Nuclear weapons still today underpin the great powers' relationships with each other and underline those powers' vital interests in the global and regional orders.

The situation has become more complicated by what some have called the advent of the "second nuclear age" in which nuclear weapons have become symbols of state power, legitimacy and status and by the emergence of some nuclear players who are both outside the main global power blocs and seemingly prepared to sacrifice their people's prosperity in order to acquire nuclear weapons.

Some analysts have also argued that the world may be approaching a nuclear "tipping point" when states – due to a variety of factors ranging from energy security to regional status – will proliferate in much greater numbers.

This is also linked to concerns that have been expressed following the rise in the global demand for nuclear energy. This expansion, however, need not of itself present a weapons proliferation threat. After all, the risk of proliferation does not come from nuclear power but from a deliberate decision to acquire nuclear weapons.

But it does mean that there is a need to limit the spread of proliferation-sensitive nuclear technologies such as uranium enrichment and plutonium reprocessing technology, both of which can be used to make fuel for nuclear reactors but also for nuclear weapons. This is an issue that the Nuclear Suppliers Group has under consideration.

As my co-rapporteur, Jack Jacob Mwiimbu and I have stated in our draft report, it is the responsibility of policymakers to identify the current weaknesses in the nuclear non-proliferation and disarmament regime and explore all avenues for achieving the ultimate goal of a nuclear-weapon-free world.

Policymakers do rely, of course, on their advisers. In this context it was very encouraging to see in January 2007 a prominent group of influential Americans - George Schultz, William Perry, Henry Kissinger and Sam Nunn - urge a renewal of the bargain embodied in the Nuclear Non-Proliferation Treaty under which states not already possessing nuclear weapons agree to forego them and states possessing them agree to divest themselves of those weapons over time.

William Perry has been recently named as a member of the International Commission on Nuclear Non-proliferation and Disarmament recently established by the Australian and Japanese Governments. The other three will serve as members of the Advisory Board to the Commission.

The International Commission on Nuclear Non-Proliferation and Disarmament will follow-up on the important work undertaken by earlier commissions, including the Canberra Commission and the Tokyo Forum in the 1990s. The Commission is part of

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enhancing global efforts to strengthen the NPT by paving the way for a successful Review Conference in 2010, and beyond.

In my view and, as mentioned in the draft report, the NPT remains at the centre of regional and global security architectures. As one analyst has recently stated, the negotiation of the NPT and near-universal adherence to the NPT significantly contributed to preventing what was feared in the 1960s would be runaway nuclear proliferation. As I mentioned, today there are again fears of proliferation and we therefore need to renew our support and commitment to the NPT's goals, especially in the face of non-compliance.

One of the major goals of the NPT, is of course, to foster nuclear disarmament. There has been some progress in this direction. The Intermediate-Range Nuclear Forces (INF) Treaty between the United States and the Soviet Union led to the elimination of an entire class of nuclear weapons. And under the Strategic Arms Reduction Treaty (START) each side's strategic offensive arms were reduced by over 40 percent. Under the Moscow Treaty on Strategic Offensive Reductions (SORT), the United States and Russia will reduce their deployed strategic nuclear warheads to a level of 1,700-2,200 by 31 December 2012, a reduction of nearly two-thirds below 2002 levels.

As pointed out in the draft report, now is the time to build on the disarmament gains of these treaties and to conclude a new bilateral agreement between the US and Russia for the further reduction of all types of nuclear weapons, including tactical nuclear weapons.

I think there will be no disagreement when I say that achieving further nuclear disarmament will be very difficult. The Australian Government is hoping that the International Commission on Nuclear Non-proliferation and Disarmament will be able to bring a fresh approach to the nuclear debate, enabling progress on nuclear disarmament.

The Australian Government is also hoping that the Commission can assist in overcoming the lack of political will holding up progress on the vital non-proliferation agenda, the second major goal of the NPT.

It is also very dispiriting that the 2008 session of the Conference on Disarmament (CD) again ended with no consensus on a work program, for the twelfth year in a row. This is despite the fact that there are issues ripe for negotiation such as a Fissile Material Cut-Off Treaty (FMCT).

As pointed out in the draft report, an FMCT would reinforce the NPT and formalise the moratoria on the production of fissile material for weapons which are currently being observed by the five recognised nuclear-weapons states. Furthermore, an FMCT would enable the extension of the ban on production of fissile material for nuclear weapons to states outside the NPT.

The further proliferation of nuclear weapons is not in any state's interest. I call on those states blocking consensus in the Conference on Disarmament to re-examine their positions and agree to enter into negotiations where they would be genuinely productive, such as on an FMCT.

A critical step that states can take to further global security is to facilitate the entry-into-force of the Comprehensive Nuclear-Test-Ban Treaty (CTBT). My fellow panellist, Ambassador Tibor Toth will speak on this in more detail. However, I would like to observe that entry into force of the CTBT is an immediate disarmament priority for Australia as it should be for all states. This was the message of my parliamentary colleague, the Australian Minister for Foreign Affairs, Mr Steven Smith, who chaired a ministerial meeting on the CTBT in New York on 24 September.

With regard to the role of parliaments in advancing nuclear non-proliferation and disarmament, the draft report makes several suggestions for you as parliamentarians to consider.

One suggestion that I would add is to use whatever opportunity exists for parliamentarians to participate in national delegations to meetings of the United Nations General Assembly and other UN meetings where disarmament and non-proliferation issues are discussed. This could include regional meetings.

Another might be for parliamentarians to push governments to allocate greater resources and diplomatic energy for nuclear non-proliferation and disarmament

In his speech at Kyoto University in June this year, Australia's Prime Minister, Kevin Rudd, made a very salient point: in the past decade the world has not paid adequate attention to nuclear weapons.

We as parliamentarians must play our part in ensuring that nuclear non-proliferation and disarmament are kept at the forefront of political policy agendas.

## APPENDIX 2

### IPU Final Resolution on the Emergency Item

#### THE ROLE OF PARLIAMENTS IN CONTAINING THE GLOBAL FINANCIAL CRISIS AND ITS ECONOMIC IMPACT, BOTH ON DEVELOPING AND DEVELOPED COUNTRIES

*Resolution adopted unanimously by the 119th IPU Assembly  
(Geneva, 15 October 2008)*

The 119th Assembly of the Inter-Parliamentary Union,

*Considering* the consequences of the international financial crisis and its negative repercussions on the global economy, in particular its adverse effects on developing countries,

*Noting* the recent warning issued by the International Monetary Fund that debt-ridden banks are pushing the global financial system to the brink of meltdown, and that it is the responsibility of the wealthy nations to restore investor confidence,

*Considering* the importance of parliaments' role, in cooperation with national governments, to contain the effects of the global financial crisis that threaten the world's stability, security and development,

*Recognizing* the shared and differentiated responsibility of all countries in dealing with the international economic crisis in order to meet human development needs, eradicate poverty and achieve the Millennium Development Goals (MDGs),

*Aware of* the threat that the international economic crisis poses to sustainable development - considered essential for human progress - particularly in the context of the Declaration issued by the World Summit on Sustainable Development held in Johannesburg in September 2002,

*Considering* the need to allocate the necessary resources and to ensure the establishment of a stable, fair and secure global economic system,

*Mindful* of the interdependence of the national economies and the global economic system, which requires a holistic approach and strong international cooperation to ensure the optimal use of financial resources and the establishment of strong and accountable financial institutions,

*Recalling* that the report on the outcome of the International Conference on Financing for Development held in Monterrey, Mexico, in 2002, considered that international financial stability in particular was crucial for fostering international economic growth,

*Concerned* that the international financial crisis has undermined social stability in many countries around the world and threatens the gains made in democracy and human rights,

1. *Calls* on the Governing Council to organize, as soon as possible, an international parliamentary conference with experts to examine the causes and effects of the international financial crisis on the global economic system and identify ways of dealing with the consequences of this crisis;
2. *Urges* parliamentary committees dealing with financial, economic and trade-related issues to urgently convene meetings to identify the best ways of protecting financial institutions and mitigating the effects of the international financial crisis, until such time as a global strategy to deal with the crisis is found;
3. *Calls* on national parliaments to provide a more efficient proactive regulatory framework for national regulatory bodies with a view to preventing future instability in the major financial markets;
4. *Encourages* implementation of internationally agreed laws and standards on the transparency of financial markets to ensure the clarity of financial transactions, as this would enhance the national and international capacity to assess financial risks;
5. *Calls* on governments to include parliamentarians in their official delegations to conferences, forums and meetings organized to discuss the international financial crisis so that parliamentarians can express their opinions and ideas as the representatives of the people;
6. *Calls* for the necessary national and international measures to oversee financial institutions so as to mitigate the impact of this crisis;
7. *Calls* for action to reduce the potential social consequences of the international financial crisis as they relate to employment prospects, job security, rising prices and poverty, all of which are covered by the United Nations Millennium Declaration;
8. *Calls* on the central banks and currency control agencies to implement precautionary policies, procedures and measures in order to ensure the stability of the financial and banking sectors;
9. *Calls* for greater regulation of the financial sector, with particular attention to inter-bank lending and consumer protection, to prevent future financial crises;
10. *Calls* on all countries to put in place more effective law enforcement measures to deal with financial crime and to cooperate in this field;

11. *Requests* the governments of the leading industrialized States to assume their responsibility for the developing countries by curbing the negative effects of this crisis on their national economies and to make every effort to prepare the ground for the full participation of developing countries in shaping the global economy;
12. *Urges* the governments of developed States to promptly honour their commitments vis-à-vis the developing countries in order to help them resolve their domestic economic problems, eliminate poverty, illiteracy and disease and achieve higher growth rates, as recommended in relevant instruments, in particular the UN Millennium Declaration; and, in this context, *urges* international organizations, within their respective mandates, to contribute to the achievement of the above-mentioned objectives;
13. *Urges* parliaments to spare no effort in working on ideas and initiatives aimed at promoting a new rules-based financial system that could help to achieve a more just and transparent world economic structure, which in turn could also help to achieve peace and stability.



## **APPENDIX 3**

### **Results of roll-call vote on the proposal to amend Article 3 of the Statutes of the Inter-Parliamentary Union**



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

### Results of roll-call vote on the proposal to amend Article 3 of the Statutes of the Inter-Parliamentary

#### Results

Affirmative votes.....	1219	Total of affirmative and negative votes .	1312
Negative votes.....	93	Two-thirds majority.....	875
Abstentions.....	230		

Country	Yes	No	Abst.	Country	Yes	No	Abst.	Country	Yes	No	Abst.	
Afghanistan	14			Germany		10		Panama	11			
Albania		<i>absent</i>			Ghana	13			Peru			14
Algeria	15			Greece	10			Philippines	11			7
Andorra	10			Guatemala		<i>Absent</i>		Poland	10			5
Angola	12			Guinea		<i>Absent</i>		Portugal				13
Argentina			15	Hungary		<i>Absent</i>		Qatar	8			
Armenia	11			Iceland	10			Republic of Korea				16
Australia		14		India	23			Romania	10			
Austria	9		3	Indonesia	22			Russian Federation	20			
Bahrain	10			Iran (Islamic Rep. of)	18			Rwanda		<i>absent</i>		
Belarus	13			Iraq	14			Samoa				10
Belgium	12			Ireland	10			Sao Tome and Principe	10			
Benin	12			Israel		10		Saudi Arabia	11			
Bolivia	10			Italy	7	10		Senegal	12			
Bosnia and Herzegovina	11			Jordan	12			Serbia	10			2
Botswana	11			Kazakhstan			13	Singapore	10			
Brazil			20	Kenya	14			Slovakia		<i>absent</i>		
Bulgaria	9		3	Kuwait	9			South Africa	16			
Burkina Faso	13			Lao People's Dem. Republic	12			Spain		<i>absent</i>		
Burundi	12			Latvia	6		5	Sri Lanka	13			
Cambodia	13			Lebanon	11			Sudan	15			
Cameroon			13	Lesotho	11			Suriname	10			
Canada	15			Libyan Arab Jamahiriya	11			Sweden	8	4		
Chile	7		6	Liechtenstein	4		4	Switzerland	12			
China	23			Luxembourg		<i>absent</i>		Syrian Arab Rep.	13			
Colombia			14	Madagascar	13			Thailand	10			8
Comoros		<i>absent</i>			Malaysia	14			The fYR of Macedonia	11		
Congo	11			Maldives	10				Timor-Leste			11
Costa Rica			11	Malta	8				Tunisia	13		
Côte d'Ivoire	13			Mauritania	11				Turkey	18		
Croatia			11	Mauritius	11				Uganda	13		
Cuba	13			Mexico	20				Ukraine		<i>absent</i>	
Cyprus		<i>absent</i>			Monaco	10			United Arab Emirates	11		
Czech Republic	13			Mongolia			11		United Kingdom	18		
DR of the Congo	17			Morocco	14				United Republic of Tanzania	15		
Denmark			10	Mozambique	13				Uruguay	6		5
Dominican Rep.		10		Namibia	11				Venezuela	13		
Egypt	18			Nepal	14				Viet Nam	18		
El Salvador		<i>absent</i>			Netherlands		13		Yemen	13		
Estonia	11			New Zealand		11			Zambia	13		
Ethiopia	18			Niger	13				Zimbabwe	13		
Finland	12			Nigeria	20							
France	17			Norway	11							
Gabon	11			Oman	11							
Gambia		<i>absent</i>			Pakistan	21						
Georgia		11										

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



## APPENDIX 4

### DECISION OF THE GOVERNING COUNCIL ON THE SUBJECT OF THE MEMBERSHIP OF THE PARLIAMENT OF PALESTINE IN THE INTER- PARLIAMENTARY UNION

**Adopted by consensus by the IPU Governing Council at its 183rd session  
(Geneva, 15 October 2008)**

"The Governing Council,

Having examined at its 183rd session (Geneva, 15 October 2008) the question of affiliation by the Parliament of Palestine to the Inter-Parliamentary Union,

Noting the opinion of the Executive Committee that the Parliament fulfils the conditions laid down in Article 3 of the Statutes for membership of the Union,

Considering that the Executive Committee's opinion is predicated on the following elements:

- (a) The United Nations has on numerous occasions recognized the aspirations and entitlement to statehood of Palestine;
- (b) Palestine enjoys the status of Permanent Observer to the United Nations with substantial additional rights and privileges under UNGA resolution 52/250;
- (c) The Palestinian Legislative Council is a Parliament that is constituted in conformity with the basic law of the Palestinian Authority and is endowed with legislative and oversight functions,

Considering also that the current situation on the Palestinian territories impedes the functioning of the Palestinian Legislative Council and that its participation in the work of the Inter-Parliamentary Union may therefore, for the time being, be facilitated by the Palestine National Council,

Decides to admit the Parliament of Palestine as a Member of the Inter-Parliamentary Union;

Annuls, as a consequence, the decisions it adopted at its 117th and 163rd sessions regarding the participation of Palestine as an observer in the work of the Inter-Parliamentary Union".



## **APPENDIX 5**

### **Resolutions concerning 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 183<sup>rd</sup> session (Geneva, 15 October 2008)***

The Governing Council of the Inter-Parliamentary Union,

*Referring* to the case of Ms. Malalai Joya, a member of the House of the People of Afghanistan, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/183/12(b)-R.1), and to the resolution adopted at its 182<sup>nd</sup> session (April 2008),

*Noting* that the Committee met with the Deputy Speaker of the House of Representatives and two other members of the Afghan delegation at the session it held during the 119<sup>th</sup> Assembly, and *taking account* of the information the delegation provided,

*Taking account* of the information provided by various sources on 5 September and 10 October 2008,

*Recalling* that on 21 May 2007 the House of the People of Afghanistan (Wolesi Jirga) decided to suspend the parliamentary mandate of Ms. Joya, member of parliament for Farah province, until the end of her term for violating Article 70 of the Standing Orders in respect of a television interview in which she had spoken disparagingly of members of parliament, apparently in the context of her staunch criticism of the former warlords; *noting* that the recording of the television interview in question was reportedly edited intentionally to discredit her and to provoke her suspension and that she herself, despite requests, has not been given a recording of the interview,

*Considering* 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 depriving the offending member from attending the session of that day, but that a member can be suspended for a period of longer than one day only at the request of the Administrative Board and with the subsequent approval of Parliament; however, this procedure was not followed in Ms. Joya's case as the Administrative Board was not seized and did not issue any recommendation,

*Considering* in this respect that, according to a report published on 25 September 2008 in the Pajhwok Afghan News Agency, the Chairman of the parliamentary Committee on Immunity and Privileges of Members of Parliament, Mr. Gul Padshan Majedi, stated that Ms. Joya's expulsion was unlawful, of which statement the Afghan delegation was unaware; that, however, while affirming that Ms. Joya's words were highly insulting, the Deputy Speaker stated that her suspension was against parliamentary norms and should not have happened; that Ms. Joya should contact the Speaker or himself to ensure a smooth restoration of her mandate; and *noting* that he affirmed that every effort would be made to restore Ms. Joya's mandate before the end of the current parliamentary session, which would be in one and a half months' time,

*Recalling* that Ms. Joya had immediately protested against her suspension and the procedure followed to secure it; but that only in February 2008, after she had collected the money to pay for legal counsel and found a lawyer willing to take up her case, was she able to file a petition with the Supreme Court; that, according to the sources, the Supreme Court has, however, taken no action so far, claiming to be awaiting a response from parliament; that the efforts of Ms. Joya and her lawyer to obtain such a response have been to no avail and that she and anyone representing her have been banned from going to parliament; *noting* nevertheless that, according to the Deputy Speaker, she was not banned and should have written a letter to the Speaker or himself,

*Recalling* that, according to the sources, members of parliament have regularly criticized one another, but that no one else has been suspended on such grounds, not even those who have called Ms. Joya a "prostitute" and a "whore" and have reportedly called for her to be raped and killed; *noting* that, according to the Deputy Speaker, no one has been suspended as no one else had used such disparaging language and that any member who had indisputably called Ms. Joya a whore or prostitute should also be punished,

*Bearing in mind* lastly that Ms. Joya has constantly been receiving death threats and that her safety in Afghanistan is at risk, in common with that of many other members of parliament,

1. *Thanks* the Afghan delegation for its cooperation and for the information and observations provided;
2. *Stresses* that suspension is a disciplinary measure usually applied as a last resort only and necessarily limited in time, normally one day and only in extreme cases and for recidivist members can it, in some parliaments, amount to a maximum of 30 days, and that a suspension for the entire term is in fact tantamount to a revocation of the parliamentary mandate, wholly unlawful in this case as insulting language is not a proper cause for the dismissal of a member of parliament; *points out* therefore that the parliament is not entitled to pronounce a suspension for the entire term of a member of parliament;
3. *Deeply regrets* that Ms. Joya has been prevented from exercising her mandate for 17 months and her electorate deprived of representation in parliament on the basis of an unlawful decision by parliament;
4. *Is therefore very pleased* to note that the parliamentary authorities recognize that Ms. Joya's mandate should be restored as quickly as possible, and *earnestly hopes* that this will indeed happen before the end of the current parliamentary session;
5. *Calls once again on* the authorities to do everything in their power to identify and bring to justice those making the death threats against Ms. Joya; *reaffirms* in this respect that the Parliament of Afghanistan has a special responsibility when the security of its members is at stake and that preventing impunity is in the last analysis the best means of protecting the safety of members not only of parliament but also of the people; *would appreciate* information as to the steps the parliamentary authorities have taken or envisage taking to this end;
6. *Requests* the Secretary General to convey this resolution to the parliamentary authorities and to the source;
7. *Requests* the Committee to continue examining this case and report to it at its next session, to be held on the occasion of the 120<sup>th</sup> Assembly of the IPU (April 2009), when it hopes to be able to close the case following its satisfactory settlement.

