
The Parliament of the Commonwealth of Australia

**122nd Inter-Parliamentary Union
Assembly (Bangkok, Thailand)
and bilateral visit to the
People's Republic of China**

Report of the Australian Parliamentary Delegation

25 March to 11 April 2010

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ISBN 978-0-642-79390-4 printed version

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Membership of the Delegation

Leader	Mr Harry Jenkins MP Speaker of the House of Representatives and Member for Scullin (Victoria)
Deputy Leader	Senator the Hon Judith Troeth Senator for Victoria
Members	Ms Jill Hall MP Member for Shortland (New South Wales) Senator Julian McGauran Senator for Victoria (attended Inter-Parliamentary Union Assembly only) Hon Roger Price MP Member for Chifley (New South Wales) Mr Patrick Secker MP Member for Barker (South Australia)
Officials	Ms Debra Biggs Adviser to the Speaker Mr Andres Lomp Delegation Secretary Mr Eric van der Wal Department of Foreign Affairs and Trade (Foreign Affairs Adviser to the delegation at the Inter-Parliamentary Union Assembly)



Preface

From 25 March to 11 April 2010, an Australian parliamentary delegation attended the 122nd Inter-Parliamentary Union Assembly in Bangkok, Thailand, and undertook a bilateral visit to the People's Republic of China. The delegation was led by the Speaker of the House of Representatives, Mr Harry Jenkins MP, and included Senator Judith Troeth (Deputy Leader), Ms Jill Hall MP, the Hon Roger Price MP, and Mr Patrick Secker MP. For the 122nd Inter-Parliamentary Union Assembly, the delegation was joined by Senator Julian McGauran.

This report details the work undertaken by the delegation at the Inter-Parliamentary Union Assembly and outlines the delegation's observations from its visit to China. Both the assembly and the bilateral visit provided the opportunity for the delegation to engage on issues of significance for Australia, including regional cooperation, economic development, nuclear non-proliferation and disarmament, environmental protection and parliamentary strengthening.

The delegation expresses its appreciation to the Parliament of Thailand for its effective organisation of the 122nd Inter-Parliamentary Union Assembly.

During its visit to the People's Republic of China, the delegation had the honour to meet with the Vice President of the People's Republic of China, His Excellency Xi Jinping. The delegation expresses its gratitude to the Vice President for the time he devoted to the visit.

The delegation is extremely grateful to the National People's Congress of the People's Republic of China, led by His Excellency Chairman Wu Bangguo, for the comprehensive program and generous hospitality that was provided throughout the visit to China.

Special thanks are also due to His Excellency Zha Peixin, Vice Chairman of the Foreign Affairs Committee of the National People's Congress and Chairman of the

China-Australia Parliamentary Friendship Group, for his personal commitment to the delegation's program.

The delegation also wishes to express its sincere appreciation for the warm welcome that was given and informative programs that were arranged in the various cities and regional centres the delegation visited in China. The provincial and municipal representatives and program coordinators in Macau, Guangdong, Ningxia, Beijing and Shanghai are all to be congratulated for the effort they devoted to ensuring the success of the visit.

The support provided by Australian embassies and consulates in Thailand and China was vital for the success of the delegation. Australia's representatives at those missions are to be commended for their work.

Particular thanks are due to Dr Geoff Raby (Australian Ambassador to China), Mr Grant Dooley (Consul-General in Guangzhou), Mr Tom Connor (Consul-General in Shanghai), Mr David Livingstone (Deputy Consul-General in Hong Kong), Mr Graeme Meehan, Mr Robert Fergusson, Ms Sarah Noble, Mr Stuart Kerr and Ms Martine Porter for their efforts in ensuring such a worthwhile program in China.

The delegation is grateful for the support provided by the Department of Foreign Affairs and Trade, particularly by Mr Eric van der Wal as Foreign Affairs Adviser to the delegation at the 122nd Inter-Parliamentary Union Assembly.

The delegation thanks the Parliamentary Library and the International and Community Relations Office for their work. The briefings, advice and assistance with arrangements were all highly appreciated.

122nd Inter-Parliamentary Union Assembly

Introduction

- 1.1 The Inter-Parliamentary Union (IPU) is the international organisation of parliaments, providing a focal point for world-wide parliamentary dialogue. It currently comprises 155 member parliaments and nine associate members.
- 1.2 The IPU works for peace and cooperation among peoples and for the firm establishment of representative democracy. To achieve these aims the IPU:
- fosters contacts, coordination and the exchange of experience among parliaments and parliamentarians of all countries;
 - considers questions of international interest and concern, and expresses its views on such issues in order to bring about action by parliaments and parliamentarians;
 - contributes to the defence and promotion of human rights; and
 - contributes to better knowledge of the working of representative institutions and to the strengthening and development of their means of action.
- 1.3 IPU Assemblies, held twice a year, bring together parliamentarians to study international problems and make recommendations for action. The assemblies include debates on significant international issues, the regular meeting of the IPU Governing Council, and meetings of specialist committees, working groups and geopolitical groups.
- 1.4 The 122nd IPU Assembly was held in Bangkok, Thailand from 26 March to 1 April 2010. Delegations from the following 124 parliaments attended the 122nd Assembly:
- Afghanistan, Algeria, Andorra, Angola, Argentina, Armenia, Australia, Austria, Bahrain, Bangladesh, Belarus, Belgium, Benin,

Bosnia and Herzegovina, Botswana, Brazil, Burkina Faso, Burundi, Cambodia, Cameroon, Canada, Chile, China, Colombia, Comoros, Congo, Costa Rica, Croatia, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Democratic Republic of the Congo, Denmark, Ecuador, Egypt, El Salvador, Estonia, Ethiopia, Finland, France, Gabon, Georgia, Germany, Ghana, Greece, Guinea-Bissau, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Ireland, Israel, Italy, Japan, Jordan, Kuwait, Lao People's Democratic Republic, Latvia, Lesotho, Liberia, Libyan Arab Jamahiriya, Liechtenstein, Luxembourg, Malaysia, Mali, Malta, Mauritania, Mauritius, Mexico, Monaco, Mongolia, Montenegro, Morocco, Mozambique, Namibia, Nepal, Netherlands, New Zealand, Nigeria, Norway, Oman, Palau, Palestine, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Romania, Russian Federation, Rwanda, Samoa, Sao Tome and Principe, Senegal, Seychelles, Sierra Leone, Singapore, Slovakia, Slovenia, South Africa, Sudan, Suriname, Sweden, Switzerland, Syrian Arab Republic, Thailand, Timor-Leste, Turkey, Uganda, Ukraine, United Arab Emirates, United Kingdom, United Republic of Tanzania, Uruguay, Viet Nam, Yemen, Zambia and Zimbabwe.

- 1.5 This report provides details of the meetings and activities in which the Australian parliamentary delegation to the IPU participated. The complete documents from the assembly and related meetings are available from the IPU's website at: www.ipu.org

General debate

- 1.6 The theme of the general debate at the 122nd IPU Assembly was 'Parliament at the heart of political reconciliation and good governance'. A total of 103 speakers from 92 delegations took part in the debate.
- 1.7 Keynote addresses were delivered by Dr Supachai Panitchpakdi, Secretary-General of the United Nations Conference on Trade and Development (UNCTAD), and Mr Michel Sidibé, Executive Director of the Joint United Nations Programme on HIV/AIDS (UNAIDS).
- 1.8 Dr Supachai said that following the Asian financial crisis, Asian economies had learned not to borrow in foreign currencies. Asia had accumulated foreign reserves and was determined not to slip back into crisis, but international trade linkages meant that the recent financial turbulence had affected all economies.