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

##### ***Resolution adopted unanimously by the IPU Governing Council at its 183<sup>rd</sup> session (Geneva, 15 October 2008)***

The Governing Council of the Inter-Parliamentary Union,

*Referring* to the case of Mr. Shah Ams Kibria, a member of the National Parliament of Bangladesh who was assassinated in January 2005, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/183/12(b)-R.1), and to the resolution adopted at its 182<sup>nd</sup> session (April 2008),

*Recalling* that the investigation into the grenade attack of 27 January 2005 that took Mr. Kibria's life was closed in April 2006 despite petitions by Mr. Kibria's family for further investigation, but reopened in March 2007 on the grounds that additional and significant information had emerged suggesting the involvement of other persons who had yet to be investigated; after a new investigating officer took over in

May 2007 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 having collecting several grenades to eliminate Awami League leaders, including Mr. Shah Ams Kibria,

*Considering* that, according to media reports of August 2008 forwarded by one of the sources in this case, Mufti Abdul Hannan and two of his co-accused have retracted their statements, affirming that they had been obtained under torture; the court reportedly accepted their retraction petitions,

*Recalling also* that 10 suspects were initially arrested in this case; four of whom were allowed to retract their statements as they had been obtained under torture; the initial main accused, Mr. Quayum, who had not been allowed to retract his statement, was released on bail in September 2008 and made public statements about how the Criminal Investigation Department (CID) had tortured him to extract a false confession,

*Noting lastly* that Mr. Kibria's family has received no further information on the investigation and is unaware of any scheduled court proceedings,

*Bearing in mind finally* that Bangladesh is a party to the International Covenant on Civil and Political Rights and to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment,

1. *Deeply regrets* that the authorities have failed to provide any information on the proceedings under way in this case;
2. *Recalls* that the Bangladeshi authorities have a duty to identify and bring to justice those responsible for Mr. Kibria's murder and to this effect to conduct a thorough, independent and diligent investigation; *is led to consider* that the failure of the authorities to provide official information on progress made in the investigation, in particular to Mr. Kibria's family, coupled with the persistent allegations of torture in this case, sheds a harsh light on the administration of justice in this case;
3. *Invites therefore* the authorities once again to provide information on the current stage of the investigation and the prospects that the case will be brought to trial within a reasonable time;
4. *Stresses once again* that, under the international human rights treaties which Bangladesh has ratified, the authorities have an obligation to institute a prompt and impartial investigation whenever there are reasonable grounds for believing that an act of torture has been committed; consequently *wishes to ascertain* whether the authorities have now instituted an investigation into the alleged torture of suspects in this case, including Mr. Quayum and Mufti Abdul Hannan;
5. *Requests* the Secretary General to inform the authorities and the sources of information accordingly;
6. *Requests* the Committee to continue examining this case and report to it at its next session, to be held on the occasion of the 120<sup>th</sup> Assembly of the IPU (April 2009).

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#### **CASE No. BGL/15 - SHEIKH HASINA - BANGLADESH**

***Resolution adopted unanimously by the IPU Governing Council at its 183<sup>rd</sup> session  
(Geneva, 15 October 2008)***

The Governing Council of the Inter-Parliamentary Union,

*Referring* to the case of Sheikh Hasina, a member of the Parliament of Bangladesh and Leader of the Opposition at the time the communication was submitted, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/183/12(b)-R.1), and to the resolution adopted at its 182<sup>nd</sup> session (April 2008),

*Recalling* that the initial line of investigation into the grenade attack of 21 August 2004 against Sheikh Hasina and other Awami League leaders, which claimed the lives of 25 people and injured hundreds, 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 several persons were arrested; *noting* in this respect that Joj Miah’s family has reportedly been provided with a long-term government subsidy,

*Recalling* that the Caretaker Government ordered a new investigation which, through the confession of Mufti Abdul Hannan, leader of the Horkatul Jihad al Islami (Huji) and others, revealed that the attack had been carried out by Huji elements and enabled the police to arrest more suspects and to recover grenades, rifles and a large quantity of explosives; according to media reports, the investigation also revealed that one of the suspects who was, however, on the run, Moulana Tajudin, a brother of 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; *noting* also that a new charge sheet has reportedly been drawn up and the Police Chief has assured the public that those responsible for diverting the course of the investigation would be taken to task,

*Considering* that, according to media reports of August 2008, forwarded by one of the sources, Mufti Abdul Hannan and two of his co-accused have retracted their statements, affirming that they had been obtained under torture; the court reportedly accepted their retraction petitions,

*Recalling* that: four criminal cases, three based on charges of extortion and one on corruption, have been brought against Sheikh Hasina; two of the extortion cases and the corruption case were brought under the Emergency Power Rules 2007 (EPR), which have been criticized as infringing fundamental fair trial guarantees; Sheikh Hasina challenged her trial under the EPR with regard to one of the extortion cases; on 17 February 2008 the High Court ruled on her application, concluding that “the case in question ... cannot proceed under the EPR” and “any action taken and/or initiated and continuation of any proceeding or trial of any case” arising out of the case in question under the EPR, “in any court of law or authority, is declared to be without lawful authority and stands quashed”; however, on 17 March 2008 the Chief Justice stripped the High Court division bench which had issued the above ruling of its writ jurisdiction; one of Sheikh Hasina’s fellow accused, Sheikh Fazlul Karim Selim, has reportedly given testimony under duress,

*Recalling* that Sheikh Hasina was arrested on 17 July 2007 and was refused bail; *noting* in this respect that she has meanwhile been released on parole and allowed to go abroad for medical treatment,

*Bearing in mind* that Bangladesh is a party to the International Covenant on Civil and Political Rights, Articles 14 and 15 of which stipulate fair trial guarantees and Article 9, paragraph 5, of which provides for an enforceable right to compensation in the event of unlawful arrest and detention,

1. *Regrets* that the authorities have failed to provide information on the current stage of the investigation into the grenade attack of August 2004 and the criminal proceedings under way against Sheikh Hasina;
2. *Can only express deep concern*, in the absence of official information, at reports alleging that the current investigation into the grenade attack is based on testimony extracted under torture, particularly in view of the initial attempt to divert the investigation in what can only be called a travesty of justice;
3. *Reiterates its wish* to ascertain the current stage of the investigation, to receive a copy of the charge sheet and to ascertain whether those responsible for diverting the case in the first place have been held responsible; *believes* in this respect that the conclusions of the judicial inquiry commission should now be published;
4. *Is deeply concerned* at the alleged torture of suspects in the grenade attack case and of one of Sheikh Hasina’s fellow accused; *recalls* that, under international human rights law, a prompt and impartial investigation must be instituted wherever there are reasonable grounds for believing that an act of torture has been committed, and *wishes to ascertain* whether the authorities have instituted any such investigation in this respect;

5. *Is pleased to note* that Sheikh Hasina has been allowed to go abroad for medical treatment; *stresses* that the prevailing impunity in the grenade attack against her may constitute a serious risk for her safety when she returns to Bangladesh after her medical treatment, and *trusts* that the authorities will take the necessary measures to ensure her security, as it is their duty to do so; *reiterates* its wish to receive information on the stage of the criminal proceedings brought against her, with respect in particular to the justification for applying the EPR in this case;
6. *Requests* the Secretary General to invite the competent authorities 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 120<sup>th</sup> Assembly of the IPU (April 2009).

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**CASE No. BLS/05 - VICTOR GONCHAR - BELARUS**

***Resolution adopted unanimously by the IPU Governing Council at its 183<sup>rd</sup> session  
(Geneva, 15 October 2008)***

The Governing Council of the Inter-Parliamentary Union,

*Referring* to the case of Mr. Victor Gonchar, a member of the Thirteenth Supreme Soviet of Belarus who disappeared in September 1999, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/183/12(b)-R.1), and to the resolution adopted at its 182<sup>nd</sup> session (April 2008),

*Noting* that legislative elections took place in Belarus on 28 September 2008,

*Requests* the Committee to contact the newly elected parliamentary authorities and to report to it at its next session (April 2009) in the light of any new information it may have obtained in the meantime.

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**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 183<sup>rd</sup> session  
(Geneva, 15 October 2008)***

The Governing Council of the Inter-Parliamentary Union,

*Referring* to the case of the above-mentioned Burundian parliamentarians, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/183/12(b)-R.1), and to the resolution adopted at its 182<sup>nd</sup> session (April 2008),

*Taking account* of the letter of the President of the National Assembly of 8 October 2008 and of the information provided on the occasion of the hearing with the Committee by the Burundian delegation to the 119<sup>th</sup> 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 one of the sources reported the arrest of Mr. Parfait Mugenzi, one of the suspects in the murder of Mr. Mfayokurera and the attempted murder of

Mr. Ndiwokubwayo, albeit in connection with the murder, in November 2001, of Dr. Kassy Manlan, the representative of the World Health Organization in Burundi, and the return from Rwanda, where they had fled, of two suspects in the case of Mr. Ndikumana, 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 could one day testify to the horrendous manner of Mr. Sirahenda's killing at the camp,

*Noting* that Mr. Mugenzi is reportedly no longer in detention but on the run, his escape from prison having allegedly been organized by the former Prosecutor General, who is said to have provided him with a passport,

*Recalling* that the National Assembly set up a parliamentary working group to examine the cases in question and *noting* in this respect that, since its first meeting in October 2006, at which it worked out a strategy to obtain information on the cases in question, the working group has held no further meetings; *considering* that the President of the National Assembly, in his communication of 8 October 2008, stated that "after a whole year of crisis in the National Assembly, the Bureau intends to reactivate the working group on human rights to enable it to monitor how all these cases evolve judicially",

*Recalling also* that the President of the National Assembly has stated that the cases would be dealt with by the Truth and Reconciliation Commission; *considering* that, according to his letter of 8 October 2008, a Tripartite Commission (United Nations, Government and Civil Society) had been in place to conduct popular consultations on the questions not having produced consensus between the United Nations and the Government and had recently produced a memorandum laying down the basic principles of the consultations; the commission reckoned that these field consultations and the drafting of the report could take a year; the Human Rights Committee of the National Assembly would continue to monitor this matter,

*Bearing in mind* the work of the IPU, under its technical cooperation programme, to assist the Parliament of Burundi in playing its role as an important facilitator of reconciliation in the country and the difficulties encountered in this task,

1. *Thanks* the President of the National Assembly and the Burundian delegation for the information provided;
2. *Is nevertheless deeply disappointed* that, despite the parliamentary authorities' repeatedly stated commitment to the working group, it has been totally ineffective since it first met two years ago and that, as a result its strategy to provide the much needed fresh impetus to these cases, it has only gathered dust; *is confident* that the President of the National Assembly's latest expression of support for the working group will bear fruit, and *wishes* to be kept informed in this respect;
3. *Is dismayed* that the National Truth and Reconciliation Commission, as provided for under the 2000 Arusha Peace and Reconciliation Agreement for Burundi, has yet to be established after years of discussion; *trusts* that the Tripartite Commission will carry out its consultations diligently and efficiently and set a clear timetable for the establishment in the near future of the Truth and Reconciliation Commission; *would greatly appreciate* receiving information in this respect;
4. *Reaffirms* that neither the existence of the parliamentary working group nor the future establishment of the Truth and Reconciliation Commission relieves the authorities of their duty to do their utmost to dispense justice at all times; *reiterates* that there are sufficient leads and evidence available in several of the cases to permit the authorities to make substantive progress in this respect; *therefore once again calls* on the authorities to take the necessary steps to reactivate the investigations in these cases;
5. *Notes with concern* that Mr. Mugenzi is reportedly no longer in custody, and *would appreciate* receiving detailed information as to whether or not Mr. Mugenzi has ever been questioned regarding his implication in the murder of Mr. Mfayokurera and, if so, the results of the questioning, and if not, why not; and what steps are being taken to locate and apprehend him;

6. *Requests* the Secretary General to convey the present resolution to the competent authorities and to the source;
  7. *Requests* the Committee to continue examining this case and report to it at its next session, to be held on the occasion of the 120<sup>th</sup> Assembly of the IPU (April 2009).
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**CASE No. BDI/02 - NORBERT NDIHOKUBWAYO - BURUNDI**

***Resolution adopted unanimously by the IPU Governing Council at its 183<sup>rd</sup> session  
(Geneva, 15 October 2008)***

The Governing Council of the Inter-Parliamentary Union,

*Referring* to the case of Mr. Norbert Ndiwokubwayo, a member of the Parliament of Burundi, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/183/12(b)-R.1), and to the resolution adopted at its 182<sup>nd</sup> session (April 2008),

*Taking account* of the letter of the President of the National Assembly of 8 October 2008 and of the information provided on the occasion of the hearing with the Committee by the Burundian delegation to the 119<sup>th</sup> IPU Assembly,

*Recalling* that Mr. Ndiwokubwayo was the target of two attempts on his life in 1994 and 1995, one of which left him severely injured, and that in 2004 one of the sources reported the arrest of Mr. Parfait Mugenzi, one of the alleged attackers, albeit in connection with the murder, in November 2001, of Dr. Kassy Manlan, the representative of the World Health Organization in Burundi,

*Noting* that Mr. Mugenzi is reportedly no longer in detention, his escape from prison having allegedly been organized by the former Prosecutor General, who is said to have provided him with a passport,

*Recalling* that the National Assembly set up a parliamentary working group to examine this and other cases, and *noting* in this respect that since its first meeting in October 2006, at which it worked out a strategy to obtain information on the cases in question, the working group has held no further meetings; *considering* that the President of the National Assembly, in his communication of 8 October 2008, stated that "after a whole year of crisis in the National Assembly, the Bureau intends to reactivate the working group on human rights to enable it to monitor how all these cases evolve judicially",

*Recalling also* that the President of the National Assembly has stated that the cases would be dealt with by the Truth and Reconciliation Commission; *considering* that, according to his letter of 8 October 2008, a Tripartite Commission (United Nations, Government and Civil Society) had been in place to conduct popular consultations on the questions not having produced consensus between the United Nations and the Government and had recently produced a memorandum laying down the basic principles of the consultations; the commission reckoned that these field consultations and the drafting of the report could take a year; the Human Rights Committee of the National Assembly would continue to monitor this matter,

*Bearing in mind* the work of the IPU, under its technical cooperation programme, to assist the Parliament of Burundi in playing its role as an important facilitator of reconciliation in the country and the difficulties encountered in this task,

1. *Thanks* the President of the National Assembly and the Burundian delegation for the information provided;
2. *Is nevertheless deeply disappointed* that, despite the parliamentary authorities' repeatedly stated commitment to the working group, it has been totally ineffective since it first met two years ago and that, as a result its strategy to provide the much needed fresh impetus to this case, it has only gathered dust; *is confident* that the President of the National Assembly's latest expression of support for the working group will bear fruit, and *wishes* to be kept informed in this respect;

3. *Is dismayed* that the National Truth and Reconciliation Commission, as provided for under the 2000 Arusha Peace and Reconciliation Agreement for Burundi, has yet to be established after years of discussion; *trusts* that the Tripartite Commission will carry out its consultations diligently and efficiently and set a clear timetable for the establishment in the near future of the Truth and Reconciliation Commission; *would greatly appreciate* receiving information in this respect;
4. *Reaffirms* that neither the existence of the parliamentary working group nor the future establishment of the Truth and Reconciliation Commission relieves the authorities of their duty to do their utmost to dispense justice at all times; *reiterates* that there are sufficient leads and evidence available in this case to permit the authorities to make substantive progress; *therefore once again calls on* the authorities to take the necessary steps to reactivate the investigation in this case;
5. *Notes with concern* that Mr. Mugenzi is reportedly no longer in custody, and *would appreciate* receiving detailed information in this respect, in particular whether he has ever been questioned regarding his implication in the attempt on Mr. Ndiokubwayo's life and, if so, the results of the questioning, and if not, why not; and what steps are being taken to locate and apprehend him;
6. *Requests* the Secretary General to convey the present resolution to the competent authorities and to the source;
7. *Requests* the Committee to continue examining this case and report to it at its next session, to be held on the occasion of the 120<sup>th</sup> Assembly of the IPU (April 2009).

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#### BURUNDI

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

***Resolution adopted unanimously by the IPU Governing Council at its 183<sup>rd</sup> session  
(Geneva, 15 October 2008)***

The Governing Council of the Inter-Parliamentary Union,

*Having before it* the case of the above-mentioned members of parliament of Burundi, who lost their parliamentary seats on 5 June 2008, which has been the subject of a study and report of the Committee on the Human Rights of Parliamentarians following the Procedure for the treatment by the Inter-Parliamentary Union of communications concerning violations of the human rights of members of parliament,

*Taking note* of the report of the Committee on the Human Rights of Parliamentarians, which contains a detailed outline of the case (CL/183/12(b)-R.1),

*Taking account* of the hearing the Committee held with the President of the CNDD-FDD to the 119<sup>th</sup> IPU Assembly,

*Considering* the following information on file:

- The parliamentarians in question were elected in July 2005 on the CNDD-FDD list, which obtained the majority of seats in the National Assembly; as time passed the party experienced internal dissent, which became more pronounced after the party convention of 7 February 2007, during which Mr. Hussein Radjabu was ousted as party leader; as a result, one wing was formed that backed the party's new president, Mr. Jérémie Ngendakumana, while another backed Mr. Radjabu; the persons concerned belong to the latter wing; except for Ms. Nzomukunda,<sup>1</sup> the former Vice-President of the National Assembly, and Mr. Basabose, both of whom were expelled from the party, and Mr. Kana and Ms. Sindarusiba, the other members of parliament resigned from the party and continued to sit in the National Assembly as independent members;
- Other political parties, in particular FRODEBU, also met with dissidence, which encouraged some of its members to join the dissenting members of the CNDD-FDD in abstaining from (regular) participation in the work of the National Assembly, as a consequence of which the National Assembly failed to reach the quorum needed to adopt decisions, and its work was blocked;
- The IPU, under its programme of assistance to the Parliament of Burundi, made every effort, in common with the parliamentary authorities, to find a solution to the stalemate and, after consultations with all the parties concerned during a working mission in May 2008, submitted a possible solution for resolving the ongoing stalemate;
- On 30 May 2008, the President of the National Assembly sent a letter to the President of the Constitutional Court concerning an "Application relating to unconstitutional occupation of seats at the National Assembly"; in justification of his application that the Court "rule on the unconstitutional occupation" of the seats held by the members of parliament concerned, the President cited Articles 98 and 169 of the Constitution and a letter from the President of the CNDD-FDD asking him to bring the cases of those persons, who were no longer members of the party, before the Court; the President further argued that "certain people consider that a member of parliament who has resigned from his party automatically loses his right to sit in parliament, since that right is only recognized in respect of elected officials who can prove they are on either a list of independents or the list of a political party having obtained two per cent or more of all the ballots cast";
- In its decision RCCB 213 of 5 June 2008, the Court declared the application admissible by virtue of its competence to ensure respect for the Constitution, including the Charter of Fundamental Rights, by State bodies and other institutions (Article 228 [2]) and ruled that the members of parliament concerned held their seats unconstitutionally; in so doing, the Court based its arguments in particular on Article 169 of the Constitution, which stipulates that "candidates presented by the political parties or lists of independents can only be considered to have been elected and sit in the National Assembly if, nationwide, their party or their list has obtained two per cent or more of all the votes cast"; it pointed out that members of parliament "are elected before the parliament's term and sit during the parliament's term"; consequently, according to the Court, the members of parliament concerned no longer fulfilled any of the conditions of the article: they could not sit as independents because the list of independents had not obtained two per cent of votes, and they could not sit as members of the party on whose list they had been elected because they were no longer members of it,

*Noting* the following constitutional and statutory provisions:

- Article 149 of the Constitution stipulates: "The mandate of deputies and senators is national in character. There shall be no imperative mandate. The deputies and senators vote in their own name";
- Article 156 (section 1) of the Constitution stipulates: "The term of office of a deputy or a senator ends if the deputy or senator in question dies, resigns, is permanently incapacitated or unjustifiably fails to attend over one quarter of the meetings in a session or when the deputy or

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<sup>1</sup> Ms. Nzomukunda was excluded from the party during the CNDD-FDD convention held on 26 January 2008 in Muyinga.

senator finds himself in one of the cases of disqualification provided for in statutory law" (such as the Electoral Code and the Standing Orders);

- Article 132 of the Electoral Code stipulates: "The term of office of a deputy may end prematurely if his seat is vacant as a result of death, resignation, physical incapacity, permanent disability, unjustified absence at more than one quarter of a session's meetings, or disqualification following loss of a criterion for eligibility or the occurrence of a case of ineligibility ...";
- Article 15 of the Standing Orders of the National Assembly stipulates: "The term of office of a deputy ends if his seat is vacant as a result of death, resignation, physical incapacity, permanent disability, unjustified absence at more than one quarter of a session's meetings, or disqualification following a penal sentence of more than twelve months. However, there shall be no disqualification if the deputy is convicted of unintentional offences"; Article 16 stipulates: "The vacancy is confirmed by decision of the Constitutional Court ruling at the request of the Bureau of the National Assembly",

*Bearing in mind* that, according to information received, the preparatory work on the Constitution shows that a proposal to disqualify members of parliament if they change political party was expressly rejected and replaced by the present constitutional provisions on the termination of the parliamentary mandate, which do not provide for such termination in the case of expulsion or resignation from the political party on whose list the parliamentarian was elected,

*Considering further* that four of the parliamentarians concerned, namely Mathias Basabose, Pasteur Mpawenayo, Alice Nzomukunda and Zaituni Radjabu, were the target of grenade attacks in August 2007 and March 2008 respectively, which have remained unpunished to date; *noting* that, moreover, according to one of the sources, arrest warrants have been issued for Mr. Nkurunziza, Mr. Nsababandi, Mr. Nshimirimana, Mr. Nyabenda, Mr. Basabose and Mr. Mpawenayo; *noting* that the latter was arrested on 4 July 2008, that Mr. Nkurunziza was arrested by the Deputy Director of Police on 15 July 2008, reportedly without a warrant, and that Mr. Minyurano was arrested on 1 October 2008 reportedly on an accusation of assault and battery and public insult which, according to the sources, originated in the failure of Mr. Minyurano's tenant, a magistrate, to pay his rent,

*Noting* that a dissenting group within FRODEBU has set up a new party and that the President of FRODEBU has requested the President of the National Assembly, on the same basis as referred to above, to ask the Constitutional Court likewise to declare the occupation of the seats of the dissenting parliamentarians unconstitutional, but that the President of the National Assembly has so far taken no such action; *noting* also that a leading member of this new party has asked the President of the National Assembly to dismiss 15 members of the FRODEBU party from parliament on the grounds that they were absent from parliament for more than a quarter of the current session and can therefore be dismissed by virtue of Article 156 of the Constitution and Article 15 of the Standing Orders; that an application of that provision would affect not only the 15 members of the FRODEBU in question but a certain number of parliamentarians belonging to the CNDD-FDD and UPRONA, who likewise boycotted a large number of parliamentary sittings,

*Considering* that, according to the President of the CNDD-FDD to the 119<sup>th</sup> IPU Assembly, the aim of the parliamentarians concerned was to block the National Assembly and they succeeded as other opposition parliamentarians joined them in this effort, a total of more than 40 members, so that the quorum for adopting legislation was no longer reached; that, however, major problems would have been created had the Assembly sought the expulsion of all of them, for which reason only the expulsion of the 22 members who no longer belonged to the CNDD-FDD was sought; that, in any event, had it not been for the Constitutional Court's interpretation of Article 169, they would have lost their mandate by virtue of Article 156 of the Constitution; that since their expulsion the Assembly functioned normally, having meanwhile adopted 29 of the 35 bills proposed by the Government; *noting* also that the President of the CNDD-FDD welcomed the assistance of the IPU insofar as capacity-building in the field of democracy, human rights and the participation of women in politics are concerned as this contributes to the stabilization of the country,

1. *Thanks* the President of the National Assembly for his cooperation; also *thanks* the President of the CNDD-FDD for having shared his view with the Committee;
2. *Recognizes* that Burundi has faced a critical situation owing to the virtual inability of the National Assembly to muster the necessary quorum, and that as a result, parliamentary and governmental business came to a halt early this year; *acknowledges*, therefore, that there was an urgent need to find a solution enabling the National Assembly to resume its work;
3. *Commends* the IPU for its efforts to work with all the parties concerned in Burundi to identify a negotiated, comprehensive and agreed solution to the problems faced in parliament that would allow all political parties and factions to participate effectively in the work of the National Assembly; *regrets* that this process was interrupted before it came to fruition;
4. *Recalls* that the revocation of the parliamentary mandate is a serious measure, as it irrevocably deprives the members of parliament concerned of the possibility of carrying out the mandate entrusted to them by the people, and that it must therefore be decided in full accordance with the law and only for serious reasons stipulated in the law;
5. *Expresses therefore deep concern* at the Constitutional Court ruling, as it takes account neither of the provisions in the Constitution dealing explicitly with the loss of the parliamentary mandate, nor of the relevant provisions in the Electoral Law and the Standing Orders; nor does it refer to the preparatory work of the Constitution or to the views and legal arguments of the parliamentarians concerned;
6. *Notes* in this respect that, in his report to the United Nations Human Rights Council at its 9<sup>th</sup> session, the independent expert on the situation of human rights in Burundi expressed deep concern at this decision, stating as follows: “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”;<sup>2</sup>
7. *Expresses, moreover, deep concern* at the reported issuing of arrest warrants for the six persons mentioned above, and the arrest of four of them on reportedly arbitrary grounds and in violation of procedural rules; and *wishes to ascertain* as a matter of urgency the legal and factual grounds to justify the issuing of such warrants, as well as the arrest and detention of the persons concerned;
8. *Urges* the National Assembly and the competent authorities to return to the negotiating table, and *requests* the Assembly to receive urgently the planned IPU follow-up mission so that it can resume its good offices function in support of political dialogue, which alone can 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;
9. *Requests* the Secretary General to convey this resolution to the Presidents of the National Assembly and of the Senate;
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 120<sup>th</sup> Assembly of the IPU (April 2009).

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<sup>2</sup> A/HRC/9/14, 15 August 2008.

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

***Resolution adopted unanimously by the IPU Governing Council at its 183<sup>rd</sup> session  
(Geneva, 15 October 2008)***

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/183/12(b)-R.1), and to the resolution adopted at its 182<sup>nd</sup> session (April 2008),

*Recalling* that all these persons were Colombian congressmen and members of the *Unión Patriótica* (Patriotic Union) party and that none of the murderers of five of the six then congressmen nor 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, which includes - 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 adopted its confidential preliminary report in mid-August 2008 on the case of Mr. Cepeda, which it subsequently sent to the Colombian authorities, and that it is likely to adopt its report on the *Unión Patriótica* case shortly; that the petitioners in the case of Mr. Cepeda have already stated their wish to the Commission that the case be referred to the Inter-American Court of Human Rights, which, if this occurs, is expected to consider the case before the end of 2009 or early in 2010; *recalling* that the Committee has been requested to act as *amicus curiae* in each of these cases should they come before the Court,

*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",

1. *Recalls* that the Inter-American Convention on Human Rights, to which the State of Colombia is a party, and the jurisprudence developed by its supervisory bodies firmly guarantee the right to justice, truth and reparation for victims of human rights violations;
2. *Reaffirms its conviction* that a full and swift examination of the case of Mr. Cepeda and that of the *Unión Patriótica* by the Inter-American Commission on Human Rights and, if necessary, the Inter-American Court is essential to helping effectively protect these rights in both cases;
3. *Notes therefore with satisfaction* that the Inter-American Commission has presented its preliminary report in the case of Mr. Cepeda; *trusts* that the authorities have given it full consideration and acted on any recommendations that the Commission may have made; *would greatly appreciate* receiving information on developments in the consideration of the case of Mr. Cepeda by the Inter-American system, if and when this becomes publicly available;

4. *Trusts* that the Commission will soon adopt its report on the *Unión Patriótica* case; *would greatly appreciate* being kept informed in this respect;
5. *Is confident* that, through its oversight role, the Colombian Congress is doing everything in its power to ensure that the competent authorities take the necessary action to comply with Colombia's obligations under the Inter-American Convention in the cases at hand; *would greatly appreciate* receiving information on this point;
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 120<sup>th</sup> Assembly of the IPU (April 2009).

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**CASE No. CO/121 - PIEDAD CORDOBA - COLOMBIA**

***Resolution adopted unanimously by the IPU Governing Council at its 183<sup>rd</sup> session  
(Geneva, 15 October 2008)***

The Governing Council of the Inter-Parliamentary Union,

*Referring* to the case of Ms. Piedad Córdoba, a member of the Senate of Colombia and vocal critic of the Colombian Government, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/183/12(b)-R.1), and to the resolution adopted at its 182<sup>nd</sup> session (April 2008),

*Taking into account* the communication from the Prosecutor General's Office of 16 July 2008,

*Recalling* that Senator Córdoba was abducted and held by the paramilitary group *Autodefensas Unidas de Colombia* (AUC) between 21 May and 4 June 1999, and that a suspect has been identified, detained and heard in this case,

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

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

*Noting* that, despite the Committee's many requests, no substantive information has been forthcoming from the source in this case,

1. *Remains deeply concerned* at the de facto impunity of those who have shown, in either word or deed, their intention to kill Senator Córdoba;
2. *Stresses* that her only effective protection ultimately combines an appropriate security detail with resolute and effective action to identify the culprits and bring them to trial;
3. *Calls on* the authorities, under their obligation to make a determined effort to hold perpetrators of human rights abuses to account, to pursue this matter with the utmost urgency and diligence; *reaffirms* in this respect that, through its oversight role, the Colombian Congress has a responsibility and is indeed provided with an opportunity to help ensure that such an effort is made at all times;
4. *Considers* that, although the concerns in this case are very serious, the prolonged silence of the source prevents it from examining the case effectively any further;

5. *Decides therefore* to close its examination of the case, while reserving the right to reopen it should any information be forthcoming to warrant such action;
  6. *Requests* the Secretary General to convey this resolution to the competent authorities and to the source
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**CASE No. CO/122 - OSCAR LIZCANO - COLOMBIA**

***Resolution adopted unanimously by the IPU Governing Council at its 183<sup>rd</sup> session  
(Geneva, 15 October 2008)***

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/183/12(b)-R.1), and to the resolution adopted at its 182<sup>nd</sup> session (April 2008),

*Recalling* that Mr. Lizcano was kidnapped by the Revolutionary Armed Forces of Colombia (FARC) on 5 August 2000 and that in early April 2008 a video was circulated in which he appeared seriously weakened,

*Considering* that on 9 October 2008 the Colombian High Commissioner for Peace confirmed before the Colombian Congress that Mr. Lizcano's health was precarious, stating that the President of Colombia had authorized two persons to maintain contact with the FARC section holding Mr. Lizcano and that those contacts had been in place for three weeks,

*Considering* that the Colombian Armed Forces liberated Ms. Ingrid Betancourt and fourteen other hostages held by FARC on 2 July 2008; *recalling* that five former congressmen and Ms. Clara Rojas, Ms. Betancourt's former assistant, were released by FARC in early 2008, and that FARC continues to hold an estimated 700 persons in captivity,

*Recalling furthermore* that the Colombian Congress set up the parliamentary Ad Hoc Committee on Peace and a Humanitarian Agreement to promote the conclusion of a humanitarian agreement,

1. *Welcomes with deep satisfaction* the fact that Ms. Betancourt and fourteen other hostages have recovered their freedom after years of captivity by FARC and agonizing uncertainty for them and their families;
2. *Is encouraged by* the wave of releases that have taken place since the beginning of the year and the efforts made to obtain the liberation of Mr. Lizcano, whose precarious health requires urgent medical attention;
3. *Trusts* that the Government of Colombia and FARC will act with resolve to obtain the release of Oscar Lizcano and the swift conclusion of a humanitarian agreement leading to the release of all hostages held by FARC;
4. *Is confident* that the parliamentary Ad Hoc Committee on Peace and a Humanitarian Agreement is keeping up its important work to this end, and *wishes to ascertain* the steps it has recently taken in this respect;
5. *Recalls* that the abduction of persons who play no active part in hostilities is explicitly prohibited under international humanitarian law, and *calls on* FARC to release its civilian hostages immediately and unconditionally and to refrain from the unlawful practice of kidnapping;
6. *Requests* the Committee to continue examining this case and report to it at its next session, to be held on the occasion of the 120<sup>th</sup> Assembly of the IPU (April 2009).

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

***Resolution adopted unanimously by the IPU Governing Council at its 183<sup>rd</sup> session  
(Geneva, 15 October 2008)***

The Governing Council of the Inter-Parliamentary Union,

*Referring* to the case of Mr. Jorge Tadeo Lozano Osorio, a former member of the Colombian Congress, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/183/12(b)-R.1), and to the resolution adopted at its 182<sup>nd</sup> session (April 2008),

*Taking account* of the information provided by the Coordinator of the Human Rights and Hearings Committee of the Colombian Senate, dated 17 September 2008,

*Taking account also* of the information regularly provided by the source,

*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,

*Considering* that by Decision C-545/08 of 28 May 2008, the Colombian Constitutional Court recognized for the first time that the constitutional procedure applicable to criminal proceedings against members of the Colombian Congress, such as Mr. Lozano at the time, in which the Supreme Court Penal Chamber acts as both prosecutor and judge, was not in keeping with respect for the right to a fair trial and had to be modified accordingly; that a bill of law is now pending before the Colombian Congress to change the procedure accordingly along with introducing the possibility of appeal,

*Considering* that on 23 July 2008, Mr. Lozano's son, Mr. Ivanovich Lozano, was murdered in the streets of Medellin; that four weeks before his death, Mr. Lozano received direct and indirect extortionist threats, which were brought to the attention of the city's competent police authorities (Gaula), who nevertheless reportedly took no action; *recalling* that, in the past, several attempts have apparently been made to silence Mr. Lozano and that his security and that of his family had 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,

1. *Is shocked* at the killing of Mr. Lozano's son and the apparent inaction of the authorities in the face of the threats communicated to them; *calls on* the authorities, in keeping with their duty, to do everything in their power to conduct a full investigation into the murder with a view to identifying and bringing to trial the culprits and to provide Mr. Lozano and his family with the necessary protection; *would greatly appreciate* receiving information on what steps have been taken to this end;
2. *Reiterates its call* on the Inter-American Commission to give full and swift consideration to Mr. Lozano's petition so as to help redress the injustice he has suffered; *considers* that the decision by Colombia's Constitutional Court lends the petition further weight as it constitutes a public and official acknowledgement by the Colombian courts at the highest level that, on an essential point, the legal procedure followed in his case was flawed; *anxiously awaits* the Commission's decision, which it hopes, in the light of precedents and the latest Colombian jurisprudence, will be positive;
3. *Notes with satisfaction* that the Colombian Congress is reviewing the procedure applicable to criminal cases against its members; *trusts* that a new procedure which ensures full compatibility with fundamental fair trial standards, including the right to appeal and non-discrimination of members of parliament, will soon be in place; *would greatly appreciate* being kept informed of progress in this respect;

4. *Requests* the Secretary General to inform the Colombian Congress, the Inter-American Commission 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 120<sup>th</sup> Assembly of the IPU (April 2009).