- 1.9 He noted that the statistical recession might be over but the human recession was not, because unemployment was still climbing. Wages in poor countries were falling as commodity prices dropped. UNCTAD and the G20 were looking to create greater international financial discipline in the face of multilateral resistance to the enforcement of regulations. Unless that resistance was overcome, the financial crisis would return.
- 1.10 Mr Sidibé said parliamentarians were at the heart of governance and social transformation. Although in 2009 and 2010 much energy and time had been spent dealing with climate change and the financial crisis, HIV/AIDS remained a vital issue. The epidemic had been accompanied by growing inequality between the rich and the poor.
- 1.11 He appealed for the removal of barriers to medical services for those with HIV in the developing world. In Africa, 400,000 babies had been born with HIV in 2009 and women were forced to choose between food and treatment, as well as between education for their children and treatment. Mr Sidibé said the IPU Assembly and the entire world should not accept such inequality just because of the financial crisis.
- 1.12 The Speaker of the House of Representatives, Harry Jenkins represented Australia in the general debate. He spoke about efforts to achieve reconciliation with Australia's Indigenous peoples, including through the apology made in the Federal Parliament on 13 February 2008 and initiatives aimed at closing the gap between real life outcomes of Indigenous and non-Indigenous Australians.
- 1.13 Mr Jenkins told the IPU Assembly an important challenge for Australian parliamentarians in the name of good governance was how best to give voice to the aspirations of Indigenous peoples. He indicated that this should address the question of whether any specific measures were needed to ensure Indigenous people can be better represented in our nation's decision making bodies, including our parliaments. He concluded by stating that when more Indigenous voices are heard in our parliamentary chambers then real progress on the road to reconciliation and better governance will have been achieved.

Standing committees

- 1.14 The three standing committees of the IPU met during the 122nd Assembly to consider resolutions to be put forward to the assembly. Drafting committees were appointed for each standing committee to consider amendments to each draft resolution and to prepare the text of the final resolutions.

- 1.15 The First Standing Committee on Peace and International Security put forward a resolution on ‘Cooperation and shared responsibility in the global fight against organised crime, in particular drug trafficking, illegal arms trafficking, trafficking in persons and cross-border terrorism’. The resolution was adopted by consensus at the IPU Assembly on 1 April 2010. The text of the resolution is provided at Appendix A.
- 1.16 The Second Standing Committee on Sustainable Development, Finance and Trade put forward a resolution on ‘The role of parliaments in developing South-South and Triangular Cooperation with a view to accelerating achievement of the Millennium Development Goals’. Senator the Hon Judith Troeth, representing the Australian delegation, served as the president of the drafting committee. The resolution was adopted by consensus at the IPU Assembly on 1 April 2010. The text of the resolution is provided at Appendix B.
- 1.17 The Third Standing Committee on Democracy and Human Rights put forward a resolution on ‘Youth participation in the democratic process’. The resolution was adopted by consensus at the IPU Assembly on 1 April 2010. The text of the resolution is provided at Appendix C.
- 1.18 For the 124th Assembly to be held in Panama City in April 2011, the following subject items were selected for the standing committees:
- First Standing Committee: ‘Providing a sound legislative framework aimed at preventing electoral violence, improving election monitoring and ensuring the smooth transition of power’;
 - Second Standing Committee: ‘The role of parliaments in ensuring sustainable development through the management of natural resources, agricultural production and demographic change’; and
 - Third Standing Committee: ‘Transparency and accountability in the funding of political parties and election campaigns’.

Emergency item

- 1.19 On 28 March 2010, the following emergency item was adopted by the IPU Assembly and referred to a drafting committee: ‘The role of parliaments in strengthening the solidarity of the international community towards the people of Haiti and Chile in the wake of devastating major disasters, and urgent actions required in all disaster-prone countries to improve disaster-risk assessment, prevention and mitigation.’
- 1.20 The drafting committee comprised representatives of Belarus, Cuba, France, Netherlands, Uganda and the United Kingdom. The committee was assisted in its task by a representative of the secretariat of the United

Nations International Decade for Natural Disaster Reduction. It met on 29 March 2010 and drafted a resolution that was adopted unanimously by the IPU Assembly on 1 April 2010. The text of the resolution is provided at Appendix D.

Special presentations

- 1.21 Two special presentations were included in the program of the 122nd IPU Assembly. Australian delegation members were included on the panels for both special presentations.

Nuclear security

- 1.22 On 28 March 2010, a special presentation was made on nuclear security, with three panellists addressing the IPU Assembly: Australian Speaker Harry Jenkins; Philippines Ambassador A Rodriguez (on behalf of Philippines Foreign Secretary A Romulo); and Tibor Toth, Executive Secretary of the Comprehensive Nuclear Test Ban Treaty Organisation. The panellists spoke about the growing political momentum for disarmament and a world free of nuclear weapons, and about the crucial role and responsibility of parliaments and parliamentarians in this regard.
- 1.23 During the special presentation, reference was made to the 2009 IPU resolution: 'Advancing nuclear non-proliferation and disarmament, and securing the entry into force of the Comprehensive Nuclear Test Ban Treaty: The role of parliaments.' It was suggested there needed to be concrete parliamentary follow-up, action and engagement at both the national and international levels.
- 1.24 Mr Jenkins told the IPU Assembly that parliamentarians need to support global efforts to strengthen the nuclear non-proliferation regime and promote conditions conducive to nuclear disarmament. He said sometimes it is difficult to see what individuals can do to deal with a problem that has been around for so long and for which international consensus has yet to be realised. But Mr Jenkins indicated that parliamentarians are obliged to help build that consensus, in their local communities, in their parliaments, and to take that momentum on to the world stage.
- 1.25 He warned that the world cannot afford another Non-Proliferation Treaty Review Conference like 2005 which failed to deliver the outcomes necessary to advance the cause of nuclear non-proliferation and disarmament. Mr Jenkins said parliamentarians can lead and inform public debate through education campaigns that raise awareness of

nuclear non-proliferation and disarmament issues, and encourage the community to bring their concerns and views to the attention of governments.

- 1.26 Mr Rodríguez said the slow pace of disarmament by nuclear-weapon States had frustrated non-nuclear-weapon States. He indicated that the Russian Federation and the United States should show the way by moving ahead with nuclear disarmament. A follow-on agreement to the Strategic Arms Reduction Treaty was eagerly awaited. As parliamentarians played a critical role in deciding how taxes were spent, they should channel them from nuclear weapons towards social and economic issues.
- 1.27 Mr Toth said the IPU's 2009 resolution had set out the best way towards a safer world. He was gratified that the IPU had remained focused on the issue. The Comprehensive Test Ban Treaty was one of the most effective measures to ensure world peace. A pillar for nuclear disarmament and non-proliferation, the treaty was within political reach but political will was needed to go the last mile. At its 120th Assembly, the IPU had pledged fuller parliamentary involvement and urged governments immediately to sign and ratify the treaty, which remained nine ratifications away from entering into force.

Child survival and maternal health

- 1.28 On 29 March 2010, the IPU Assembly heard a special presentation on parliamentary action to achieve Millennium Development Goals 4 and 5 on child survival and maternal health. The presentation followed up on the first IPU-Countdown to 2015¹ event, held in Cape Town in 2008, and a panel discussion held in tandem with the 120th IPU Assembly in Addis Ababa in 2009. It aimed to provide further examples of successful engagement by parliamentarians in overseeing supportive policies and investments to promote Millennium Development Goals 4 and 5 and reduce child deaths by two thirds and maternal deaths by three quarters by 2015.
- 1.29 The keynote address at the special presentation was delivered by Ms F Bustreo, Director of the Partnership for Maternal, Newborn and Child Health. Ms L S Changwe, a member of the National Assembly of Zambia, made a presentation on capacity and relationship building

1 The Countdown to 2015 initiative is a multi-partner project that tracks coverage levels of health interventions proven to reduce maternal, newborn and child mortality, identifies knowledge gaps and proposes new actions to achieve Millennium Development Goals 4 and 5.

opportunities, enabling parliaments to enhance accountability for financial flows to the areas of maternal, newborn and child health.

- 1.30 Australian member of parliament, Jill Hall shared Australia's experience of aligning health-targeted official development assistance with the Paris Declaration on Aid Effectiveness and the Accra Agenda for Action. She spoke of strengthening national health programs and gave examples of Australia's efforts to support implementation of Millennium Development Goals 4 and 5.
- 1.31 Ms K Pancharoenworakul, a member of the National Assembly of Thailand, shared her parliament's recent experience in using social insurance to spearhead improvements in maternal, newborn and child health outcomes.

186th Session of the Governing Council

Introduction

- 2.1 The Governing Council is the plenary policy-making body of the IPU. The committees and working groups of the IPU report to the Governing Council.
- 2.2 The 186th Session of the Governing Council was held on 28 March and 1 April 2010. There were 16 agenda items.