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

***Resolution adopted unanimously by the IPU Governing Council at its 183<sup>rd</sup> session  
(Geneva, 15 October 2008)***

The Governing Council of the Inter-Parliamentary Union,

*Referring* to the case of Mr. Gustavo Petro Urrego, a member of the Colombian Senate and vocal critic of the Colombian Government, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/183/12(b)-R.1), and to the resolution adopted at its 182<sup>nd</sup> session (April 2008),

*Taking into account* the communication from the Prosecutor General's Office of 16 July 2008,

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

*Noting* that, despite its many requests, no substantive information has been forthcoming from the source in this case,

1. *Remains deeply concerned* that, with possibly one exception, those behind the numerous death threats against Mr. Petro have enjoyed de facto impunity;
2. *Stresses* that ultimately his only effective protection combines an appropriate security detail with resolute and effective action to identify the culprits and bring them to trial;
3. *Calls on* the authorities, under their obligation to make a determined effort to hold perpetrators of human rights abuses to account, to pursue this matter with the utmost urgency and diligence; *reaffirms* in this respect that, through its oversight role, the Colombian Congress has a responsibility and is indeed provided with an opportunity to help ensure that such an effort is made at all times;
4. *Considers* that, although the concerns in this case are very serious, the prolonged silence of the source prevents it from further examining the case effectively;
5. *Decides therefore* to close its examination of the case, while reserving the right to reopen it should any information be forthcoming to warrant such action;
6. *Requests* the Secretary General to convey this resolution to the competent authorities and to the source.

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**CASE No. CO/140 - WILSON BORJA - COLOMBIA**

***Resolution adopted unanimously by the IPU Governing Council at its 183<sup>rd</sup> session  
(Geneva, 15 October 2008)***

The Governing Council of the Inter-Parliamentary Union,

*Referring* to the case of Mr. Wilson Borja, an incumbent member of the Colombian Congress and vocal critic of the Colombian Government, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/183/12(b)-R.1), and to the resolution adopted at its 182<sup>nd</sup> session (April 2008),

*Taking account* of the information provided by the source on 11 August 2008,

*Considering* the following information on file:

- Mr. Wilson Borja suffered an attempt on his life on 15 December 2000, after he had received repeated death threats; on 26 August 2005, an indictment was brought against five accused who had not yet been apprehended following the sentencing of four persons to prison terms ranging between 28 and 60 years; one of the convicts, Army Major César Alonso Maldonado Vidales, escaped from the Military Police Battalion 13 detention centre in November 2004, even though he was being guarded by some 30 prison officers, but was captured again on 15 July 2008; two army officers were punished - one for a disciplinary offence leading to his suspension for 80 days and the other to a two-year suspended prison sentence - for their responsibility in the escape; two of the other convicts, former Sergeant Evangelista Basto Bernal and Mr. Regulo Rueda Chávez were reportedly included by the Colombian Government in the list of those enjoying the privileges offered under the Justice and Peace Law, which is applicable exclusively to demobilized members of illegal armed groups, on the grounds that they belonged to the *Bloque Centauros* of the *Autodefensas Unidad de Colombia*, even though no such claim had been made by this group itself; given the time already spent in detention, these persons may soon be released; the alleged masterminds of the attack, paramilitary leaders Salvatore Mancuso and Evert Veloza Garcia (alias "HH"), will reportedly stand trial in the United States of America, but only on drug-related charges;
- There have reportedly been deficiencies on several occasions (starting in May 2006) in Mr. Borja's protection scheme, in particular with respect to his security vehicles, about which he has regularly complained to the Ministry of Interior and Justice without any action being taken; Mr. Borja has therefore felt obliged on several occasions, most recently at the end of March 2008, to stay at home until his security was fully ensured;
- Following the killing on 1 March 2008 by the Colombian military of high-ranking FARC member Raúl Reyes and the discovery of reportedly compromising material in his computers, on 22 May 2008 the Attorney General requested the Colombian Supreme Court to investigate Mr. Borja, along with others, for his alleged links with the Revolutionary Armed Forces of Colombia (FARC); on 4 July 2008, the Supreme Court opened a preliminary investigation in this respect; the source affirms that the documents found are written by others in which Mr. Borja's name appears, as do those of many others, and described his public activities as a parliamentarian and previously as a labour union leader; the source affirms that the authorities passed the collected information to selected media even though the investigation was 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,

*Recalling* that Mr. Borja has been a strong and persistent advocate for a peaceful solution to the conflict in Colombia,

1. *Is deeply concerned* at the reportedly recurring problems in Mr. Borja's security detail; *can but consider* that the failed attempt on his life shows that his protection has to be taken extremely seriously and that, by not addressing his complaints diligently and swiftly, the authorities are responsible for putting him at great and unnecessary risk; *urges* the Colombian authorities to ensure, as is their duty, that an effective security arrangement is in place for Mr. Borja at all times; *wishes* to receive confirmation on this point;
2. *Expresses deep concern* about the actual enforcement of prison sentences in the case of the attack on Mr. Borja's life; *considers* that the escape in suspicious circumstances of the army Major bearing chief responsibility for the crime and the limited action to hold those responsible to account, together with the proposed reduction of sentence for two convicts on highly contested grounds, raise doubts about how sincerely the authorities are seeking to ensure full justice in this case; *considers* that, as the main convicts were serving or former members of the armed forces, the authorities have an even greater responsibility to ensure that they are indeed serving their sentences, and *urges* them to take all necessary measures to this end; *would greatly appreciate* receiving further information in this respect;

3. *Is deeply concerned* that the criminal investigation instituted against Mr. Borja is taking place in a climate in which, along with other vocal opponents to the current government, he is publicly discredited and, in disrespect of the presumption of innocence, is labelled a FARC associate before any court of law has ruled on these serious accusations; *calls on* the authorities to refrain from making such statements and to let justice take its course; *trusts* that the investigation and proceedings are carried out diligently and independently and that they fully respect Mr. Borja's rights; *wishes* to be informed of the precise accusations, and the facts underpinning them, against Mr. Borja and the stage reached in the proceedings before the Supreme Court;
4. *Considers* that the Congress of Colombia has a special responsibility to ensure that its members can exercise their parliamentary mandate free of any threat or intimidation, and therefore *calls upon* Congress to do everything in its power to ensure due administration of justice in all proceedings relating to Mr. Borja, and the provision of appropriate security arrangements for him; *would greatly appreciate* receiving information on any steps taken in this respect, including by the Committee on Accusations of the House of Representatives, on Mr. Borja's complaint;
5. *Requests* the Secretary General to convey this resolution to the competent authorities and to the source;
6. *Requests* the Committee to continue examining this case and report to it at its next session, to be held on the occasion of the 120<sup>th</sup> Assembly of the IPU (April 2009).

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#### 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	CASE No. DRC/47 - RENE ISEKEMANGA

***Resolution adopted unanimously by the IPU Governing Council at its 183<sup>rd</sup> session  
(Geneva, 15 October 2008)***

The Governing Council of the Inter-Parliamentary Union,

*Having before it* the case of the above-mentioned parliamentarians, all elected members of the National Assembly of the Democratic Republic of the Congo (DRC) whose mandates were invalidated, 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/183/12(b)-R.1),

*Taking into consideration* the information and observations provided to the Committee by members of the Congolese delegation to the 119<sup>th</sup> IPU Assembly on the occasion of a hearing organized for it,

*Also taking into consideration* the information provided on that occasion by Mr. Chalupa and Mr. Diongo,

*Considering* the following information on file:

- the mandates of the persons in question, all declared elected in the first multiparty elections held in the Democratic Republic of the Congo (July 2006), were invalidated by Judgment R.E. 007 delivered by the Supreme Court of Justice on 5 May 2007; given the considerable criticism voiced of how the Court ruled on the electoral appeals, and in particular the fact that it handed down most of those rulings outside the two-month time limit set by the electoral law and allowed third-party objections, not provided for under that law, the National Assembly decided to establish a “Special Committee to examine follow-up to be taken on the rulings of the Supreme Court of Justice with respect to the electoral disputes of the national deputies”; in its final report of 24 May 2007, the Special Committee finds many irregularities committed by the Court, including the removal from office of non-existent deputies, modification of the method of voting, removal of the deputies for whom no appeal had been lodged and their replacement with candidates having received fewer votes, the absence of any recount of votes under cross-checking conditions despite an interim order issued by the Court on 9 February 2007 directing such a recount, and despite the legal provisions on the subject, inflating of the number of votes in some constituencies beyond the real number of voters; the Special Committee submitted two proposals to the Assembly, namely (a) rejection of the rulings given outside the time limit on the grounds of excess of jurisdiction, and (b) application of Judgment R.E. 007 of 5 May 2007;
- in its resolution of 17 July 2007, the National Assembly adopted a resolution on this case denouncing the rulings of the Supreme Court of Justice as being “marred by serious irregularities and abuse of rights”; the resolution requests 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 resolution further requests the Higher Council of Magistrates “to assume its responsibilities and institute disciplinary proceedings against the offending magistrates of the Supreme Court of Justice. Magistrates found guilty should be disbarred and banned from any judicial and legal professions”; with respect to the rulings under consideration, the National Assembly, in order not to “go from irregularity to irregularity”, recommended their application in keeping with Articles 151 and 158 of the Constitution, while nevertheless demanding that all material errors committed by the Supreme Court of Justice be corrected by the Court itself;
- following that resolution the parliamentarians concerned were replaced by persons declared to have been elected by the Supreme Court of Justice and, according to the sources, close to the President of the Republic;
- the parliamentarians concerned, who constituted the “Group of Deputies victims of injustice and discrimination (G 18)”, argue that, although Articles 151 and 168 establish the immediate enforceability of the rulings of the Constitutional Court/ Supreme Court of Justice, that body is nevertheless subject to the authority of the law and bound to respect it (Article 150 of the Constitution); that had not happened as the Court had breached several provisions not only of the electoral law but also of the Constitution, a state of affairs determined by the National Assembly itself;
- the inter-institutional meeting recommended in the National Assembly was held on 23 July 2007 under the direction of the President of the Republic, and at the meeting the First President of the Court agreed to the correction of two cases of material error in Judgment R.E. 007; however, according to the sources, the results of the meeting were not made public;
- following a request for the correction of material error, the Supreme Court of Justice, by judgment delivered on 14 December 2007, reinstated two of the parliamentarians concerned, Ms. Dembo and Mr. Kingotolo, and two other parliamentarians concerned accepted posts on boards of directors of public enterprises and one parliamentarian concerned, standing in a by-election, was not re-elected;

- in the judgment it delivered in the case of Ms. Dembo, the Supreme Court noted, *inter alia*, that "it is accepted that the judge cannot refuse to rectify a material error ... , that the electoral magistrate is judge of the accuracy and genuineness of the result and that, in the case under consideration, the rectification of such errors, to the extent that they concern figures, is such as will restore the genuineness of the ballot",

*Considering* that the invalidation of the election of the other persons concerned is also due to material errors, as evident from the documents on file; but that the Supreme Court refused to receive the applications for rectification of material error submitted by Mr. Chalupa and Mr. Diongo, apparently by order of the Office of the President of the Republic, and that when Mr. Chalupa and Mr. Diongo sent their applications by DHL, the Court simply returned them by DHL after an interval of 20 days, proof of which was provided to the Committee,

*Considering* that, in its meeting with the Committee, the Congolese delegation contended that, owing to the separation of powers and the fact of the final character of Supreme Court judgments and the obligation of all State institutions to apply them, the National Assembly would have caused a grave institutional crisis had it refused to apply Judgment R.E. 007; that the National Assembly was conscious of the need not only to reform the judicial system, but also to find solutions for repairing the injustices done to the parliamentarians concerned, and *noting* that the National Assembly invited the Committee in this respect to carry out an on-site mission to contribute to the settlement of this matter,

*Considering* lastly 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 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, respectively,

1. *Thanks* the delegation of the Democratic Republic of the Congo for its cooperation;
2. *Emphasizes* that the arbitrary invalidation of election results, by distorting the truth of the ballot box, 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 their electors to be represented by persons of their choice; *commends* the fact that the National Assembly has clearly voiced its disapproval of the arbitrary invalidation of the parliamentarians concerned and has stated its readiness to repair the injustice done to them;
3. *Is alarmed* at the refusal of the Supreme Court to rule on the applications for rectification of material error duly filed, and *affirms* that such refusal constitutes a grave fault denying the persons concerned their fundamental right of access to justice and throws unflattering light on how the highest jurisdiction of the country administers justice;
4. *Therefore urges* the authorities immediately to redress this state of affairs, which is an affront to a fundamental principle of democracy, namely that the results of free and fair elections must be respected;
5. *Welcomes* the invitation extended to the Committee to carry out an on-site mission with a view to contributing to the rapid settlement of this case, and *requests* the Secretary General and the Committee to take the necessary steps to this end;
6. *Requests* the Secretary General to convey this resolution to the President of the National Assembly;
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 120<sup>th</sup> Assembly of the IPU (April 2009).

**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 183<sup>rd</sup> session  
(Geneva, 15 October 2008)***

The Governing Council of the Inter-Parliamentary Union,

*Referring* to the case of Mr. Jaime Ricaurte Hurtado González and Mr. Pablo Vicente Tapia Farinango, 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/183/12(b)-R.1), and to the resolution adopted at its 182<sup>nd</sup> session (April 2008),

*Taking account* of the information provided by the President of the Special Commission of Inquiry and the Commission's legal adviser at the hearing held with the Committee on 15 July 2008,

*Recalling* the following:

- the Special Commission of Inquiry (CEI) set up immediately after the murder to help elucidate the crime has from the outset sharply criticized the conduct of the investigation authorities, in particular the line of inquiry that the police presented in their preliminary report and as announced on 19 February 1999 by the then President of the Republic, namely that the motive for the killing was Jaime Hurtado's links with the Colombian guerrilla movement, which conclusion has subsequently never been elaborated or substantiated;
- the CEI has pointed to numerous inconsistencies in the police investigation and concluded that deliberate efforts were made by some police officers to thwart its conduct; the CEI also expressed its strong disapproval of the inactive attitude of the prosecuting authorities and the courts when it came to shedding full light on the murder, in particular that they took the preliminary police conclusions at face value;
- the CEI conducted an extensive inquiry that took account of Mr. Hurtado's critical stance on the then Government and his investigations into corruption cases, which are said to have led him to unravel a web of drug trafficking featuring high-profile figures from both banking and political circles; none of the serious leads presented in this regard in the CEI's extensive reports has so far been seriously investigated or taken into account by the prosecuting authorities;
- on 23 October 2003, the judge in the case declared the plenary phase of the trial open against six accused, while ordering a stay of proceedings against 21 other persons, mainly police officers; on 20 December 2005, Mr. Freddy Contreras Luna was sentenced to 16 years in prison for his involvement in the triple murder; he started serving his sentence on 20 January 2006; an appeal against the ruling is pending before the Supreme Court; on 3 February 2007, Mr. Steven Ponce was arrested in the United States of America, extradited to Ecuador and subsequently sentenced to 16 years in prison for his part in the crime; the CEI affirms that neither of the judgments takes into consideration any of its findings; the proceedings against the four accused who are at large remain suspended and those against the 21 other persons continue to be stayed,

*Considering* that the CEI has completed its inquiry and is now concentrating on ensuring that the full truth is ascertained about the triple murder and its mastermind(s), and that in this respect it is participating in the appeal proceedings in the case of Mr. Contreras, arguing that the basis for his conviction in fact invalidates the preliminary findings of the police on the motive of the murder, and in order to ensure that the Court takes full account of its conclusions,

*Considering* that the CEI is preparing a submission to the Inter-American Commission on Human Rights to obtain a ruling 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 in Ecuador the offence of murder is subject to a ten-year statute of limitations,

1. Urges the authorities to take full account of the CEI's findings since its thorough investigation has provided substantive leads and revealed serious contradictions and omissions in the conduct of the competent authorities in this case, which, if not taken seriously, can only lend credence to the allegation that a deliberate effort has been made to prevent the full truth from emerging;
2. Trusts that, at this crucial juncture, the authorities are doing their utmost to ensure that the accused who remain at large are apprehended and can still be prosecuted, particularly since such proceedings would offer a fresh opportunity to give critical consideration in court to all the material on file in this case, in particular the work of the CEI;
3. Is confident that in the meantime the appeal proceedings concerning Mr. Contreras are taking due account of the findings of the CEI, and wishes to be kept informed in this respect;
4. Would also appreciate being kept informed of developments regarding the submission of the petition to the Inter-American Commission on Human Rights;
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;
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 120<sup>th</sup> Assembly of the IPU (April 2009).

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#### ECUADOR

CASE No. EC/11 - F. AGUIRRE CORDERO	CASE No. EC/39 - J. E. ITURRALDE MAYA
CASE No. EC/12 - A. ALVAREZ MORENO	CASE No. EC/40 - F. J. JALIL SALMON
CASE No. EC/13 - F. ALARCON SAENZ	CASE No. EC/42 - C. LARREATEGUI NARDI
CASE No. EC/14 - N. MACIAS	CASE No. EC/43 - I. G. MARCILLO ZABALA
CASE No. EC/15 - R. AUQUILLA ORTEGA	CASE No. EC/44 - M. MARQUEZ GUTIERREZ
CASE No. EC/16 - A. E. AZUERO RODAS	CASE No. EC/45 - C. R. MAYA MONTESDEOCA
CASE No. EC/17 - E. A. BAUTISTA QUIJE	CASE No. EC/46 - J. I. MEJIA ORBE
CASE No. EC/18 - R. V. BORJA JONES	CASE No. EC/47 - E. MONTAÑO CORTEZ
CASE No. EC/19 - S. G. BORJA BONILLA	CASE No. EC/48 - L. U. MORALES SOLIS
CASE No. EC/20 - F. G. BRAVO BRAVO	CASE No. EC/49 - T. A. MOSCOL CONTRERAS
CASE No. EC/21 - M. L. BURNEO ALVAREZ	CASE No. EC/50 - B. L. NICOLALDE CORDERO
CASE No. EC/22 - J. C. CARMIGNIANI GARCES	CASE No. EC/51 - A. L. NOBOA YCAZA
CASE No. EC/23 - J. H. CARRASCAL CHIQUITO	CASE No. EC/52 - X. E. NUÑEZ PAZMIÑO
CASE No. EC/24 - L. O. CEDEÑO ROSADO	CASE No. EC/53 - C. G. OBACO DIAZ
CASE No. EC/25 - F. A. COBO MONTALVO	CASE No. EC/54 - L. A. PACHALA POMA
CASE No. EC/26 - E. G. CHAVEZ VARGAS	CASE No. EC/55 - J. F. PEREZ INTRIAGO
CASE No. EC/27 - L. A. CHICA ARTEAGA	CASE No. EC/56 - M. X. PONCE CARTWRIGHT
CASE No. EC/28 - P. DEL CIOppo ARANGUNDI	CASE No. EC/57 - H. L. ROMERO CORONEL
CASE No. EC/29 - M. S. DIAB AGUILAR	CASE No. EC/58 - W. F. ROMO CARPIO
CASE No. EC/30 - J. DURAN MACKLIFF	CASE No. EC/59 - G. M. SALTOS ESPINOZA
CASE No. EC/31 - E. B. ESPIN CARDENAS	CASE No. EC/60 - G. R. SALTOS FUENTES
CASE No. EC/32 - L. E. FERNANDEZ CEVALLOS	CASE No. EC/61 - M. L. SANCHEZ CIFUENTES
CASE No. EC/33 - P. FIERRO OVIEDO	CASE No. EC/62 - S. E. SANCHEZ CAMPOS
CASE No. EC/34 - O. P. FLORES MANZANO	CASE No. EC/63 - A. SERRANO VALLADARES
CASE No. EC/35 - A. G. GALLARDO ZAVALA	CASE No. EC/64 - L. F. TAPIA LONBEIDA
CASE No. EC/36 - M. V. GRANIZO CASCO	CASE No. EC/65 - L. F. TORRES TORRES
CASE No. EC/37 - A. X. HARB VITERI	CASE No. EC/66 - W. VALLEJO GARAY
CASE No. EC/38 - O. IBARRA SARMIENTO	CASE No. EC/67 - N. VITERI JIMENEZ

*Resolution adopted unanimously by the IPU Governing Council at its 183<sup>rd</sup> session  
(Geneva, 15 October 2008)*

The Governing Council of the Inter-Parliamentary Union,

*Referring to the case of the former members of the Parliament of Ecuador listed above, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/183/12(b)-R.1), and to the resolution adopted at its 182<sup>nd</sup> session (April 2008),*

*Taking account* of the information provided by the Vice-President of the Supreme Electoral Court at the hearing held with the Committee on 15 July 2008 and of his letter of 7 September 2008,

*Taking account also* of the information provided regularly by the source,

*Recalling* the following undisputed information on file:

- On 7 March 2007, the Supreme Electoral Court (TSE) dismissed 56 Congress members and debarred them for one year from participating in political life, declaring that they had interfered with the electoral process by voting in favour of the two National Congress resolutions calling for the dismissal and replacement of the TSE President, for lodging with the Constitutional Court an application for annulment of the resolution by the TSE to call for the referendum on the establishment of a Constituent Assembly as being unconstitutional, and for proposing impeachment proceedings against the four TSE members who had approved the resolution for a referendum; the dismissed members of Congress, who constituted more than half of its total membership, continued to meet in Quito, though outside of the parliamentary premises, as the Parliament of Ecuador;
- On 23 April 2007, the Constitutional Court ruled that the revocation of the mandates of the Congress members was unlawful, whereupon the TSE filed a request for clarification and amplification; on 24 April 2007, the National Congress, which had meanwhile replaced most of the dismissed parliamentarians with their substitutes, decided to dismiss the judges of the Constitutional Court on the grounds that their mandate had expired in January 2007;
- On 25 July 2007, the newly-designated Constitutional Court overturned their predecessor's decision of 23 April 2007, finding constitutional breaches and procedural flaws, the new decision being unappealable and hence final;
- On 12 October 2007, the dismissed parliamentarians presented a formal petition regarding their situation to the Inter-American Commission on Human Rights;
- On 10 January 2008, the Pichincha District Attorney General reactivated a previous request that criminal proceedings be instituted against 24 of the dismissed deputies for compromising State security and for overstepping their functions by setting up an unlawful parallel congress, which proceedings, if pursued, may again affect their political rights, the suspension of which - as part of the decision by the TSE to revoke their parliamentary mandate - expired in March 2008,

*Considering* that, on 28 September 2008, the people of Ecuador approved the draft Constitution; that elections for the newly created National Assembly, to replace the Congress, are expected to be held in early 2009,

1. *Thanks* the Vice-President of the Supreme Electoral Court for his cooperation and the extensive information provided in this complex case;
2. *Remains nevertheless convinced* that the case raises fundamental concerns regarding a breach of parliamentary immunity and the unlawful revocation of the parliamentary mandate of more than half of the members of the Ecuadorian Congress;
3. *Notes* that since then significant developments have taken place in Ecuador, the most notable and recent being the adoption of a new Constitution by the people setting out a new institutional framework for the country;
4. *Trusts* that the 56 dismissed deputies can all stand in the forthcoming legislative elections should they so wish; *calls therefore on* the authorities to shelve any legal action that may be under way against 24 of the dismissed deputies in connection with activities directly linked to their parliamentary mandate and its revocation; *would greatly appreciate* receiving information on this point;
5. *Requests* the Secretary General to convey this resolution to the competent authorities and to the source;
6. *Requests* the Committee to continue examining this case and report to it at its next session, to be held on the occasion of the 120<sup>th</sup> Assembly of the IPU (April 2009).

**CASE No. EGY/02 - AYMAN NOUR - EGYPT**

***Resolution adopted unanimously by the IPU Governing Council at its 183<sup>rd</sup> session  
(Geneva, 15 October 2008)***

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 that the communication regarding him was submitted, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/183/12(b)-R.1), and to the resolution adopted at its 182<sup>nd</sup> session (April 2008),

*Taking account* of the letter from the Speaker of the People's Assembly of 29 May 2008 whereby he conveyed the Attorney General's response to its request for a Committee delegation to be authorized to visit Mr. Nour; *also taking account* of his letter of 31 August and of his letter of 13 October 2008, which was hand-delivered to the IPU Secretariat,

*Considering* that Mr. Ayman Nour, founder of the opposition Al-Ghad party, who stood in the presidential elections of September 2005 in which he came second to president Mubarak, had his parliamentary immunity lifted on 29 January 2005, and was forthwith arrested on charges of forgery and counterfeiting for the purpose of founding his party; on 24 December 2005, he was found guilty and sentenced to a five-year prison term, which was upheld at final instance and which he is now serving; Mr. Nour's state of health is said to be poor; a petition for release on medical grounds which Mr. Nour filed in August 2006 was rejected on the basis of an official medical report conveyed to the prison authorities in January 2007 to the effect that Mr. Nour's continuing imprisonment did not endanger his life; appeals against that decision were rejected, on 31 May 2007 by the Cairo Felonies Court, on 31 July 2007 by the State Council and at final instance, on 17 March 2008, by the High Administrative Court; in mid-May 2007, Mr. Nour was assaulted by security officers in court where he had to attend a hearing in connection with another case; on 6 September 2007, one of Mr. Nour's co-accused, Mr. Ayman Hassan Ismail El-Refay, who had retracted his statement against Mr. Nour, was found hanged in his cell, which he shared with three other prisoners; the authorities claim he committed suicide,

*Noting* more particularly the following details, as outlined in the Committee's report:

- Mr. Nour's parliamentary immunity was lifted in less than one day, the Speaker having received the request for the lifting on Friday, 29 January 2005 at 1 a.m., the Committee on Constitutional and Legislative Affairs having met from 11 to 11.35 a.m. to discuss the case and the plenary from 12.20 to 2 p.m. when it voted in favour of the lifting of Mr. Nour's immunity; the sources have pointed out that procedures for the lifting of immunity normally take several months, even years, and mentioned in this context the cases of Mr. Fa'ek El Tenneih, Mr. Ragab Helal Hemeida, Mr. Hany Serour, Mr. Emad El-Gelda and Mr. Mamadou Ismail (a member of the Upper House), accused, respectively, of falsifying powers of attorney, furnishing contaminated blood to hospitals, corruption and manslaughter;
- Mr. Nour was accused, and later convicted, for having forged signatures to obtain the registration of his political party for which, according to Article 7 of the Law on Political Parties, 50 signatures are required; the Speaker stated in this respect that Mr. Nour, who had already gathered more than the 50 signatures, required more than 50 signatures because previous applications for registration had been rejected and a greater number of signatures would be "a proof of the popularity of the party" and have a stronger impact on the decision by the Political Parties Affairs Committee; however, according to the sources, Mr. Nour's previous applications were rejected not owing to a lack of signatures but because the party's programme, in the view of the Political Parties Affairs Committee, did not differ from other political parties' programmes;
- Ayman Hassan Ismail, one of Mr. Nour's co-accused, retracted his statement against Mr. Nour in court, claiming that it had been extracted from him under pressure; the Court concluded that no evidence as to such coercion had been adduced; while in prison, Hassan Ismail asked to be authorized to make new statements regarding the Nour case. Mr. Nour informed the prosecutor of that on 21 August and again on 1 September 2007, forwarding to him a report which he had received from Ayman Hassan Ismail and requested - to no avail - that he be heard by the

Prosecutor. On 6 September 2007, Mr. Ayman Hassan Ismail was found hanged in his cell, which he shared with three other prisoners. According to the authorities, he had hanged himself with his bed sheet at the cell door, his cellmates having noticed nothing and found him dead at the time of the morning prayers. The authorities affirm that Mr. Ayman Hassan Ismail had committed suicide. The Prosecutor has refused repeated requests by Mr. Nour to be heard in this respect; he reportedly also refused to answer Mr. Nour's reiterated petitions for a retrial;

- Mr. Nour has not been granted a full review of the merits of his case, since the Cassation Court is competent only to oversee the proper application of the law but not to look into the merits of a case;
- On 12 May 2007, while in court attending a labour lawsuit, Mr. Nour was reportedly assaulted and beaten by security officers because, owing to his state of health, he refused to walk up several flights of stairs and had requested use of the lift, complaining of joint problems; the authorities shelved his complaint against the officers in question stating that testimony gathered proved the accusations against them to have been false; according to the sources, the case has never been submitted to court;
- Mr. Nour suffers from various ailments, in particular diabetes and high blood pressure; he has a heart condition and has stents implanted, for which reason he lodged a petition for his early release on health grounds pursuant to Article 36 of Law No. 396/1956, which provides for the early release of prisoners suffering from a disease endangering their life or causing permanent incapacitation; in the course of the proceedings, the Attorney General/South Cairo Prosecution established a tripartite committee to examine the matter; in January 2007, that committee concluded that "the condition of the convict is but a disease, as per the diagnosis, shown in high blood sugar and hypertension that produced neither congested cardiac failure nor stiffness of knees" and that keeping him in detention constituted "no danger to his life if placed under medical care and supervision through frequent admissions to the prison specialized hospital for follow-up and treatment"; at the request of Mr. Nour, medical doctors and university professors at Al-Qasr El-Ainy Hospital, Ain Shams University and Alexandria University drew up reports in which, on the basis of the medical data gathered by the tripartite committee, concluded that Mr. Nour's conditions were life-threatening, that continued imprisonment would render him disabled and that, moreover, some expressed doubt about how far the required treatment could be provided in prison hospitals; in its decision of 31 July 2007, the Administrative Judiciary Court concluded that it was established that Mr. Nour's ailments affected the kidneys and could narrow heart coronary blood vessels, but that it trusted the tripartite committee's report that Mr. Nour's ailments did not constitute at the time of his examination any life-threatening complication; it has been consistently alleged that Mr. Nour is not provided with the necessary medical treatment, and information provided by the authorities to the contrary has been contradicted by information from the sources;
- According to the sources, Mr. Nour is not given special meals for diabetics and medication, although a court decision of 4 September 2007 ordered the authorities meet that requirement,

*Considering* that several requests by the Committee to carry out a mission and gather first-hand information from the competent authorities and from Mr. Nour, his family and his lawyer to clarify the sometimes conflicting information on file were rejected despite the Speaker's efforts to organize the mission and, more particularly, to secure a visit to Mr. Nour, which the Attorney General, however, deemed contrary to Egyptian law and interference with the Egyptian judiciary,

*Considering* that, in May 2008, the Attorney General reiterated his previous position and stressed that there was no precedent for a foreign body or representative thereof to visit an Egyptian prisoner; *noting* in this respect that the international non-governmental organization Human Rights Watch/Middle East Watch (HRW/MEW) had been authorized to conduct a fact-finding mission to Egypt in January and February 1992 to investigate arrest and detention practices and allegations of torture of individuals held in the custody of the security forces, that the HRW/MEW delegation, composed only of foreign nationals, had been able to visit six Egyptian prisons, including Tora Liman prison, over an eight-day period, and that the public report on the mission, issued in March 1992, clearly indicates that the HRW/MEW representatives were authorized to interview prisoners in their prisons; that, however, the Prison administration, in a letter forwarded by the Speaker stated that it had no information in this respect; that, furthermore, Egyptian sociologist Professor Saad

Eddin Ibrahim, founder of two important human rights organizations, when incarcerated in Tora Farm Prison from 2000 to 2003 was visited by former Canadian Foreign Minister Flora McDonald, Ambassadors of various European Union countries, the President of the American University in Cairo, a US citizen as well as representatives of Amnesty International and Human Rights Watch,

*Noting* that in late May 2008 Mr. Nour reportedly suffered from food poisoning which severely affected his health and left marks on his skin, that he was apparently not taken to hospital until a week later; that, in his letter of 31 August 2008 the Speaker provided documents indicating that, according to the authorities, on 8 June 2008 Mr. Nour was taken to the hospital because of a suspected heart attack and received the necessary treatment before being taken back to prison,

*Bearing in mind* lastly that on 23 July 2008 President Mubarak, by Presidential Decree No. 200 pardoned over 1,500 prisoners having, like Mr. Nour, served half of their sentences; that, however, forgery was exempted from the Decree while, according to the sources, crimes such as murder, torture, corruption, espionage and state security crimes along with 60 other crimes were included and that Mr. Nour consequently was not covered by the pardon; that another pardon decree of October likewise excluded forgery from its scope; that, according to the Speaker, all presidential pardon decrees since 2002 have excluded forgery; that, however, according to the source, the majority of pardon decrees issued in the past by President Mubarak did not exclude forgery from their scope,

1. *Thanks* the Speaker of the People's Assembly for his consistent cooperation, in particular his letters of 31 August and 13 October 2008, and *regrets* that the Committee was unable to meet with him at the session it held during the 119<sup>th</sup> IPU Assembly;
2. *Deeply regrets* that the Attorney General has not authorized the Committee to visit Mr. Nour, although permission to visit Egyptian prisoners was granted in the past to foreigners, including to non-governmental human rights organizations;
3. *Remains deeply concerned* at Ayman Nour's state of health, which, as stated by the tripartite committee, requires constant medical check-ups and frequent admissions to hospital; *stresses* in this context that, in its ruling of July 2007, the Administrative Judiciary Court specified that, at the time of the examination by the tripartite committee in January 2007, there was no life-threatening condition and that since then more than 18 months have elapsed without another thorough examination of his state of health;
4. *Deeply regrets* that Mr. Nour was not covered by the pardon decrees issued in July and October this year, and *calls on* the President to pardon Mr. Nour,
5. *Believes* that it is not only Mr. Nour's state of health which would justify a pardon but also the fact that the forgery of which the Egyptian courts found him guilty did not affect the rights or life of anyone and appears to have been immaterial since Mr. Nour had gathered far more than the 50 signatures necessary in order to register the Al-Ghad Party;
6. *Recalls* that Egypt, as a member of the United Nations Human Rights Council, has pledged to uphold the highest standards in the field of human rights, and *believes* that pardoning Mr. Nour would be consonant with that commitment;
7. *Sincerely hopes* that a meeting between the Speaker of the People's Assembly and the Committee can be arranged on the occasion of the next IPU Assembly with a view to their continued dialogue, and *requests* the Secretary General to take the necessary steps to this end;
8. *Requests* the Committee to continue examining this case and report to it at its next session, to be held on the occasion of the 120<sup>th</sup> Assembly of the IPU (April 2009), when it hopes to be able to close the case following its satisfactory settlement.

## ERITREA

CASE No. ERI/01 - OGBE ABRAHA

CASE No. ERI/02 - ASTER FISSEHATSION

CASE No. ERI/03 - BERHANE GEBREGZIABEHER

CASE No. ERI/04 - BERAKI GEBRESELISSIE

CASE No. ERI/05 - HAMAD HAMID HAMAD

CASE No. ERI/06 - SALEH KEKIYA

CASE No. ERI/07 - GERMANO NATI

CASE No. ERI/08 - ESTIFANOS SEYOUM

CASE No. ERI/09 - MAHMOUD AHMED SHERIFFO

CASE No. ERI/10 - PETROS SOLOMON

CASE No. ERI/11 - HAILE WOLDETENSAE

***Resolution adopted unanimously by the IPU Governing Council at its 183<sup>rd</sup> session  
(Geneva, 15 October 2008)***

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/183/12(b)-R.1), and to the resolution adopted at its 182<sup>nd</sup> session (April 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 or tried;
- in November 2003, upon examination of a complaint concerning their situation, the African Commission on Human and Peoples' Rights found that the State of Eritrea had violated Articles 2, 6, 7(1) and 9(2) of the African Charter on Human and Peoples' Rights, which address the right to liberty and security of person, the right to a fair trial and the right to freedom of expression, and 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, Luxemburg, Portugal and Spain reported that he did not know whether "anyone from outside or a member of their family has recently visited them and observed their conditions of detention", no further reply to any request for information has been received from the Eritrean authorities, and that no other source has been able to provide any information on the current situation of the former parliamentarians,

1. *Is appalled* by the continued silence of the Eritrean authorities to its persistent pleas to end the prolonged incommunicado detention of the former parliamentarians in flagrant breach of their fundamental rights under the Constitution of Eritrea and under the African Charter on Human and Peoples' Rights;
2. *Urges* them once again to put an end to this shocking situation, which flies in the face of all respect for human dignity, by releasing the former parliamentarians forthwith;
3. *Considers* that, in the 60<sup>th</sup> anniversary year of the Universal Declaration of Human Rights, the international community, in particular the global parliamentary community, cannot remain silent in the face of such a violation, and *requests* the Secretary General to make every effort to draw international attention to this case; *invites* in particular those parliaments in the region that have strong ties with Eritrea to intervene with a view to securing the release of the persons concerned;
4. *Appeals once again* to the authorities of the African Union, the African Parliamentary Union and the Pan-African Parliament to do everything in their power to reach this objective and thus to ensure Eritrea's compliance with the decision of the African Commission on Human and Peoples' Rights in this case, and so prevent the Commission's authority from being undermined by the attitude of a party to the African Charter on Human and Peoples' Rights;

5. *Maintains its wish* to conduct an on-site visit, since it remains convinced that such a visit would help resolve this case;
6. *Requests* the Secretary General to take any other action that may lead to the release of the persons concerned;
7. *Requests* the Committee to continue examining this case and report to it at its next session, to be held on the occasion of the 120<sup>th</sup> Assembly of the IPU (April 2009).