Membership

- 2.3 Five requests for affiliation and re-affiliation to the IPU were considered. The Governing Council agreed to readmit the Parliaments of Djibouti, Guinea-Bissau and Malawi as members of the IPU. It also agreed to admit the Parliament of Seychelles as an IPU member and to respond favourably to the request for associate membership submitted by the Transnational Arab Parliament.
- 2.4 A four-yearly evaluation of observers to IPU Assemblies had commenced. The Secretary General had written to those observers who rarely attended or never participated in IPU meetings in order to gauge their interest in remaining as observers. As only three of the nine relevant organisations had responded, consideration of the matter was deferred until the next session in October 2010.

Activity reports

- 2.5 The IPU President and Secretary General presented their reports to the Governing Council. Those reports detailed the recent activities of the Executive Committee and the IPU.
- 2.6 The IPU President highlighted the ongoing discussions regarding the IPU's cooperation with the United Nations and welcomed the participation of a number of senior United Nations officials at the 122nd Assembly.
- 2.7 The Secretary General noted that much of the IPU's work during 2009 had been devoted to serious worldwide crises, particularly climate change, food security, the global financial crisis, and the Middle East situation. In addition, the IPU had pursued efforts to promote the early entry into force of the Comprehensive Nuclear Test Ban Treaty and to enhance cross-cultural tolerance and understanding.
- 2.8 On promoting democracy, the IPU had developed a self-assessment toolkit to assist capacity-building and improvement of standards. It had also devoted attention to reconciliation work in post-conflict societies.
- 2.9 During 2009, the IPU had also sought to develop a more comprehensive program on development. This included promoting awareness of parliamentary responsibility in relation to climate change efforts and on the Millennium Development Goals, particularly those relating to HIV/AIDS as well as child and maternal health issues.
- 2.10 Twelve reports on recent IPU specialised conferences and meetings were considered by the Governing Council. These included reports on the 2009 World e-Parliament conference; the parliamentary meeting at the World Food Summit on Food Security; the Joint IPU-United Nations Parliamentary Hearing at the United Nations; the Third Parliamentary Conference on maternal and newborn health; the parliamentary meeting at the 54th Session of the Commission on the Status of Women; and regional meetings on peace and security, HIV/AIDS, and migration issues.

Cooperation with the United Nations

- 2.11 The Governing Council noted the various activities that have been undertaken in cooperation with the United Nations system since October 2009. The annual Joint Parliamentary Hearing with the United Nations was held in November 2009, focusing on building political support and implementing effective responses to the global financial crisis. It had

culminated in a series of recommendations about the role of parliaments in bringing greater accountability and responsibility to the global financial system, particularly in relation to the International Monetary Fund and the World Bank.

- 2.12 Other cooperation activities have included the second meeting of the Preparatory Committee of the 3rd World Conference of Speakers of Parliament and the first High-level Symposium of the Development Cooperation Forum. There has also been cooperative work with United Nations agencies such as the United Nations Development Programme, the United Nations Development Fund for Women, UNAIDS, the World Health Organization and the World Trade Organization.
- 2.13 On the growing relationship between the IPU and the United Nations, the Governing Council was advised that the UN General Assembly had since 2005 been receiving regular reports on such cooperation. The annual Parliamentary Hearing at the United Nations was now a joint activity enabling the IPU to address in a more integrated way issues high on the United Nations agenda. Parliamentarians were increasingly being included in national delegations to United Nations meetings. Even more importantly, cooperation between the United Nations, national parliaments and the IPU was to be considered as a separate agenda item at the General Assembly's 2010 autumn session.
- 2.14 At the same time, further efforts were needed to build a more strategic relationship. To this end the IPU initiated a survey of its members on interaction with the United Nations system, for reporting to the 3rd World Conference of Speakers of Parliament in July 2010.

IPU reform

- 2.15 At the Governing Council session held in October 2009, the opinions of geopolitical groups about reform of the IPU had been considered. As the discussions remained inconclusive, it was decided that matters relating to IPU reform would be considered further at the October 2010 session.
- 2.16 On the proposal to convert the IPU into an international organisation based on an international convention, IPU members were encouraged to study the matter over coming months and raise any questions with the IPU secretariat. Geopolitical groups were encouraged to follow the example of the African Group, which was establishing a working group to study the proposal in depth. The Executive Committee also was proposing to establish a working group to continue reflecting on the proposal.

Speakers of Parliaments were encouraged to discuss the matter at the 3rd World Conference of Speakers in July 2010.

Financial results

- 2.17 The financial report and audited financial statements for 2009 were presented to and approved by the Governing Council. The IPU Secretary General said the IPU and its operations had been affected by the global financial crisis and market volatility.
- 2.18 The IPU had ended the year with an operating surplus of over CHF 512,000. Revenues had exceeded the budget by some CHF 137,000, primarily due to new affiliations or re-affiliations not originally taken into account. Incomes higher than forecast had also been received from investment income, specifically capital gains from mutual fund holdings.
- 2.19 Significant savings had been achieved, with certain operating costs under budget. This included those of the Executive Office, the Division of Assembly Affairs and Member Relations, and the Division for External Relations. A weak United States dollar enabled savings on the cost of operating the Office of the Permanent Observer of the IPU to the United Nations. Various activities had also been cancelled.
- 2.20 The report on the financial situation of the IPU at 28 February 2010 was also presented to the Governing Council, which approved a reallocation of CHF 118,000 from the existing budget to finance expenditure on three activities. The expenditure was for: a two-day extraordinary session of the Executive Committee held in Namibia in February 2010 to lay the groundwork for future development of the IPU; extra expenditure for the 3rd World Conference of Speakers in Geneva in July 2010; and recruitment of a consultant on development issues to report on parliamentary involvement in working towards achievement of the Millennium Development Goals.

Parliamentary strengthening

- 2.21 A report on activities carried out in 2009 and early 2010 under the Programme for the Promotion of Democracy was considered and noted by the Governing Council. The report highlighted activities undertaken in accordance with the main focal points of the IPU's democratic work.
- 2.22 On strengthening parliaments, the focus was on promoting reconciliation, dialogue and security in transition, conflict or post-conflict situations.

Activities were undertaken in 15 countries. The IPU also was active in promoting and facilitating self-assessment as a useful tool for enhancing parliamentary performance.

- 2.23 In the field of human rights, the IPU continued to pursue its two-pronged approach of protecting the human rights of parliamentarians and strengthening the parliamentary capacity to defend and promote human rights. In that context, it was conducting a pre-publication review of a major study on exercise of the parliamentary mandate and had also pursued its work to combat human trafficking.
- 2.24 On the promotion of respect for children's rights, particular emphasis was placed on ways in which parliaments might contribute to achievement of the Millennium Development Goals relating to maternal health and child survival. Prevention of violence against children had been another area of focus.
- 2.25 Activities to promote women's participation in political life have included a new initiative to combat gender-based violence. The IPU also has focused on improving women's political representation in the Pacific and Arab regions.
- 2.26 The World e-Parliament Report 2010 was also noted by the Governing Council. Recommendations include greater international and regional cooperation in the field of ICT with a view to increasing resources, particularly for the benefit of the African continent, and greater solidarity among parliaments. A framework of strategic goals for the development of ICT in parliament over the coming decade has also been elaborated.
- 2.27 The IPU Secretary General provided an oral report on activities to mark the 10th anniversary of the International Day for the Elimination of Violence against Women. The IPU produced a booklet and poster on the campaign, to which it also devoted a section of its website. Special sessions of parliament as well as seminars and workshops were held.
- 2.28 The Governing Council approved a number of actions to mark the International Day of Democracy 2010, designated as 15 September. The theme centred on the strengthening of links between parliaments and citizens. Parliaments were encouraged to organise activities related to that theme.

Committee reports

- 2.29 The Governing Council took note of reports from the following specialised committees:
- Meeting of Women Parliamentarians;
 - Committee on the Human Rights of Parliamentarians;
 - Committee on Middle East Questions;
 - Group of Facilitators for Cyprus;
 - Committee to Promote Respect for International Humanitarian Law;
 - Gender Partnership Group; and
 - Advisory Group on HIV/AIDS.
- 2.30 It was also presented with the report from the panel discussion entitled 'Water: Preserving Our Oceans'. The panel discussion included a lively debate on strengthening institutional arrangements on ocean affairs in an integrated manner. The panel recommended that the United Nations General Assembly should be used as a forum for promoting a common approach by member states and interested parties. It also recommended that thought be given to the establishment of parliamentary committees on ocean affairs.

Future meetings

- 2.31 Preparations for the 3rd World Conference of Speakers in Geneva in July 2010 were reported to the Governing Council. This included the timetable for preparatory meetings leading up to the conference.
- 2.32 The Governing Council approved the following in relation to upcoming assemblies and inter-parliamentary meetings:
- the list of international organisations and other bodies invited as observers to the 123rd IPU Assembly in Geneva from 4 to 6 October 2010;
 - Bern as the venue for the 125th IPU Assembly in October 2011;
 - extension of the second Assembly in 2012 to five days; and
 - four new additions to the list of specialised meetings and other events.

Amendments to statutes and rules

- 2.33 Proposed amendments to the Rules of the Standing Committees were submitted for preliminary consideration by the Governing Council, with a view to their adoption at the 187th Session in October 2010. The Governing Council also noted that proposed amendments to Article 3 of the Rules of the IPU Secretariat, pertaining to the procedure for the election and re-election of the Secretary General, had been considered by the Executive Committee. Those amendments were submitted to the Governing Council for initial consideration with a view to their subsequent adoption at the next session in October 2010.

257th Session of the Executive Committee

Introduction

- 3.1 The 17-member Executive Committee of the IPU oversees the administration of the IPU. It provides advice to the Governing Council on matters relating to affiliation and re-affiliation to the IPU, fixes the date and place of council sessions, and establishes the provisional agenda for those sessions. The Executive Committee also proposes to the Governing Council the annual work program and budget of the IPU. It controls the administration of the IPU secretariat as well its activities in the execution of the decisions taken by the IPU Assembly and the Governing Council.
- 3.2 The Executive Committee held its 257th Session over three days, on 25, 26 and 31 March 2010. The session included a briefing on the arrangements for the 122nd Assembly.

Observers

- 3.3 Two organisations were recommended to be additional observers at the 122nd Assembly in light of the debate that would take place on organised crime, drug trafficking, illegal arms trafficking, trafficking in persons and cross-border terrorism. Those organisations were the Parliamentary Forum on Small Arms and Light Weapons, and Parliamentarians for Nuclear Non-proliferation and Disarmament.

Financial matters

- 3.4 The report on the 2009 financial results and financial situation of the IPU at 28 February 2010 was presented to the Executive Committee. The significant surplus was noted and it was acknowledged that this had allowed the IPU to cover most of the actuarial shortfall from the legacy Pension Fund. The measures being taken to reduce the impact of the global financial crisis on the Pension Fund were also highlighted.
- 3.5 The Executive Committee was informed that the Parliament of Palestine had been assessed for its contribution to the 2010 budget of the IPU at 0.141 per cent. However, on financial matters Palestine was treated like a least developed country, pursuant to United Nations General Assembly resolution 43/178 of 20 December 1988 (Assistance to the Palestinian people). The Executive Committee therefore decided to recommend that the Parliament of Palestine be assessed for its annual contribution as a least developed country and benefit from a reduced rate of 0.10 per cent for 2010 and onwards. In view of the Governing Council's approval of that recommendation, the Executive Committee proceeded to write off an amount of CHF 5,000 from the parliament's initial contribution for 2010.

Management issues

- 3.6 The management letter from the External Auditor and the management response was received by the Executive Committee. The Secretary General highlighted certain findings with which management concurred, namely the need to put out a call for tenders for printing and catering services, the need to prepare an updated inventory of the IPU's assets, and the need to make a clear distinction, during budget planning and financial reporting, between activities financed by the core budget and those financed by voluntary contributions. In discussing the management letter, the Executive Committee clarified the entitlement of the IPU President when travelling on official business for the organisation.
- 3.7 It was noted that the IPU, as a condition of membership in the United Nations Joint Staff Pension Fund, was required to apply the changes made to the scale of pay of the United Nations common system of salaries, allowances and benefits. The IPU salary scale had therefore been modified to reflect an adjustment of 3.04 per cent in the base salary scale for staff in the professional and higher category on a 'no loss, no gain' basis, meaning that the post-adjustment had been revised downward accordingly.

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- 3.8 In addition, the rates for dependency allowances for staff members in the professional and higher categories in Geneva had been revised downwards as of 1 September 2009. Article 106.4 of the Staff Rules had also been modified to reflect the fact that staff had to either opt for the IPU's collective health insurance or take out private health insurance with another provider.
- 3.9 Article 104.12 of the Staff Rules had been modified to stipulate that, effective from 1 January 2010, no income tax would be reimbursed to new staff members hired on or after that date who took up residence in neighbouring France. The same policy would apply to staff members hired prior to 1 January 2010 residing in Switzerland and taking up residence in neighbouring France after that date.

15th Meeting of Women Parliamentarians

Introduction

- 4.1 The Meeting of Women parliamentarians aims to:
- promote an increase in the number of women parliamentarians as delegates to IPU meetings;
 - promote greater participation of women parliamentarians in all senior posts of the IPU;
 - allow women to learn more about the status of women in their own and other regions and about strategies or mechanisms developed by other countries to meet the concerns of women;
 - establish contact with other women parliamentarians whether or not they participate in IPU meetings;
 - pre-study items on the agenda of each of the IPU Assemblies from the perspective of women legislators in order to develop strategies to make their delegations receptive to their concerns and to promote their objectives in the plenary sittings of the assembly and committees; and
 - identify suitable subjects for study by the IPU Assembly.
- 4.2 The 15th Meeting of Women Parliamentarians took place on 27 March 2010 and brought together approximately 120 women from 74 parliaments. Senator the Hon Judith Troeth and Ms Jill Hall MP represented Australia at the meeting, with Ms Hall also serving on the Coordinating Committee of Women Parliamentarians. IPU associate members and international organisations also attended the meeting, including the East African Legislative Assembly, the United Nations Development Programme, UNICEF, UNIFEM and the International Committee of the Red Cross.

Activity reports

- 4.3 A brief report was presented on the work of the Coordinating Committee of Women Parliamentarians undertaken at the IPU Assemblies held in Addis Ababa and Geneva in 2009. The report also detailed the discussions undertaken at the Coordinating Committee's meeting immediately before the 15th Meeting of Women Parliamentarians in Bangkok.
- 4.4 A briefing was provided on the work of the IPU's Gender Partnership Group. Its activities include monitoring the level of women's participation in delegations to IPU Assemblies, examining the IPU budget from a gender perspective and monitoring the situation of parliaments with no women members.
- 4.5 An outline of IPU gender activities undertaken since the 120th IPU Assembly in Addis Ababa in April 2009 was provided. The briefing focused on activities that related to eliminating violence against women and achieving Millennium Development Goals 4 and 5.
- 4.6 Reports on recent United Nations and IPU initiatives were examined, including the IPU-UNDAW parliamentary event on the occasion of the 54th Session of the Commission on the Status of Women held in New York in March 2010. Regional and national activities to support parliaments on gender issues were also discussed.

Issues debated

- 4.7 As its contribution to the IPU Assembly, the Meeting of Women Parliamentarians considered the item that was debated by the First Standing Committee, focusing on cooperation and shared responsibility in the global fight against organised crime, in particular drug trafficking, illegal arms trafficking, human trafficking and cross-border terrorism. The meeting divided into two discussion groups: one on trafficking of women and the second on the role of women in combating drug trafficking. Australia's Jill Hall was one of the rapporteurs for the groups.
- 4.8 The groups' reports were consolidated into proposed amendments to the draft resolution of the First Standing Committee. Several of the proposed amendments were adopted.
- 4.9 A dialogue session was held on Combating Violence against Women, with a particular focus on women held in places of detention and imprisonment. The session was introduced by a keynote address from HRH Princess Bajrakitiyabha of Thailand, UNIFEM Goodwill Ambassador

on violence against women. The ensuing debate highlighted that detention systems were not designed with the concerns and needs of women in mind and that the elaboration and implementation of new gender-sensitive standards for the treatment of women prisoners were crucial to change that situation. At the end of that session, participants unanimously adopted a declaration calling on parliaments and their members throughout the world to ensure that every effort was made to eliminate all forms of violence against women and girls in every sector of society.