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**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 183<sup>rd</sup> session  
(Geneva, 15 October 2008)***

The Governing Council of the Inter-Parliamentary Union,

*Referring* to the case of Mr. Gibran Tueni, Mr. Walid Eido, Mr. Antoine Ghanem and Mr. Pierre Gemayel, members of the National Assembly of Lebanon, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/183/12(b)-R.1), and to the resolution adopted at its 182<sup>nd</sup> session (April 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;
- after 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 was subsequently also entrusted with devoting part of its capacity to giving technical assistance to the Lebanese authorities with respect to several cases of attempted assassination, assassination and bombing carried out in Lebanon since 1 October 2004, including the murders of the four members of the National Assembly; its investigations have since confirmed the hypothesis of operational links between some of the possible perpetrators of these various crimes; the Commission has held regular meetings with each of the investigating judges in Lebanon in charge of the cases and with the Prosecutor General to discuss investigative leads, evaluate the status of each investigation, and identify areas where it could provide additional technical assistance,

*Recalling* that the Commission has started preparing for the transition to the Office of the Prosecutor of the Special Tribunal for Lebanon, which will have concurrent jurisdiction with the national courts and will try those alleged to be responsible for Mr. Hariri's assassination and for any other attacks since October 2004 which are "connected in accordance with the principles of criminal justice and are of a nature and gravity similar to the attack of 14 February 2005", and that on 13 November 2007 the United Nations Secretary-General appointed a new Commissioner to head the Commission and subsequently act as the Prosecutor of the Tribunal; *considering* that the mandate of the Commission has been extended until the end of 2008,

*Considering* that, in the light of the political deadlock in Lebanon during which the National Assembly failed to meet and ratify the agreement between the United Nations and Lebanon to set up the Special Tribunal, the United Nations Security Council, acting under Chapter VII of the Charter, adopted resolution 1757 on 30 May 2007, establishing the Special Tribunal and providing for the automatic entry into force of the aforesaid agreement on 10 June 2007, unless the Lebanese National Assembly agreed to ratify it before that date; *considering* that the political stalemate was only resolved after an agreement was reached by the main Lebanese political stakeholders in Qatar on 21 May 2008 and that the said agreement subsequently led to the election of a new President of Lebanon by the National Assembly and the creation of a government of national unity,

*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,

*Considering* that Mr. Sheik Saleh Aridi, a senior member of the Lebanese Democratic Party, was assassinated in a car-bomb attack in the hills east of Beirut on 10 September 2008,

1. *Is deeply concerned* that the string of assassinations of prominent politicians in Lebanon continues to this day;
2. *Remains convinced* that the - as yet unresolved - murder of four members of the National Assembly of Lebanon strongly dissuades other members from speaking out on critical issues, and is thus a threat to the institution of parliament and ultimately to the people it represents; *reaffirms* therefore that the National Assembly has a special responsibility and interest to ensure that these crimes do not go unpunished;
3. *Trusts* that the National Assembly is making every effort to monitor and facilitate action and cooperation between the Commission and the national judicial system in these cases and a smooth transition to the prompt establishment of the Special Court; *also trusts* that, as in the case of Mr. Tueni, it has associated itself with the court action taken by the public prosecutor in the other three cases; *would greatly appreciate* receiving further information on these points;
4. *Requests* the Secretary General to convey this resolution to the Speaker of the National Assembly of Lebanon;
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 120<sup>th</sup> Assembly of the IPU (April 2009).

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#### **CASE No. MON/01 - ZORIG SANJASUUREN - MONGOLIA**

##### ***Resolution adopted unanimously by the IPU Governing Council at its 183<sup>rd</sup> session (Geneva, 15 October 2008)***

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/183/12(b)-R.1), and to the resolution adopted at its 182<sup>nd</sup> session (April 2008),

*Taking account* of a communication from the Executive Committee of the Mongolian Inter-Parliamentary Group, dated 7 October 2008, and of information provided by the Japanese House of Representatives and by one of the sources,

*Recalling* that, during an on-site visit to Mongolia by the Committee in August 2001, the Mongolian investigative authorities stated that technical assistance with some aspects of the investigation into Mr. Zorig's murder would help them to make progress; in August 2007, the then Prime Minister of Mongolia sent an official request for technical and other assistance to the Governments of Germany and Japan,

*Considering* that, following a favourable answer by the German Chancellor, technical assistance is being provided by the German authorities, who have inter alia conducted an analysis of certain pieces of evidence; that the Mongolian authorities have now to ascertain whether such expertise can be used as evidence under Mongolian criminal procedure; *considering* further that the Japanese Government has not as yet responded to the request for technical assistance since it has so far not received a request in due form,

*Noting finally* that elections took place in Mongolia in June 2008 and that it is envisaged that the Subcommittee of the Standing Committee on Legal Affairs will re-establish a working group to follow the investigation into Mr. Zorig's murder,

1. *Thanks* the Mongolian Inter-Parliamentary Group for its cooperation; *looks forward* to receiving confirmation of the establishment by the Standing Committee on Legal Affairs and its Subcommittee on Human Rights of a working group regarding the Zorig case, thus pursuing efforts by the previous legislature to help elucidate this case;

2. *Is pleased* to note that the German offer to provide technical assistance has materialized, and *looks forward* to receiving further information as the investigation advances; *hopes* that the new Mongolian Government will vigorously pursue efforts to elucidate this case, inter alia by pursuing efforts to obtain technical assistance from those States, in particular Japan, to which a request was already addressed a year ago;
3. *Requests* the Committee to keep itself informed of any developments in this case and to report to it at its next session, to be held on the occasion of the 120<sup>th</sup> Assembly of the IPU (April 2009).

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## MYANMAR

### Parliamentarians reportedly still serving their sentences:

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

### Parliamentarians arrested during and since the government crackdown on mass protests in the autumn of 2007 and at present in detention:

CASE No. MYN/254 - THAN LWIN<sup>3</sup>  
CASE No. MYN/256 - HLAING AYE\*  
CASE No. MYN/257 - KYAW MAUNG\*  
CASE No. MYN/258 - MYINT KYI\*  
CASE No. MYN/259 - SAW LWIN\*  
CASE No. MYN/260 - OHN KYAING  
CASE No. MYN/261 - U NYI PU  
CASE No. MYN/262 - TIN MIN HTUT

### Parliamentarians who died in custody or soon after their release:

CASE No. MYN/53 - HLA THAN	CASE No. MYN/131 - HLA KHIN
CASE No. MYN/55 - TIN MAUNG WIN	CASE No. MYN/132 - AUN MIN
CASE No. MYN/72 - SAW WIN	CASE No. MYN/245 - MYINT THEIN <sup>4</sup>
CASE No. MYN/83 - KYAW MIN	

### Parliamentarians assassinated:

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

### *Resolution adopted unanimously by the IPU Governing Council at its 183<sup>rd</sup> session (Geneva, 15 October 2008)*

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/183/12(b)-R.1), and to the resolution adopted at its 182<sup>nd</sup> session (April 2008),

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<sup>3</sup> He remains in detention and is being tried.

\* Meanwhile sentenced to prison terms.

<sup>4</sup> On 2 April 2008, MPU-Burma stated that Mr. Myint Thein had died following his release, as his health had seriously worsened during his detention.

*Referring also* to the resolution adopted by the 117<sup>th</sup> IPU Assembly (Geneva, October 2007) entitled “The urgent need to immediately stop the widespread human rights violations and to restore the democratic rights of the people of Myanmar”,

*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;
- 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 117<sup>th</sup> Assembly (Geneva, October 2007); between 3,000 and 4,000 protestors, including 17 parliamentarians-elect, were arrested; while 12 have since been released, the remaining five, except for Mr. Saw Lin, whose trial is pending, have been sentenced on account of their participation in the peaceful demonstrations; one of those parliamentarians-elect, Mr. Than Lwin, was ill-treated with total impunity by the regime's paramilitary group;
- the National Convention, an assembly chiefly consisting of members 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; the authorities announced that the document would be put to a public referendum on 10 May 2008 and turned down a United Nations offer to provide international monitoring for the referendum,

*Considering* that, despite the serious concerns about the drafting exercise performed by the National Convention and the fact that the devastating cyclone that hit 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; that serious and detailed reports exist indicating that voters were pressured or blackmailed into voting 'yes' on the day of the referendum, which had become an entirely military-run exercise, and the night before, when local authorities went from house to house to collect people's votes, and that the authorities then decided to close the polling stations hours before the time originally scheduled,

*Considering* that on 23 September 2008, the military authorities released some 9,000 prisoners, including parliamentarians-elect Than Nyein, May Win Myint, Khin Maung Shwe and Aung Soe Myint; on 12 August 2008, parliamentarians-elect U Nyi Pu and Tin Min Htut were arrested at their houses; they were both signatories of 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; on 2 October 2008, parliamentarian Ohn Kyaing was arrested by the police,

*Considering* that the United Nations Secretary-General is scheduled to travel to Myanmar before the end of 2008,

1. *Recalls* that, as a result of the abominable prison conditions and treatment in Myanmar, six parliamentarians-elect have died in custody or soon after their release and that the health of several of the parliamentarians-elect still in detention is highly precarious; *remains deeply concerned* that 17 parliamentarians-elect are languishing in prison on the basis of legal provisions that blatantly disregard their most basic rights;
2. *Is deeply concerned* that even when parliamentarians-elect are released, as in the case of the recent and long-awaited release of four of them, similar numbers of parliamentarians-elect are detained, often rearrested, by the authorities; *considers* that this situation, rather than giving weight to the claim by the authorities that they genuinely wish to move towards political change, merely adds to the state of fear and arbitrariness in Myanmar;

3. *Urges* the authorities to release all 17 parliamentarians forthwith and to refrain from any further political harassment;
4. *Reaffirms its long-standing conviction* that the National Convention, owing to how it was set up and functioned, was illegitimate from the start and bound to produce a text that would fail to reflect the democratic values to which the people of Myanmar have long aspired; *considers* that the widespread and grave irregularities which have been reported with respect to the referendum on the draft Constitution have only confirmed initial concerns that it would take place in a climate of fear, repression, distrust and total lack of transparency, thus turning the whole exercise into a deliberate attempt to erect a democratic façade for sustained military power;
5. *Stresses once again* that any transition to democracy will fail so long as it is not genuinely free and transparent, does not reflect the people's will, and is not preceded by the unconditional release of all political prisoners and the lifting of all restrictions on human rights and political activity;
6. *Urges again* the authorities to engage in a meaningful dialogue with Aung San Suu Kyi and all concerned parties and ethnic groups for the purpose of initiating a genuine democratic transition in Myanmar; *calls on* the authorities to take the necessary steps without further delay and to cooperate fully in this respect with the United Nations;
7. *Appeals* to the international community to persevere in its united stand to promote change in Myanmar and publicly to express its rejection of the referendum process and outcome in the current circumstances, and *appeals especially* to the Member Parliaments of the IPU, in particular China and India as neighbouring countries, to lend their full support in this respect;
8. *Appeals more particularly* to the Association of Southeast Asian Nations (ASEAN), through its Secretary-General, Dr. Surin Pitsuwan, to take any measures that may lead to the restoration of democracy in Myanmar, and *refers* in this respect to the 117<sup>th</sup> IPU Assembly's recommendation that ASEAN consider suspending Myanmar's membership until such time as the process of reconciliation with the forces of democracy gains momentum;
9. *Requests* the Secretary General to convey this resolution to the authorities and to all other parties concerned;
10. *Requests* the Committee to continue examining this case and report to it at its next session, to be held on the occasion of the 120<sup>th</sup> Assembly of the IPU (April 2009).

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

##### ***Resolution adopted unanimously by the IPU Governing Council at its 183<sup>rd</sup> session (Geneva, 15 October 2008)***

The Governing Council of the Inter-Parliamentary Union,

*Referring* to the case of Mr. Marwan Barghouti, an incumbent member of the Palestinian Legislative Council, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/183/12(b)-R.1), and to the resolution adopted at its 182<sup>nd</sup> session (April 2008),

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

*Taking account* of the letter from the Permanent Representative of Israel to the United Nations Office and other International Organizations in Geneva, dated 13 May 2008, which he addressed to the IPU Secretary General on behalf of the Deputy Prime Minister and Minister for Foreign Affairs of Israel,

*Recalling* that, in response to its as yet unfulfilled wish to pay a private visit on Mr. Barghouti, the Israeli Minister for Foreign Affairs, at the meeting she had with the IPU President and the Secretary General during their visit to Israel in early February 2008, stated that such a visit could be arranged; *noting*, however, that in his letter the Permanent Representative stated that the matter was still being processed by the authorities,

*Recalling* that on numerous past occasions the authorities have allowed Palestinian friends and political associates of Mr. Barghouti to visit him and even allowed Al Jazeera and Al Arabiya television crews to interview him in prison,

*Recalling also* that there have been calls from within Israel for the release of Mr. Barghouti, most recently by Mr. Amir Peretz in March 2008 when he stated that Mr. Barghouti could be a key element in achieving stability and helping the Palestinian National Authority (PNA) assume responsibility,

*Bearing in mind* also the prisoner exchange between Israel and the Lebanese group Hezbollah which took place on 16 July 2008, a move which the United Nations Secretary-General welcomed, expressing the hope that it might soon be followed by action for the release of Corporal Gilad Shalit and of Palestinian prisoners,

1. *Reaffirms*, in the light of the compelling legal arguments put forward in Mr. Foreman's report, on which the Israeli authorities have not provided observations, that Mr. Barghouti's trial did not meet the fair trial standards which Israel, as a State party to the International Covenant on Civil and Political Rights, is bound to respect;
2. *Reaffirms further*, in the light of the expert report, that Mr. Barghouti was transferred to Israel in breach of the Fourth 1949 Geneva Convention and the Oslo Accords; consequently *once again* urges the Israeli authorities to transfer Mr. Barghouti to the custody of the Palestinian authorities;
3. *Deeply regrets* that it has still received no answer to its request to visit Mr. Barghouti and *fails to understand* why it should take so long to process this long-standing request when even television crews have obtained such authorization;
4. *Expresses the earnest hope* that Mr. Barghouti and the other detained Palestinian legislators will be included in any prisoner exchange, which it hopes will take place soon;
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 120<sup>th</sup> Assembly of the IPU (April 2009).

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**CASE No. PAL/04 - HUSSAM KHADER - PALESTINE / ISRAEL**

***Resolution adopted unanimously by the IPU Governing Council at its 183<sup>rd</sup> session  
(Geneva, 15 October 2008)***

The Governing Council of the Inter-Parliamentary Union,

*Referring* to the case of Mr. Hussam Khader, a former member of the Palestinian Legislative Council, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/183/12(b)-R.1), and to the resolution adopted at its 182<sup>nd</sup> session (April 2008),

*Referring also* to Mr. Simon Foreman's report on Mr. Khader's trial (CL/177/11(a)-R.2) and to Mr. Sadakat Kadri's report on the proceedings relating to Mr. Khader's application for early release (CL/182/12(b)-R.2),

*Taking account* of the letter from the Permanent Representative of Israel to the United Nations Office and other International Organizations in Geneva, dated 8 October 2008, which he addressed to the IPU Secretary General on behalf of the Speaker of the Knesset; *also taking account* of the information provided by one of the sources on 5 September 2008,

*Recalling* the following:

- Mr. Hussam Khader was convicted and sentenced in September/November 2005 on the basis of a plea bargain regarding both the conviction and the sentencing; the IPU trial observer, Mr. Simon Foreman, concluded in his report on the trial of Mr. Khader that he "has not, since his arrest [in March 2003], had the benefit of compliance with the international rules of fair trial"; in his report, Mr. Foreman also referred to the cruel, inhuman and degrading treatment inflicted on Mr. Khader while in detention, on which no convincing evidence to the contrary has been submitted by the Israeli authorities; the IPU has been consistently calling for his release;
- Mr. Khader's petition for early release was dismissed on 17 February 2008; in his report on the proceedings before the release committee, Mr. Kadri concluded that "the serious concerns Mr. Foreman expressed in his report about the fairness of Mr. Khader's trial have been compounded by the release committee's refusal to grant him early release. Although the adjournments that preceded the committee's final decision suggest that its members were concerned not simply to rubber-stamp the security service's views about Mr. Khader, their eventual reliance on the Shabak's secret report ultimately left him in a hopeless position. The committee's ruling was founded on allegations made by unidentified people for unidentifiable reasons, which Mr. Khader and his lawyer were not permitted to know, let alone test. The only additional input came from Mr. Khader himself, and the release committee's insistence that he satisfactorily explain his 'ideology' to obtain release effectively turned his offence into a thought crime - imposing a demand for mental capitulation that his vocalized support for peace could not satisfy",

*Considering* that Mr. Khader was among the 200 Palestinian prisoners released on 25 August 2008 by the Israeli authorities as a goodwill gesture to the Palestinian Authority,

1. *Thanks* the Israeli authorities, in particular the Speaker of the Knesset and the Minister for Foreign Affairs, for their assistance in this case;
2. *Is pleased* that Mr. Khader has finally been released and *decides* to close his case;
3. *Nevertheless reaffirms its conviction*, in the light of Mr. Foreman's and Mr. Kadri's reports on Mr. Khader's trial and the proceedings before the release committee, that Mr. Khader did not enjoy a fair trial.