- 4.10 A debate on the progress and setbacks of women in parliament also took place. Participants spoke about changes in electoral laws and constitutions, quotas and societal attitudes, which continued to impede women's access to parliament.

Coordinating Committee

- 4.11 On 31 March 2010, a special session of the Meeting of Women Parliamentarians was held to elect the 12 regional representatives and Bureau of the Coordinating Committee of Women Parliamentarians. The newly constituted Coordinating Committee met on 1 April 2010. It began preparations for its next meeting in Geneva in October 2010, which would examine each of the three standing committees' subject items from a gender perspective.

Subsidiary committees and other activities

Introduction

- 5.1 During the 122nd IPU Assembly, a number of subsidiary committees met and a range of other meetings and events were held. This chapter outlines the matters considered during those meetings and events.

Meetings of geopolitical groups

- 5.2 The IPU has six geopolitical groups that meet during the assemblies to discuss the operation and activities of the IPU. Australia is a member of two geopolitical groups: the Asia-Pacific Group and the Twelve Plus Group. The Australian delegation participated in meetings of both those geopolitical groups at the 122nd IPU Assembly.
- 5.3 At the Twelve Plus Group meetings held on 26, 29 and 31 March 2010, proposals for reform of the IPU featured in discussions, particularly the proposal to convert the IPU into an international organisation based on an international convention. The Twelve Plus Group received a briefing from the IPU Secretary General on recent developments in relation to the reform proposals.
- 5.4 Concerns were expressed about the timetable for pursuit of the reforms, with some Twelve Plus Group members indicating that consideration of the reforms could take much longer than the anticipated 18 to 24 months. There were also concerns that changing the IPU into a treaty based organisation could lead to two tiers of membership, if a proportion of existing members were not in a position to accede to any such treaty. Some delegations noted the constitutional limitations that apply to their parliaments entering into treaty arrangements.

- 5.5 The Australian delegation expressed concern about the IPU getting bogged down by this issue. It felt that a deeper understanding was needed about the relationship between the IPU and the United Nations. The delegation also suggested practical issues needed to be addressed, such as the protection afforded to IPU representatives in their international field work.
- 5.6 IPU reform also featured in discussions at the Asia-Pacific Group meetings held on 27 March and 1 April 2010. The IPU Secretary General also briefed the Asia-Pacific Group on the reforms.
- 5.7 Nuclear non-proliferation and disarmament was an additional issue discussed at the Twelve Plus Group meetings. A working group comprising representatives from Australia, France, New Zealand and the United Kingdom was appointed to meet with delegations from countries that have yet to ratify the Comprehensive Test Ban Treaty in order to advocate for ratification of that treaty.
- 5.8 Members of the working group met with delegations from Egypt, Indonesia and Iran. The Australian delegation was involved in each of those meetings. Each of the delegations was asked to convey to their parliaments and governments the importance of bringing the Comprehensive Test Ban Treaty into force as part of global efforts to advance nuclear non-proliferation and disarmament.

Bilateral meetings

- 5.9 During the course of the 122nd IPU Assembly, the Australian delegation held bilateral meetings with delegations and representatives from a range of parliaments. This included meetings with the Speakers of the Thai and Korean Parliaments, meetings with delegations from Indonesia and Vietnam, and a meeting with a parliamentarian from Afghanistan.
- 5.10 Discussions at those meetings focused on cooperation in the Asia-Pacific region, Australia's bilateral relationships with regional neighbours, and opportunities for enhanced parliamentary engagement at the regional level. The meetings also provided the opportunity to hear about recent developments in the parliaments of neighbouring countries.

Pacific delegations meeting

- 5.11 At recent IPU Assemblies, the Australian delegation had been discussing with the IPU Secretary General ways to increase the involvement of Pacific

Island parliaments in the IPU. To progress this issue, a meeting of Pacific parliamentary delegations was held with the IPU Secretary General on 30 March 2010. Delegations from Australia, New Zealand, Palau and Timor-Leste attended the meeting.

5.12 At the meeting, the following was agreed:

- meetings of Pacific or Oceania delegations would be organised at future IPU Assemblies to discuss issues of mutual interest;
- a proposal would be developed for a regional meeting before the end of 2010 of Pacific or Oceania nations to consider their participation at the IPU and this should be coupled with a capacity building activity;¹
- the representatives of Palau, Timor-Leste and Samoa would be a reference point for consideration of proposals in relation to the regional meeting and any capacity building activity coupled with the meeting;
- one issue that may wish to be considered at the regional meeting would be the opportunity for Pacific Island participation at the IPU through a rotating regional representative system, for those countries not able to attend regularly with their own delegations; and
- Australia and New Zealand consider ways that support could be provided to Pacific Island countries to assist with their participation at the IPU (for example, assistance with logistical arrangements or with information on participation).

1 The regional meeting that was agreed to was held on 9 and 10 August 2010 in Auckland, New Zealand. Speakers and parliamentary representatives from Australia, Cook Islands, Kiribati, Marshall Islands, Federated States of Micronesia, Nauru, New Zealand, Niue, Palau, Samoa, Timor-Leste, Tonga, Tuvalu and Vanuatu participated in the Meeting of Pacific Parliaments, together with the IPU Secretary General and representatives from the Centre for Democratic Institutions and the United Nations Development Programme. The meeting was made possible through substantial financial assistance from AusAID, the IPU, the Centre for Democratic Institutions and the UNDP. An outcomes document with 13 action items was adopted unanimously at that meeting. Those action items are being progressively implemented.

Committee on the Human Rights of Parliamentarians

- 5.13 The 129th Session of the Committee on the Human Rights of Parliamentarians took place from 27 to 31 March 2010. The committee examined the individual situations of 293 sitting or former parliamentarians from 32 countries. Nine new cases were studied for the first time. The committee conducted 13 hearings in relation to cases it was studying. The resolutions submitted for approval to the Governing Council concerned cases in 22 countries. Three of the cases were presented for the first time. The resolutions are provided at Appendix E.

Committee on Middle East Questions

- 5.14 The Committee on Middle East Questions met on 27 and 31 March 2010. Committee members exchanged views on the latest situation regarding the Israeli-Palestinian conflict and the peace process. The committee met with delegations from Israel, Palestine, Egypt and Turkey to hear their views on the conflict. It was also briefed by the IPU Secretary General on contacts and cooperation with the Israeli and Palestinian Parliaments.

Committee to Promote Respect for International Humanitarian Law

- 5.15 The Committee to Promote Respect for International Humanitarian Law met on 30 March 2010. The International Committee of the Red Cross and representatives of the United Nations High Commissioner for Refugees also participated and provided briefings.
- 5.16 Recent developments in relation to refugee protection, nationality and statelessness were considered. The committee was told two thirds of the total refugee population globally are found in an 'arc of crisis' stretching from South-West Asia through the Middle East to the Horn and Great Lakes of Africa. Half of the world's refugees lived in cities, as did millions of internally displaced persons. Increasingly refugee populations were being triggered by natural disasters.
- 5.17 Overall, there were 26 million internally displaced persons globally, according to December 2008 figures. A recent development was the signing of the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa. In February 2010, Uganda had become the first African Union Member State to ratify the Convention.
- 5.18 A recent encouraging trend was that fewer States discriminated against women in nationality matters. In 2009, Bangladesh and Zimbabwe had

- introduced amendments to their national legislation so that women – on an equal footing with men – could transmit their nationality to their children. Governments and parliaments in other countries were also currently debating amendment of their laws or passing new ones that provided for gender equity regarding the transmission of nationality.
- 5.19 It was noted that 2011 would mark the 50th anniversary of the 1961 Convention on the Reduction of Statelessness and the 60th anniversary of the 1951 Convention relating to the Status of Refugees. Furthermore, on 14 December 2010, UNHCR would be marking its 60th anniversary. The committee proposed that during the 124th IPU Assembly in Panama, the ‘open session’ of the committee should be devoted to highlighting the importance of those issues. It also proposed that the open session take place during the plenary session of the assembly.
- 5.20 At the 121st IPU Assembly held in October 2009, the IPU and the International Committee of the Red Cross launched the publication entitled *Missing persons: A Handbook for Parliamentarians*. The handbook currently existed in English and French. The committee was advised that arrangements were being made for it to be translated into several other languages, including Arabic, Chinese, Portuguese, Russian and Spanish. The committee welcomed those developments and invited all IPU members to make use of the handbook and disseminate it as widely as possible.
- 5.21 The committee was briefed on developments with regard to the Convention on Cluster Munitions. Following the 30th ratification of the convention by Burkina Faso in February 2010, the text was to enter into force in August 2010. The committee welcomed this and reiterated the need for continued ratification and implementation. It encouraged the widest possible international support for the convention. The International Committee of the Red Cross expressed its readiness to provide additional information to interested parliaments.
- 5.22 A special session, open to the public, was organised within the framework of the committee’s work for members of parliament on the role of parliaments in ensuring birth registration for all. The committee proposed that future open briefing sessions of the committee take place separately from the in camera proceedings. It also proposed that the open session take place on days when the assembly was in session.
- 5.23 The committee heard that many States had ratified the Convention on the Rights of the Child. However, implementation remained insufficient. The International Committee of the Red Cross was preparing a set of guiding principles for domestic implementation of a comprehensive system of protection for children in war. It intended to include those principles in its efforts aimed at enhancing implementation of international humanitarian law.

Group of Facilitators for Cyprus

- 5.24 A meeting of the Group of Facilitators for Cyprus took place on 28 March 2010 in Bangkok. It was noted that there had been progress in negotiations between the President of the Republic of Cyprus and the Turkish Cypriot leader.
- 5.25 The group expressed their strong wish for negotiations to continue following the April 2010 elections of the Turkish Cypriot leader. They also expressed the hope for a long-term and viable solution for the unification of Cyprus based on a bizonal, bicomunal federation and political equality in accordance with relevant United Nations resolutions. They acknowledged that such a solution would provide a much needed long-term vision for the future.
- 5.26 A proposal for the facilitators of the group to pay a visit to engage with political parties in Cyprus – subject to consultation with the IPU – was welcomed.

Gender Partnership Group

- 5.27 The Gender Partnership Group held its 25th session on 26 March 2010. The group examined the composition of the delegations attending the 122nd Assembly and compared it to that of previous IPU statutory meetings.
- 5.28 As at 31 March 2010, 178 of the 621 parliamentarians (28.7%) attending the assembly were women. That represented a slight regression compared to the previous assembly held in Geneva (31.6%), but was comparable to the participation in the previous assemblies held in Addis Ababa and Cape Town.
- 5.29 Participation was far from reaching parity in delegations, and still short of the original target of 30 per cent women delegates. It was considered necessary to remain vigilant, enhance awareness, and engage delegations as well as geopolitical groups in stepping up the level of women's participation.
- 5.30 Of the 124 delegations attending the 122nd Assembly, 114 were composed of two delegates or more. Of those, 14 (12.3%) were all male, down from 13.9 per cent at the previous assembly in Geneva.
- 5.31 There were no all-female delegations composed of more than one member. The delegations from the following countries were subject to sanctions at the assembly as they were single-sex for the third consecutive time: Malta, Papua New Guinea, Qatar and Samoa.
- 5.32 The group discussed the IPU's budget from a gender perspective, as it has done since 2004. It welcomed the fact that the financial report of

expenditure for 2009 provided detailed information on gender-specific allocations in the budget with regard to the secretariat staff and extra-budgetary funding. It, however, requested that additional gender indicators in budget allocations and expenditures be set across all areas of the program work and in the secretariat.

- 5.33 The group considered the status of parliaments with no women members, of which there were six. Another three countries had no women members in the lower chamber. Those countries were concentrated in the Pacific Islands and the Gulf Cooperation Council States. The group agreed that more needed to be done to monitor progress and exert pressure on those States to begin including women in their parliaments. It discussed strategies such as sharing of experiences with parliaments where women were represented in large numbers, and highlighted the importance of raising awareness among political parties to promote women candidates.
- 5.34 At its second sitting on 31 March 2010, the group held a dialogue session with the delegation from Yemen to learn more about the situation and challenges facing women in politics in the country. It was briefed by the Yemeni delegation and provided with information on women's political participation, including ongoing debates about the adoption of a 15 per cent quota for women in parliament and leadership positions.

Panel discussions

- 5.35 Two panel discussions were held during the 122nd Assembly and related meetings in Bangkok.

Fulfilling the Convention on the Rights of the Child

- 5.36 A panel discussion organised by the IPU and UNICEF on 30 March 2010 considered the role of parliaments in fulfilling the Convention on the Rights of the Child. More than 150 delegates participated.
- 5.37 The panel was chaired by Ms P Tamthai, a member of parliament from Thailand. The panellists were Ms M Santos País, the UN Secretary-General's Special Representative on violence against children, Mr V Muntabhorn, former UN Special Rapporteur on the sale of children, child prostitution and child pornography, Ms S Greiss, a member of parliament from Egypt, and Ms N Adhikari, a youth representative from Nepal.
- 5.38 The event marked the 20th anniversary of the Convention on the Rights of the Child, which had been adopted by the UN General Assembly in 1989 and entered into force in 1990. The convention was the most comprehensive legal instrument on protection of the rights of children and

had been ratified more quickly and widely than any other human rights instrument.

- 5.39 Panellists gave an overview of the convention's impact on the lives of children over the past two decades. They noted both achievements and remaining challenges, underscoring the critical role parliaments and their members could play through their law-making, resource-allocation, oversight and representative roles to ensure full implementation of the convention.
- 5.40 The active participation of children in parliamentary processes was seen as crucial by many of the participants. They also underscored the importance of strengthening mechanisms to monitor children's rights, using the best interests of children as the litmus test of good governance and efforts to reduce disparities. They stressed the need to allocate adequate budget resources to ensure full implementation of the convention, and agreed that political will was needed to make further progress.

Preserving our oceans

- 5.41 The panel discussion on preserving our oceans was held on 30 March 2010 and explored maritime security and ocean governance. The panel's members were the moderator, Mr P Phalusuk, a member of the Thai Parliament and chairperson of its Working Group on Water; Ms W Watson-Wright, Executive Secretary of UNESCO's Intergovernmental Oceanographic Commission and UNESCO Assistant Director-General; Mr. J Tamelander, Programme Manager, Oceans and Climate Change, Global Marine Programme, International Union for Conservation of Nature; Mr C Virapat, Executive Director of the International Ocean Institute; and Mr M Ruivo, former Vice-Chairman of the Intergovernmental Oceanographic Commission.
- 5.42 The panel agreed that the United Nations Convention on the Law of the Sea and *Agenda 21* had helped promote sustainable development of ocean resources and the marine environment. Participants, however, indicated that while visible progress had been made in the economic, social and environmental spheres, it had lagged behind in the institutional field. They agreed that this was undermining the capacity to respond to the crisis in living resource and fisheries management and in other uses of the oceans, which had been exacerbated by climate change. Failure to strengthen the institutions involved would compromise the UN system's ability to achieve the One UN objective.
- 5.43 The panel recommended that the opportunity afforded by the UN General Assembly to promote measures aimed at identifying a common approach by Member States and interested stakeholders should be seized. The participants hoped for a serious commitment from national executives to

the regular process for global reporting and assessment of the state of the marine environment, including socioeconomic aspects.

- 5.44 They underscored the importance of strengthening institutional arrangements on ocean affairs in an integrated manner, and expressed support for the commitments established under UN General Assembly resolution 60/30 of 29 November 2005 (Oceans and the law of the sea). The panel further recommended that parliaments consider establishing a parliamentary committee on ocean affairs or an equivalent mechanism in order to promote integrated oversight and management of ocean affairs.

Briefing sessions

- 5.45 Three briefing sessions were held during the 122nd Assembly and related meetings in Bangkok.

Making aid work

- 5.46 The briefing session on 'Making aid work: What every MP should know' was a half-day event held on 31 March 2010 with the aim of helping promote several new initiatives of the IPU and its partner, UNDP, in the area of aid effectiveness. Some 40 MPs from both donor and aid recipient countries participated.
- 5.47 The presentations drew on four recent IPU case studies of parliaments in Cambodia, the United Republic of Tanzania, Vietnam and Zambia. An online guidance note for MPs, *Making aid work: Towards better development results*, was launched. The note had been produced jointly by the IPU and UNDP as part of the new Capacity Development for Development Effectiveness Facility, which was also introduced.
- 5.48 The discussion helped highlight the ways and means in which parliaments and parliamentarians could work to hold governments to account on aid management and utilisation. It also provided MPs with an opportunity to learn about concrete examples of how aid had worked in various countries, ask general questions about aid and find out about resources for further engagement on those issues.