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

##### ***Resolution adopted unanimously by the IPU Governing Council at its 183<sup>rd</sup> session (Geneva, 15 October 2008)***

The Governing Council of the Inter-Parliamentary Union,

*Referring* to the case of Mr. Ahmad Sa'adat, elected in January 2006 to the Palestinian Legislative Council, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/183/12(b)-R.1), and to the resolution adopted at its 182<sup>nd</sup> session (April 2008),

*Referring* also to the study of 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",

*Taking account* of the letter from the Permanent Representative of Israel to the United Nations Office and other International Organizations in Geneva, dated 8 October 2008, as well as of information provided the same day by one of the sources,

*Recalling* that on 14 March 2006, Mr. Sa'adat, whom the Israeli authorities had accused of involvement in the October 2001 murder of Mr. R. Zeevi, the Israeli Minister of Tourism, was abducted by the Israeli Defence Forces from Jericho jail and transferred to an Israeli jail; that in late April 2006, in the absence of sufficient evidence, the Israeli authorities dropped the charge of involvement in Mr. Zeevi's murder and subsequently brought 19 other charges against Mr. Sa'adat, all of which arise from his leadership of the Popular Front for the Liberation of Palestine (PFLP) and none of which allege direct involvement in crimes of violence, although seven (dating from 1998 or earlier) allege preparatory or secondary involvement in such acts, and that Mr. Sa'adat has refused to accept the court's jurisdiction since the start of his trial,

*Noting* that a hearing in Mr. Sa'adat's case was scheduled for 28 July 2008, at which the court intended to ascertain whether Mr. Sa'adat was prepared to present his defence regarding the prosecution evidence, and that the judge prolonged his imprisonment without adducing any grounds,

*Recalling* that, at the meeting the IPU President and the Secretary General had with the Israeli Minister for Foreign Affairs during their visit to Israel in early February 2008, she stated that there was no reason why information on the judicial proceedings in this and other cases of Palestinian Legislative Council members should not be provided and undertook to ensure that such information was provided; *noting*, however, that no such information has been provided,

*Noting* in this respect that, in his letter of 8 October, the Permanent Representative of Israel stated that the "Palestinian parliamentarians detained in Israel for their connection to terrorist activities continue to enjoy rights stipulated under Israeli law with due respect paid to humanitarian concerns" and noted that "this is in stark contrast to the depraved conditions of detention that the Israeli soldier Gilad Shalit endures under the Palestinian authorities. He continues to be denied even the most basic humanitarian assurances, including visits by the ICRC",

*Bearing in mind also* the prisoner exchange between Israel and the Lebanese group Hezbollah, which took place on 16 July 2008, a move which the United Nations Secretary-General welcomed, expressing the hope that it might soon be followed by action for the release of Corporal Gilad Shalit and of Palestinian prisoners,

1. *Thanks* the Permanent Representative of Israel for his letter of 8 October 2008; *nevertheless regrets* that it does not provide the requested information on Ahmed Sa'adat's conditions of detention, his state of health and the judicial proceedings brought against him;
2. *Reaffirms* that Mr. Sa'adat's abduction and transfer to Israel was not related to the murder charge but rather to his political activities as PFLP General Secretary and that the proceedings against him are therefore based on considerations alien to the law;
3. *Reiterates its wish* to be authorized to pay Mr. Sa'adat a private visit; and *reiterates its wish* to receive official information regarding Mr. Sa'adat's conditions of detention and the judicial proceedings against him;
4. *Requests* the Secretary General to take steps with a view to ensuring international observation of Mr. Sa'adat's trial;
5. *Earnestly hopes* that Mr. Sa'adat and the other detained Palestinian parliamentarians will be included in any prisoner exchange, which it hopes will take place soon;
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 120<sup>th</sup> Assembly of the IPU (April 2009).

## PALESTINE / ISRAEL

CASE No. PAL/16 - OMAR MATAR

(aka OMAR ABDEL RAZEQ)

CASE No. PAL/17 - NAYEF AL-ROJOUN

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 - WAEI 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

CASE No. PAL/51 - KHALED ABU ARAFEH

***Resolution adopted unanimously by the IPU Governing Council at its 183<sup>rd</sup> session  
(Geneva, 15 October 2008)***

The Governing Council of the Inter-Parliamentary Union,

*Referring* to the case of the above-mentioned parliamentarians, all of whom were elected to the Palestinian Legislative Council in January 2006, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/183/12(b)-R.1), and to the resolution adopted at its 182<sup>nd</sup> session (April 2008),

*Referring* also to the study of 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, as well as 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 account* of the letter from the Permanent Representative of Israel to the United Nations Office and other International Organizations in Geneva, dated 8 October, as well as to the information provided by sources on 17 September and 8 October 2008,

*Recalling* the following information on file:

- the parliamentarians concerned, elected on the Change and Reform list in the January 2006 elections to the Palestinian Legislative Council, were arrested on or after 29 June 2006 in the occupied West Bank; on 25 September 2006, a military appeal court in the West Bank overturned an order for their release on bail issued on 12 September 2006 by the Ofer military tribunal, and they have since been held in several prisons inside Israel; they have been charged with membership of, leadership in and action on behalf of a terrorist organization, namely Hamas; the parliamentarians concerned argue that the Change and Reform list differed significantly from Hamas and that their participation in the Palestinian elections was not an offence even under Israeli law at the time;
- on 30 June 2006, the Israeli Interior Minister revoked the East Jerusalem residence permits of Mr. Muhammad Abu-Teir, Mr. Ahmad Attoun and Mr. Muhammad Totah and Mr. Khaled Abu Arafah, who is also Palestinian Minister of Jerusalem Affairs, on account of "breach of trust" or owing to membership in a foreign parliament; they lodged an appeal against that decision in the Israeli Supreme Court;

- the arrests and withdrawal of residence permits came in the context of Israeli military operations in the Gaza Strip to obtain the release of Gilad Shalit, an Israeli soldier kidnapped on 25 June 2006 in a cross-border attack on Israeli military installations that the Israeli Government blames on Hamas and the Palestinian Authority;
- Mr. Abderrahman Zaidan, who had been released, was rearrested approximately one month after he had testified to the Committee at the session it held during the 116<sup>th</sup> IPU Assembly (Nusa Dua, Bali, May 2007),

*Considering* that, in the case of Mr. Wael Mohamed Abdel Ruman, the 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 on account 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; that, 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 half years are suspended,

*Considering* that on 17 September 2008 the Supreme Court, ruling on the petition of Mr. Muhammad Abu-Teir, Mr. Ahmad Attoun, Mr. Muhammad Totah and Mr. Khaled Abu Arafah against the revocation of their East Jerusalem permanent residency status, decided to give them the opportunity to submit applications to the Israeli Minister of the Interior to reinstate their residency status and that doing so would not be considered to be a retraction of their principal arguments, and asked the two parties to inform it of developments that occurred in the case within 60 days, after which it would decide how to proceed with the case,

*Recalling* that, at the meeting that the IPU President and the Secretary General had with the Israeli Minister for Foreign Affairs during their visit to Israel in early February 2008, she stated that there was no reason why information on the judicial proceedings in this and other cases of Palestinian Legislative Council members should not be provided and undertook to ensure that such information was provided; *considering* in this respect that, in his letter of 8 October, the Permanent Representative stated that "Palestinian parliamentarians detained in Israel for their connection to terrorist activities continue to enjoy rights stipulated under Israeli law with due respect paid to humanitarian concerns" and noted that "this is in stark contrast to the depraved conditions of detention that the Israeli soldier Gilad Shalit endures under the Palestinian authorities. He continues to be denied even the most basic humanitarian assurances, including visits by the ICRC",

*Bearing in mind* the prisoner exchange between Israel and the Lebanese group Hezbollah which took place on 16 July 2008, a move which the United Nations Secretary-General welcomed, expressing the hope that it might soon be followed by action for the release of Corporal Gilad Shalit and of Palestinian prisoners,

1. *Thanks* the Permanent Representative of Israel for his letter of 8 October 2008; *nevertheless regrets* that it provides information neither on the conditions of detention and state of health of the parliamentarians concerned nor on the proceedings under way against them; *regrets* in particular the absence of any information on the situation of Mr. Abderrahamn Zaidan, who was rearrested shortly after testifying to the Committee on the Human Rights of Parliamentarians;
2. *Reaffirms* its conviction that the arrest and detention of the members of parliament concerned is quite unrelated to any criminal activity on their part and is linked to their election on the Change and Reform list in a free and fair election whose outcome, however, the Israeli authorities did not welcome, and that their arrest and detention and prosecution therefore constitute a violation of their right to freedom; consequently *calls on* the authorities to release them forthwith;
3. *Reiterates its wish* to receive official information on the conditions of detention of the parliamentarians concerned, and the proceedings brought against them and, in particular, on the reasons for the rearrest of Mr. Zaidan;
4. *Would appreciate* receiving a copy of the judgment handed down by an appeal court on Mr. Wael Mohamed Abdel Ruman;

5. *Earnestly hopes*, in the light of the Supreme Court decision, that Mr. Muhammad Abu-Teir, Mr. Ahmad Attoun, Mr. Muhammad Totah and Mr. Khaled Abu Arafeh will recover their East Jerusalem residency permits as soon as possible;
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 120<sup>th</sup> Assembly of the IPU (April 2009).

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

***Resolution adopted unanimously by the IPU Governing Council at its 183<sup>rd</sup> session  
(Geneva, 15 October 2008)***

The Governing Council of the Inter-Parliamentary Union,

*Referring* to the case of Dr. Abdel Aziz Dweik, Speaker of the Palestinian Legislative Council, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/183/12(b)-R.1), and to the resolution adopted at its 182<sup>nd</sup> session (April 2008),

*Referring also* to the study of 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", as well as 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 account* of the letter from the Permanent Representative of Israel to the United Nations Office and other International Organizations in Geneva, dated 8 October 2008, as well as of information provided by one of the sources on 8 October 2008,

*Recalling* that Dr. Dweik has remained in detention since his arrest during the night of 5 to 6 August 2006 by the Israeli Defence Forces, which came in the context of the kidnapping of Israeli soldier Gilad Shalit, and that he is reportedly being held in deplorable conditions and denied access to the medical care he needs as a diabetic with a gall bladder condition; *noting* that he is apparently accused of having stood as a candidate on the Change and Reform list and assumed the function of Speaker on behalf of a terrorist organization, namely Hamas; that the hearing of witnesses finished four months ago and that the judge has yet to return the verdict,

*Recalling* that at the meeting the IPU President and the Secretary General had with the Israeli Minister for Foreign Affairs during their visit to Israel in early February 2008, she stated that there was no reason why information on the judicial proceedings in this and other cases of Palestinian Legislative Council members should not be provided and undertook to ensure that such information was provided; *noting* in this respect that, in his letter of 8 October, the Permanent Representative of Israel stated that the "Palestinian parliamentarians detained in Israel for their connection to terrorist activities continue to enjoy rights stipulated under Israeli law with due respect paid to humanitarian concerns" and noted that "this is in stark contrast to the depraved conditions of detention that the Israeli soldier Gilad Shalit endures under the Palestinian authorities. He continues to be denied even the most basic humanitarian assurances, including visits by the ICRC",

*Bearing in mind* the prisoner exchange between Israel and the Lebanese group Hezbollah which took place on 16 July 2008, a move which the United Nations Secretary-General welcomed, expressing the hope that it might soon be followed by action for the release of Corporal Gilad Shalit and of Palestinian prisoners,

1. *Thanks* the Permanent Representative of Israel for his letter of 8 October 2008; *nevertheless regrets* that it does not provide the requested information on Dr. Dweik's conditions of detention, his state of health and the judicial proceedings brought against him;

2. *Can only rely*, in the absence of any official information, on the details provided by other sources, according to which he does not receive the medical care he requires and is held in harsh conditions, as well as on general reports on the conditions of detention of Palestinian prisoners such as B'tselem's study on the violation of the right to visit Palestinians held in Israeli prisons;
  3. *Notes* that there is nothing to incline it to change its position that Dr. Dweik's arrest, detention and prosecution are unrelated to any criminal activity on his part - as being elected in a free and fair election cannot be considered a crime, as neither can assuming the role of Speaker in a duly elected parliament; that his detention is therefore arbitrary and violates his fundamental right to freedom and his prosecution is based on considerations alien to the law;
  4. *Reiterates its wish* to be permitted to pay Dr. Dweik a private visit;
  5. *Requests* the Secretary General to take steps with a view to ensuring international observation of the remaining hearings in Dr. Dweik's trial;
  6. *Earnestly hopes* that Dr. Dweik and the other detained Palestinian parliamentarians will be included in any prisoner exchange, which it hopes will take place soon;
  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 120<sup>th</sup> Assembly of the IPU (April 2009).
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**CASE No. PAL/50 - MARIAM SALEH - PALESTINE / ISRAEL**

***Resolution adopted unanimously by the IPU Governing Council at its 183<sup>rd</sup> session  
(Geneva, 15 October 2008)***

The Governing Council of the Inter-Parliamentary Union,

*Referring* to the case of Ms. Mariam Saleh, a member of the Palestinian Legislative Council and Minister for Women's Affairs from March 2006 to March 2007, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/183/12(b)-R.1), and to the resolution adopted at its 182<sup>nd</sup> session (April 2008),

*Recalling* the following:

- Ms. Mariam Saleh was arrested on 13 November 2007 and accused of: (i) membership in the Change and Reform bloc; (ii) membership in the Huda Society for Women; (iii) travelling abroad while Minister for Women's Affairs and meeting with Prime Minister Ismail Haniyeh and Khaled Mashaal; and (iv) other acts which the prosecution classified as confidential and refused to disclose to the defence; however, the prosecution was unable to adduce any evidence to sustain the accusations and to charge her;
- On 17 December 2007, the Ofer military court ordered her release on payment of 7,000 shekels, but gave the prosecution the right to appeal, which it did; the next day Ms. Saleh was transferred to administrative detention; on 30 December her administrative detention was prolonged to six months at the request of the Israeli Intelligence Service, but this period was reduced by the court to three months; on 30 March 2008, the Appeal Court prolonged the administrative detention order until June 2008 without adducing any grounds,

*Considering* the source's report of 8 July 2008 that Ms. Saleh has been released,

*Decides* in the light of Ms. Saleh's release to close this case while deploring her arrest and detention for seven months, which it can only consider to have been arbitrary since the authorities had no valid charges or grounds for such detention as would have been admissible under the international human rights norms to which Israel, as a State party to the International Covenant on Civil and Political Rights, has subscribed.

CASE No. PHI/01 - CRISPIN BELTRAN<sup>5</sup> ) PHILIPPINES  
CASE No. PHI/02 - SATURNIÑO OCAMPO )  
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 183<sup>rd</sup> session  
(Geneva, 15 October 2008)***

The Governing Council of the Inter-Parliamentary Union,

*Referring* to the case of Mr. Crispin Beltran, Mr. Saturniño Ocampo, Mr. Teodoro Casiño, Ms. Liza Maza and Mr. Rafael Mariano, who, apart from the latter, are 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/183/12(b)-R.1), and to the resolution adopted at its 182<sup>nd</sup> session (April 2008),

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

*Taking into account* the communication sent by the Executive Director/Inter-Parliamentary Relations and Special Affairs Department of the House of Representatives, dated 14 July 2008, as well as the information provided by one of the sources on 16 July and 2 October 2008,

*Noting* that Mr. Crispin Beltran died on 20 May 2008 following an accident and that Mr. Rafael Mariano, who had not been re-elected in the March 2007 elections, has assumed Mr. Beltran's mandate,

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

*Recalling* that, in January 2007, a disqualification case was brought against the political parties of the parliamentarians concerned on the basis of yet another murder case (Nueva Ecija case) whereby 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; that while the Commission on Elections (COMELEC) dismissed the disqualification petitions for "lack of merit", the murder case is proceeding; that, according to the sources, the due process rights of the defendants have been seriously violated in the preliminary investigation insofar as the prosecutors denied their request for a clarification hearing, which was necessary in their view to establish the identity of the complainants, who appeared with covered faces throughout the investigation phase, to clarify inconsistencies in their statements, and to check whether their statements were voluntary since they are in the custody and under the control of the military; *noting* that the cases were submitted for resolution by the prosecution on 14 November 2007 and that 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, and one count of kidnapping and murder of one Danilo Felipe in the Regional Trial Court of Guimba; that, on 21 April 2008, the parliamentarians concerned filed a motion for judicial determination of probable cause with prayer to dismiss the case outright, pointing to the grounds warranting the dismissal of the case; that on 5 August 2008

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<sup>5</sup> Mr. Beltran died on 20 May 2008.

the Regional Trial Court of Guimba ordered the dismissal of the charge of kidnapping with murder, having found the extrajudicial confessions of prosecution witnesses to be inadmissible evidence; that, 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,

*Recalling* that, on 17 May 2007, Mr. Casiño was charged with obstruction of justice for allegedly preventing the arrest of a presumed Communist Party of the Philippines/New People's Army (CPP/NPA) member, Mr. Vincent Borja; that, however, according to the sources, given the incidence of extrajudicial executions and abductions in which the military are involved, Mr. Casiño wanted to ensure respect for the right to liberty and security of the person concerned for whom the soldiers, who were not in uniform, had no arrest warrant, by asking the soldiers to present a warrant and accompanying the arrested person to a military camp until he was transferred to the police; that Mr. Casiño filed his counter-affidavit on 27 June 2007, after which a clarificatory hearing was conducted; however, the prosecution has still not given its conclusions on the case,

*Recalling lastly* that on 17 March 2008 a petition for Writ of Amparo - an extraordinary and peremptory writ to safeguard the constitutional rights of the people to life, liberty and security - promulgated by the Supreme Court in October 2007, was filed against top officials of the CPP and Mr. Ocampo, which is pending at the Regional Trial Court of Basey, Western Samar, Branch 30, in connection with the alleged abduction of Ms. Elizabeth Gutierrez and one Dennis Gutierrez by communist rebels on 24 October 2007; *noting* that Rep. Ocampo filed his answer to the petition on 9 March 2008 and that the hearing of the case, initially set for 27 August 2008, was postponed to 4 November 2008,

*Considering* that, in a meeting she had with the Committee in July 2008, the Permanent Representative of the Philippines to the United Nations Office and other International Organizations in Geneva stressed that, since the cases in question were pending before the court, the Mission would not comment on them; that, however, one should bear in mind that the rights of the victims also had to be respected and that some of the cases in question, such as the triple murder case (Nueva Ecija case), were not filed by the State but by the widows of the slain persons; that, moreover, the parliamentarians concerned had filed perjury cases in this respect; that, as regards the report of the United Nations Special Rapporteur on extrajudicial, summary or arbitrary executions, to which the IPU referred in its resolution of April 2008, it was in the Government's view highly biased; and *noting* in this respect that the "Consolidated Reply of the Government of the Philippines to the Alston Report", a copy of which the Permanent Representative provided, states in paragraphs 104, 105 and 107 that IALAG is guided by the policy "that all of its initiatives and tasks shall at [all] times be conducted with utmost respect for the fundamental human rights of due process, equal protection, and the rule of the law",

*Considering lastly* 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 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 and the Permanent Representative of the Philippines to the United Nations Office in Geneva for their cooperation;
2. *Recalls* that the rebellion charges, which were initially filed against the parliamentarians concerned by IALAG after nine months of preparation, were finally dismissed by the Supreme Court as clearly being politically motivated, which casts doubt on IALAG's "utmost respect for the fundamental human rights of due process, equal protection, and the rule of law"; *recalls* that, likewise, a petition to bar the political parties to which the parliamentarians concerned belong from standing in the last elections was dismissed by the Commission on Elections for lack of merit;

3. *Has therefore grounds to remain concerned* at the new criminal cases brought against the parliamentarians in question, especially in the light of the serious allegations that the charges have been fabricated and due process is not being observed, as these proceedings may well be part of an ongoing effort to remove them and their political parties from the democratic political process;
4. *Expresses particular concern* at the considerable delay in the prosecution's efforts to resolve the "obstruction of justice" case against Representative Casiño, which was filed more than one year ago and has not proceeded at all; *fears* that such delay may well denote the absence of a case, and *urges* the authorities either to drop the charges forthwith or to try Representative Casiño diligently with due respect for all fair trial guarantees;
5. *Is, moreover, concerned* at the differing views of the courts on the admissibility of extrajudicially obtained confessions as evidence; *would appreciate* receiving information as to the rules on the admissibility of evidence in Philippine law;
6. *Strongly recalls* that, in dealing with these cases, 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. *Reiterates its wish* to be kept informed of the proceedings in the cases in question, including, where appropriate, through the intermediary of a trial observer;
8. *Sincerely hopes* that the initiatives taken by the House of Representatives to ensure respect for human rights and the rule of law will succeed, and *would appreciate* receiving information on the inquiry entrusted to the House Committee on Civil, Political and Human Rights to investigate the various forms of human rights violations targeting progressive party list representatives;
9. *Notes finally* the accidental death of Mr. Crispin Beltran and *decides* to close his case;
10. *Requests* the Secretary General to convey this decision to the competent authorities, including the National Human Rights Commission, and to the other parties concerned;
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 120<sup>th</sup> Assembly of the IPU (April 2009).