International disaster cooperation

- 5.49 The briefing session on 'Strengthening legal preparedness for international disaster cooperation' was held on 31 March 2010. It was organised by the IPU together with the International Federation of Red Cross and Red Crescent Societies and was attended by 20 country delegations. It discussed the main problem areas covered by the 'Guidelines on the domestic facilitation and regulation of international disaster relief and initial recovery assistance'. Participants were invited to share their views

on the new project launched by the IPU and the International Federation of Red Cross and Red Crescent Societies to develop model legislation to help parliaments implement the guidelines nationally.

- 5.50 Participants expressed concern that disasters would continue to take a heavy toll as extreme weather events driven by climate change became more frequent. Yet many States still had few laws or regulations enabling them to facilitate and oversee the external assistance they might someday need. The result was bureaucratic bottlenecks in disaster operations and other avoidable problems of quality and coordination. International assistance was therefore often slower to reach those in need, more expensive and less effective than it ought to be.
- 5.51 Participants observed that they had a responsibility as parliamentarians to bring those issues to the fore – before a crisis – and to shape legislation addressing common problem areas. They asked the IPU to organise regional and subregional sessions/workshops on that topic.

Birth registration

- 5.52 The third briefing session was on ‘The role of parliaments in ensuring birth registration for all’. The session focused on ways to help promote birth registration and make it accessible.

Field visits

- 5.53 Three field visits for parliamentarians took place on 29 March 2010. Two – on the protection of child trafficking victims/unsafe migration and early childhood development – were co-organized with UNICEF. The third – to a baby-friendly hospital and community health centre – was co-organized with the Partnership for Maternal, Newborn and Child Health.
- 5.54 Thirty parliamentarians from 21 countries participated in the visits, which took place as a prelude to the special presentation on progress in implementing Millennium Development Goals 4 and 5 and to the panel discussion on the Convention on the Rights of the Child. Ms Jill Hall represented the Australian delegation on the field visits.
- 5.55 During the visit relating to the protection of child trafficking victims/unsafe migration, parliamentarians called on the Sapansiri Community, which was home to Cambodian migrants working in Bangkok and nearby cities. The community had been working with Friends International and with UNICEF support to strengthen protection for children who were migrants or at risk of unsafe migration and trafficking. Friends International provided life skills education, counselling, and support for income generation by parents of vulnerable

children. It also worked with Thai street children/young people and migrants from Cambodia, Myanmar and the Lao People's Democratic Republic detained in government shelters, providing them with education and skills training with a view to their reintegration into society. Friends International outreach teams had been offering those living and working in the streets the possibility to move away from street life.

- 5.56 The field visit to Silapadej Early Childhood Development Centre highlighted the importance of community participation and unity in promoting early childhood development. The centre was established by community members and was partially funded by the local authorities. It provided proper care, diet and learning activities for preschool children whose parents had to work during the day, mostly as construction workers, maids, silver polishers and garbage collectors.
- 5.57 The third visit encompassed two sites: Klong Toey Public Health Centre 41 and Charoenkrung Pracharak Hospital. The two public health facilities were part of the free health system provided to Bangkok residents to help improve maternal, newborn and child health and achieve Millennium Development Goals 4 and 5.

Meetings of the Association of Secretaries General of Parliament

- 5.58 In conjunction with the 122nd Assembly, meetings of the Association of Secretaries General of Parliament (ASGP) were held from 28 March to 1 April 2010. The ASGP is constituted as a consultative body of the IPU and seeks to facilitate personal contacts between holders of the office of Secretary General in any parliamentary assembly, whether such assembly is a member of the IPU or not. The ASGP studies the law, procedure, practice and working methods of different parliaments and proposes measures for improving those methods and for securing cooperation between the services of different parliaments. The ASGP also assists the IPU when asked to do so, on subjects within the scope of the ASGP. Ms Claressa Surtees, Serjeant-at-Arms of the House of Representatives, attended the Bangkok meetings of the ASGP as the substitute of Mr Bernard Wright, Clerk of the House. Her report from those meetings is provided at Appendix F.

Visit to the People's Republic of China

Introduction

- 6.1 The Australian parliamentary delegation that attended the 122nd IPU Assembly undertook an official visit to the People's Republic of China from 2 to 11 April 2010 following the assembly. The program, outlined at Appendix G of this report, included visits to major cities and regional areas, allowing the delegation to experience the diversity of China.
- 6.2 The visit took place in response to an official invitation from the National People's Congress, which coordinated the program in consultation with the Australian Embassy and consulates in China. The main aims of the visit were to:
- examine ways to further develop relations between the Australian Parliament and the National People's Congress of the People's Republic of China, taking into account a recently signed parliamentary Memorandum of Understanding;
 - gain an understanding of recent political, social and economic developments in China and their relevance to Australia and the Asia-Pacific region; and
 - consider ways in which the bilateral relationship between Australia and China could be enhanced.

Hong Kong and Macau

- 6.3 On departure from the IPU Assembly in Bangkok, the delegation transited through Hong Kong. As part of its short stay in Hong Kong the delegation undertook a day's visit to Macau, where it was able to meet with

Australian business representatives operating the City of Dreams entertainment resort.

- 6.4 The City of Dreams resort is a \$2 billion investment operated by Melco Crown Entertainment, a joint venture between Australia's Crown Limited and Hong Kong listed Melco Entertainment. Located on the Cotai Strip, which is reclaimed land about five kilometres from downtown Macau, it opened in June 2009 and includes three major hotels and a casino, as well as various entertainment facilities within the complex.
- 6.5 The delegation was told that the resort is looking beyond the difficulties of the global financial crisis and is pitching its business to the lucrative Chinese family tourism market. The range of entertainment facilities in the complex are aimed at attracting a growing Chinese middle class, who have increased income available to spend on travel and holiday experiences. The delegation heard that this represents opportunities for Australian businesses operating in the Chinese tourism market, including opportunities for increased Chinese tourism to Australia. It was a point reiterated to the delegation when it visited Shanghai.
- 6.6 As the second resort to open on the Cotai Strip, the City of Dreams demonstrates confidence in the continuing growth of the Chinese economy. It also is an indicator of the capacity of Australian business interests to benefit from China's 'one country, two systems' approach.

Guangdong

- 6.7 The first major city the delegation visited on mainland China was Guangzhou, in the southern province of Guangdong. The city's geographical location has long made it a major trading thoroughfare and that tradition continues today.
- 6.8 With a population of around 110 million people, Guangdong province is a major driver of China's economic development. It contributes around 12 per cent of China's national economic output and 30 per cent of China's exports.
- 6.9 In meetings with provincial leaders, the delegation heard that over the past 30 years the economy has been transformed from its agricultural base to become a significantly diversified economy with a strong focus on foreign trade. The Gross Domestic Product of the province exceeds that of Singapore and is catching up to that of Korea.
- 6.10 The annual growth rate in recent years has averaged 13.8 per cent. While Guangdong's trading focus meant that it was affected by the global

- financial crisis, a growth rate of 9.5 per cent in the past year indicates that it has been able to rebound quickly from the effects of the crisis.
- 6.11 The delegation was told that economic reforms coupled with the province's favourable geographical location for trade have been significant contributors to its economic success. Among the current priorities for the provincial government are scientific development, promotion of social harmony and environmental protection. It was suggested to the delegation that environmental laws and regulations enacted in Australia could be a useful guide for ensuring economic development is pursued in a sustainable way.
- 6.12 A visit to a local industrial plant that manufactures air-conditioners provided an example of the characteristics shaping economic development in Guangdong. Products are in high demand and production is increasing to meet that demand. Innovation is being emphasised, with a third of company directors' time spent on research and development. Partnerships are being developed with the tertiary sector to foster that research. Energy savings and environmental improvements are also being encouraged.
- 6.13 During meetings with provincial representatives, the delegation was told that relations with Australia are viewed very favourably. Guangdong has a sister-state relationship with New South Wales. Last year there was US\$9.4 billion of goods trade between Australia and Guangdong,
- 6.14 The delegation also had the opportunity to meet with a number of Australian business and government representatives who are engaged in a diverse range of industries in Guangdong. These include energy, construction, food and beverages.
- 6.15 Education services and tourism are becoming major export earners for Australia from Guangdong. There is also growing demand for family migration to Australia.
- 6.16 Despite significant growth in trade between Australia and Guangdong, it was suggested to the delegation that many in Australia did not appreciate the extent of Australian economic links with the province or the true potential for further expansion of those links. In particular, the provincial government's recent emphasis on development of sustainable and environmental industries provided an important opportunity for Australian businesses operating in those sectors.
- 6.17 A major international fair for small and medium enterprises would be a valuable chance to promote trading links between Australia and Guangdong, the delegation was told. Being arranged in Guangzhou to coincide with the Shanghai World Expo, the international fair would cover eight sectors: food and beverage; wine; financial and business services;

corporate training and education; creative industries; clean technology and green building; sports and leisure; and consumer goods.