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#### **CASE No. RW/06 - LEONARD HITIMANA - RWANDA**

##### ***Resolution adopted unanimously by the IPU Governing Council at its 183<sup>rd</sup> session (Geneva, 15 October 2008)***

The Governing Council of the Inter-Parliamentary Union,

*Referring* to the case of Mr. Léonard Hitimana, a member of the Transitional National Assembly of Rwanda, dissolved on 22 August 2003, who disappeared in April 2003, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/183/12(b)-R.1), and to the resolution adopted at its 182<sup>nd</sup> session (April 2008),

*Recalling* that Mr. Hitimana disappeared in the night of 7 to 8 April 2003, the day before he was due to refute in parliament the accusations of spreading the ideology of ethnic division brought by a

parliamentary commission of inquiry in a report against his party, and in which his name was mentioned; while the sources fear that Mr. Hitimana may have been abducted by the Rwandan intelligence service and executed extrajudicially, the authorities have always affirmed that Mr. Hitimana, in common with other persons, fled to a neighbouring country and that they were going to locate them rapidly, which has nevertheless not so far happened,

*Recalling its growing concern* that Mr. Hitimana may have been the victim of a forced disappearance, which is a serious violation of human rights, and *noting* in this respect that Rwanda has not yet ratified the International Convention for the Protection of All Persons from Enforced Disappearance, adopted by the General Assembly of the United Nations in December 2006,

*Considering* that legislative elections were held in Rwanda in September 2008 and that the new Chamber of Deputies was recently inaugurated,

1. *Requests* the Secretary General to convey its concerns in this case to the new parliamentary authorities, inviting them to notify the Committee of their views on the subject;
2. *Requests* the Committee to continue examining this case and report to it at its next session, to be held on the occasion of the 120<sup>th</sup> Assembly of the IPU (April 2009).

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#### SRI LANKA

CASE No. SRI/12 - JAYALATH JAYAWARDENA

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

CASE No. SRI/49 - JOSEPH PARARAJASINGHAM

CASE No. SRI/50 - GAJENDRAKUMAR PONNAMBALAM

CASE No. SRI/51 - SELVARAJAH KAJENDREN

CASE No. SRI/52 - SENATHIRAJAH JAYANANDAMOORTHY

CASE No. SRI/53 - NADARAJAH RAVIRAJ

CASE No. SRI/54 - SIVANATHAN KISHORE

CASE No. SRI/55 - T. KANAGASABAI

CASE No. SRI/56 - K. PATHMANATHAN

CASE No. SRI/57 - THANGESWARI KATHIRAMAN

CASE No. SRI/58 - P. ARIYANETHRAN

CASE No. SRI/59 - C. CHANDRANEHRU

CASE No. SRI/61 - THIYAGARAJAH MAHESWARAN

CASE No. SRI/62 - MANO GANESAN

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

CASE No. SRI/64 - KIDDINAN SIVANESAN

***Resolution adopted unanimously by the IPU Governing Council at its 183<sup>rd</sup> session  
(Geneva, 15 October 2008)***

The Governing Council of the Inter-Parliamentary Union,

*Referring* to the cases of the parliamentarians listed above, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/183/12(b)-R.1), and to the resolutions adopted at its 182<sup>nd</sup> session (April 2008) on the above cases, and *having before* it the case of Mr. Mano Ganesan, which has been the subject of a study and report of the Committee on the Human Rights of Parliamentarians following the Procedure for the treatment by the Inter-Parliamentary Union of communications concerning violations of the human rights of members of parliament,

*Having before* it the written report of its delegation on the mission to Sri Lanka carried out in February 2008, including the observations provided on it by the authorities and the parliamentarians concerned,

*Taking account* of the letter by the Acting Secretary General of Parliament of 8 August 2008, forwarding a progress report on the cases in question established by the Police Headquarters, as well as of a further progress report forwarded by the Permanent Mission of the Democratic Socialist Republic of Sri Lanka to the United Nations Office and other International Organizations in Geneva on 13 October 2008,

*Also taking account* of the information provided by Dr. Jayawardena on the occasion of the 119<sup>th</sup> IPU Assembly,

*Considering* the following new information and allegations on file:

- regarding Dr. Jayawardena: on 10 June 2008, the Appeal Court allowed Dr. Jayawardena's application for a Writ of Mandamus, directing the police authorities to provide him with a jeep or other suitable vehicle for as long as was warranted; according to the progress report established by the Police Headquarters, as of 2 July 2008 the police have provided Dr. Jayawardena with "a brand new vehicle from the fleet of the Police fleet", which, according to Dr. Jayawardena, is a Tata Cab that cannot exceed 40 km/h; the Police Department has reportedly launched a malicious campaign to tarnish Dr. Jayawardena's reputation and depict him as a pro-LTTE parliamentarian, which puts his life at great risk; he submitted a complaint to the National Police Commission and Parliament's Privileges Committee, which is nevertheless without a Chairman at present and meetings have been indefinitely postponed; in addition, in August 2008, Dr. Jayawardena was prevented from performing a religious retreat at the Madhu Shrine for which permission had been granted to him 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 permission for him to stay there, adding that he was an opposition member of parliament; the matter is now pending before the National Human Rights Commission;
- regarding Mr. Mano Ganesan: the back-up vehicle provided to Mr. Ganesan following the Committee's mission had technical defects but, according to the authorities, has been repaired in the meantime; moreover, a State-sponsored campaign of slander has reportedly been launched against Mr. Ganesan to discredit him and his work on enforced disappearances in Sri Lanka and, on 2 September 2008, he was summoned for questioning by the Director of the Terrorist Investigation Division, who questioned him for nearly seven hours in connection with peace visits to Killinochi he carried out during the period of the Cease Fire Agreement from 2002 to 2005 and questioned him about an alleged special relationship with the LTTE; that since then, stories in relation to the questioning which was conducted in private in the absence of even Mr. Ganesan's lawyer, are reportedly being planted in the media very systematically, and that the Sinhala media were carrying news items on him which were of a criminal nature, increasing the risk to his security, and that he feels singled out as a human rights defender, an ethnic Tamil parliamentarian and a democratic political party leader belonging to the opposition alliance;
- 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; he reported that that person was 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; according to the source, Mr. Chandranehr can 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; according to the police progress report, Mr. Chandranehr has been provided with additional security; the police investigation points to one "Parathy" as the likely culprit; an identification parade took place before the Akkaraipattu Magistrate Court on 16 September 2008 when a suspect was indeed identified; however, the court ordered him to appear upon notice;
- regarding the cases of Mr. Raviraj and Mr. Maheswaran, killed on 10 November 2006 and 1 January 2008, respectively: according to the police progress report, the case of Mr. Raviraj was to be called on 16 September 2008, and in the case of Mr. Maheswaran, the Attorney General filed an indictment and the case was to be called on 19 August 2008 for the service of indictment and listing for hearing; no information regarding the outcome of the hearings in either case has been provided;
- regarding the case of Mr. Dassanayake, killed on 8 January 2008: according to the police progress report, 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 Magistrate Court of Kanuwana and will be called again on 5 November 2008;

- regarding the case of Mr. D.M.S.B. Dissanayake: on 22 July 2008, the Human Rights Committee set up by virtue of the International Covenant on Civil and Political Rights expressed the view<sup>6</sup> that the State of Sri Lanka had violated Mr. Dissanayake's rights under Article 9 (1), Article 19, and Article 25 (b) of the International Covenant on Civil and Political Rights 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,

*Considering*, with regard to the abduction of family members of four TNA parliamentarians shortly before the vote on the budget last year, that, according to the police, no nexus appeared between the abductions and the budget vote, *noting* lastly that Colonel Karuna, whose paramilitary group has often been accused of being behind the threats and murder of TNA parliamentarians and that he himself has been accused by international human rights organizations of war crimes, has recently been sworn in as a member of parliament on the United Party Freedom Alliance (UPFA) list,

1. *Thanks* the Sri Lankan authorities for the information and observations provided and for their cooperation;
2. *Endorses* the concluding remarks of the Committee's on-site mission to Sri Lanka in February 2008;
3. *Notes with satisfaction* that since the mission took place an indictment has been filed in the case of the murder of Mr. Maheswaran and that a person suspected of Mr. Dissanayake's murder has been identified, although not arrested, and *earnestly hopes* that trial proceedings will soon reveal the full truth in both cases;
4. *Nevertheless deplors* the lack of any progress in the investigation regarding the murder of Mr. Raviraj and particularly of Mr. Pararajasingham as no action seems to have been taken to examine the implication of a possible suspect whose name is known to the authorities;
5. *Is deeply concerned* that, with the exception of Mr. Chandranehr, in none of the other cases of threats and attacks against TNA parliamentarians has there been any progress although, at least in one instance, the name of the person who made death threats is known to the authorities; *is particularly alarmed* 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; *urges* the authorities seriously and promptly to investigate these abductions, which are crimes, and to punish the culprits;
6. *Is 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 to them, as well as at the inaction 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;
7. *Affirms* that freedom of expression and respect for the rule of law must remain a cornerstone of democracy, even in such troubled situations as that affecting Sri Lanka, since otherwise authoritarian rule may take root;
8. *Can only reaffirm* the conclusion of the mission report that there can be no better deterrent against 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;

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<sup>6</sup> CCPR/C/93/D/1373/2005.

9. *Calls on* the Government of Sri Lanka to comply with its obligations under the First Optional Protocol to the International Covenant on Civil and Political Rights to which it is a party, and to implement without delay the recommendations by the Human Rights Committee in the case of Mr. D.M.S.B. Dissanayake;
  10. *Requests* the Secretary General to convey this resolution to the authorities and to other parties concerned;
  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 120<sup>th</sup> Assembly of the IPU (April 2009).
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**CASE No. TK/39 - LEYLA ZANA ) TURKEY**  
**CASE No. TK/41 - HATIP DICLE )**  
**CASE No. TK/51 - ORHAN DOGAN<sup>7</sup> )**  
**CASE No. TK/52 - SELIM SADAK )**  
**CASE No. TK/55 - MEHMET SINÇAR )**

***Resolution adopted unanimously by the IPU Governing Council at its 183<sup>rd</sup> session  
(Geneva, 15 October 2008)***

The Governing Council of the Inter-Parliamentary Union,

*Referring* to the case 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/183/12(b)-R.1), and to the resolution adopted at its 182<sup>nd</sup> session (April 2008),

*Taking account* of the letter from the President of the Turkish Inter-Parliamentary Group, dated 12 October 2008,

*Recalling* the following: Ms. Zana, Mr. Dicle, Mr. Dogan and Mr. Sadak were sentenced in December 1994 to a 15-year prison term for being members of an armed organization; on 26 June 2001, the European Court of Human Rights ruled that they had not enjoyed a fair trial; the retrial before the Ankara State Security Court, which upheld the conviction, was quashed by the Court of Cassation, which ruled that their right to a fair trial had again not been respected and ordered a second retrial; at the closure of this second retrial in March 2007, the 11<sup>th</sup> High Criminal Court of Ankara sentenced Ms. Zana, Mr. Dicle, Mr. Dogan and Mr. Sadak to seven years and six months in prison under Article 5 of Anti-Terrorism Law 3713 (prohibition on praising terrorism) and Article 314 (2) of the Turkish Penal Code (punishing membership of an illegal organization) as opposed to the original 15-year prison sentence, of which they had served 10 years; the second retrial was reportedly also flawed, in particular owing to the destruction of important exonerating evidence, and an application was therefore filed in the Court of Cassation; noting that on 27 February 2008 the Court handed down its ruling upholding the verdict of the 11<sup>th</sup> High Criminal Court of Ankara,

*Recalling* the following: Mr. Sinçar was assassinated in September 1993 in circumstances suggesting an extrajudicial execution; in January 2005, the then Turkish Minister of Justice affirmed that the killing had been carried out by members of the Hezbollah terrorist organization, an accusation which that group reportedly refuted; in October 1993 twelve persons were accused, two of whom were at large; in November 1994, all but those two suspects were acquitted for want of evidence; in April 1996, the then Minister of Justice stated that the identity of the murderer had been established but that he was living in the Islamic Republic of Iran; according to the information provided by the President of the Turkish IPU Group in January and April 2008, a criminal case regarding the murder of Mr. Sinçar was pending before the 6<sup>th</sup> Assize Court in Diyarbakir and hearings had been scheduled for 21 February and 8 May 2008; Mrs. Sinçar is, however, reportedly unaware of those proceedings; *noting* in this respect that, in his letter of

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<sup>7</sup> Mr. Orhan Dogan died on 29 June 2007.

12 October 2008, the President of the Turkish IPU Group reported the following: the indictment prepared by the Diyarbakir State Security Court dated 24 May 2000 (2000/59) contains 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 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),

1. *Thanks* the President of the Turkish Inter-Parliamentary Group for the information provided and for his cooperation;
2. *Would appreciate* receiving a copy of the final ruling of the Court of Cassation in the case of Leyla Zana, Hatip Dicle, Selim Sadak and Orhan Dogan;
3. *Understands* from the information provided by the President of the Turkish IPU Group that in May 2000 an indictment was issued regarding the murder of Mr. Sinçar and proceedings conducted; *would appreciate* receiving information as to who was indicted and the result, if any, of the criminal proceedings;
4. *Is concerned* that neither Mrs. Sinçar nor any other member of Mr. Sinçar's family was informed of the indictment and proceedings, still less called as witness, and that they were thus prevented from associating themselves as civil party to the case and from contributing, by providing testimony, to elucidating the murder; *would appreciate* receiving information as to why the authorities failed to inform Mr. Sinçar's family of the proceedings in question;
5. *Requests* the Secretary General to seek the requested information from the parliamentary authorities and the sources;
6. *Requests* the Committee to continue examining this case and report to it at its next session, to be held on the occasion of the 120<sup>th</sup> Assembly of the IPU (April 2009).

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## 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 MUTASA<sup>8</sup>

CASE No. ZBW/38 - GILBERT SHOKO<sup>8</sup>

CASE No. ZBW/44 - NELSON CHAMISA

***Resolution adopted unanimously by the IPU Governing Council at its 183<sup>rd</sup> session  
(Geneva, 15 October 2008)***

The Governing Council of the Inter-Parliamentary Union,

*Referring* to the cases 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/183/12(b)-R.1), and to the resolution adopted at its 182<sup>nd</sup> session (April 2008),

*Recalling* that the persons in question either were victims of arbitrary and politically motivated prosecution and forced to flee the country for fear of their safety, as the targets of assaults, or were tortured and that the perpetrators of such criminal acts have not so far been brought to justice,

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<sup>8</sup> Mr. Mutasa and Mr. Shoko are deceased.

*Considering* that Mr. Biti was rearrested on 12 June 2008 on his return from South Africa and, according to the Zimbabwe Police spokesperson, charged with treason “for publishing a document that was explaining a transitional strategy around March 26” and for proclaiming victory in the elections before the publication of the official results, and that he has been released on bail in the meantime,

*Considering* that parliamentary elections were held in March 2008 and that Mr. Biti, Mr. Chamisa and Mr. Madzore were re-elected, that the new parliament held the Opening Ceremony on 25 August 2008, and that the House of Assembly resumed its sittings on 14 October 2008,

*Noting* that none of the information it has requested in its resolution of April 2008 has been provided by the authorities,

1. *Is alarmed* at the treason charges brought against Mr. Biti on grounds which cannot be construed as treason and should be dismissed forthwith;
2. *Requests* the Secretary General to contact the new parliamentary authorities and to seek their assistance in addressing the concerns that it has consistently expressed in these cases, in the hope that the new parliament and government will act as promptly as possible;
3. *Requests* the Committee to continue examining this case and report to it at its next session, to be held on the occasion of the 120<sup>th</sup> Assembly of the IPU (April 2009).