Ningxia

- 6.18 The delegation's visit to the Ningxia Hui Autonomous Region provided a considerable contrast with Guandong, enabling the delegation to better appreciate both the diversity of and differing challenges within China. With a population of 6.2 million, Ningxia comprises both Han and Hui peoples. Hui practise Islam.
- 6.19 Ningxia is one of China's major resource suppliers. It has the fifth largest reserves of coal and has been designated a major energy producing province. It also has a large agricultural industry, with the fourth largest per capita grain production in China. There is also a developing wine production industry.
- 6.20 In meetings with provincial representatives, the delegation was told that China's western development strategy is being implemented to achieve progress in the region. Economic development is vital to address the large gap that continues to exist between the western and eastern provinces of China. It is also needed to address the income gap between urban and rural populations. Urban residents can earn an average 14,000 yuan per annum, compared with 4,300 yuan for rural residents.
- 6.21 In advance of significant population growth expected in the region, infrastructure is being built to meet future demand. This was evident to the delegation as it travelled along multilane highways that have been built to meet needs associated with future population growth predictions.
- 6.22 As part of its development approach, Ningxia is implementing three relocation projects: moving people from desert to irrigated areas; relocating people from poorer mountainous regions to rural areas; and relocating workers to urban enterprise areas. The delegation visited villages to which people had been relocated and inspected agricultural projects in those villages.
- 6.23 In one village, families had been relocated from an impoverished mountain region to the new rural settlement where they were provided with small greenhouses attached to modest housing. The produce they grow provides them with an income and allows them to move beyond subsistence living. The delegation spoke with one of the villagers, who told the delegation that she grows and sells the crops in the greenhouse while her husband works in town. This way they both are able to earn income for the family.



Inspecting a poverty alleviation project in Ningxia

- 6.24 In another village, major work had been undertaken to provide housing, construct paved roads and build a town centre with shops. A display in the village square showed the immense contrast between the new village that had been constructed and the previous settlement.
- 6.25 The delegation also inspected a major horticulture park which integrates research, production, investment, education and tourism. The impressive facility is providing an agricultural hub for the region to promote its growth through agricultural development. It was an outstanding example of the Chinese capacity to undertake large scale projects within a short timeframe to support rapid growth. It also demonstrated China's efforts to promote sustainable green industries for the benefit of its citizens, the economy and the environment.
- 6.26 While in Ningxia, the delegation also had the opportunity to consider the cultural diversity of the region. It visited two mosques, an Islamic cultural centre and an Islamic institute.
- 6.27 At the Islamic institute the delegation was briefed by staff on the work of the institute, which was opened in 1985. The institute caters for around 400 students who undertake four years of religious study. After completing that study they work among the community in a religious capacity.



Visiting a mosque in Ningxia

- 6.28 Funding for the institute is provided by the regional government and through the central government. Some support is also provided by international organisations. A cultural exchange has been introduced with Egypt, enabling student exchanges.
- 6.29 The delegation was advised that there are more than 3,000 mosques in the Ningxia region. A Religious Affairs Commission operates to ensure proper training and teaching of Islam. Religious leaders are also required to undertake training in socialist colleges so that they connect with the doctrines of Chinese society and do not encourage religious extremism.
- 6.30 The delegation's visit to the Ningxia region gave it a different perspective on China. It would be worthwhile for future Australian parliamentary delegations to ensure they visit the diverse regions of China so that Australian parliamentarians better understand the complexities of one of our most important neighbours.

Beijing

- 6.31 An important focus for the delegation's visit to Beijing was to participate in a formal dialogue with representatives of the National People's Congress under the terms of a parliamentary Memorandum of Understanding (MOU) that was signed in 2006 between the National

People's Congress and the Department of the House of Representatives. The MOU provides that a formal parliamentary dialogue is to be held once every two years to exchange views on issues of relevance to the two parliaments, including developments at the regional and broader international level.

- 6.32 The parliamentary dialogue took place on 8 April 2010 and constituted the second parliamentary dialogue since the signing of the MOU. The first formal meeting took place in 2007 in Canberra. At the Beijing meeting, Vice Chairman of the Foreign Affairs Committee, Zha Peixin led the discussions on behalf of the National People's Congress and Speaker of the House of Representatives, Harry Jenkins led the discussions on behalf of the Australian Parliament.
- 6.33 The parliamentary dialogue was preceded by meetings with China's Vice President Xi Jinping and the Chairman of the National People's Congress Wu Bangguo. Both leaders acknowledged the importance of the parliamentary MOU and its relevance for enhanced understanding about the political systems under which Australia and China operate. They expressed a strong desire for further development of the exchange opportunities presented by the parliamentary MOU.
- 6.34 Vice President Xi and Chairman Wu indicated to the delegation that the bilateral relationship with Australia was growing from strength to strength. They acknowledged that from time to time there can be differences of opinion on particular issues, but those differences should not impact on the development of the relationship in the longer term.
- 6.35 It was noted that Australia and China have pursued effective cooperation and consultation through various international organisations and at international meetings. Both countries are seen as an important influence in the Asia-Pacific region and continuing cooperation will contribute to peaceful development at the regional level.
- 6.36 Coordination on major issues and global challenges, such as climate change, was seen as important. Such cooperation provides further opportunities to build mutual trust.
- 6.37 Opportunities to develop economic links, including increased trade, were also acknowledged. The complementary nature of the trading relationship between Australia and China was recognised, with both countries benefiting from the trade in raw materials and natural resources.
- 6.38 Hope was expressed for progress in the negotiation of a free trade agreement. The delegation was told there is firm political will in China to sign such an agreement with Australia.



Speaker Harry Jenkins meeting with Chairman Wu Bangguo

- 6.39 At the parliamentary dialogue which followed, the initial discussions focused on the operation of the parliamentary MOU and ways to ensure it can be used to maximum benefit to further develop relations between the two parliaments. The Chinese and Australian delegations agreed to:
- undertake a parliamentary dialogue each year, with the venue for the dialogue alternating between China and Australia, with the next dialogue meeting to be held in Australia in 2011;
 - link the parliamentary dialogue into regular exchanges of parliamentary visits between the two parliaments;
 - consider extending the MOU to include the Australian Senate so it becomes an MOU with the Australian Parliament and not just the Department of the House of Representatives; and
 - facilitate other visits and meeting opportunities under the terms of the MOU, including parliamentary committee exchanges, study visits by parliamentarians and parliamentary staff, and bilateral meetings at international conferences.
- 6.40 Following agreement on the future development of parliamentary links, the Australian and Chinese delegations also discussed issues of interest to parliamentarians from both sides. Those discussions focused on defence ties, water management, regional development and poverty alleviation.

- 6.41 Both sides saw benefit in promoting defence ties between Australia and China. Those ties could be developed further to include more frequent military exchanges, such as visits between key military personnel, training exchanges, including in peacekeeping, and visits by navy vessels. It was suggested that parliamentarians on both sides should advocate for growing these sorts of defence links.
- 6.42 Drought in both countries meant there were also opportunities to share experiences and ideas in relation to water management. The delegations discussed ways in which the agricultural sectors of both countries were addressing water management issues, including through improved irrigation systems. It was noted there has been longstanding cooperation on water management between Australia and China. The Chinese delegation also referred to the important cooperation that is being undertaken on meteorological issues.
- 6.43 During the dialogue, the Chinese delegation highlighted the importance of agricultural development for the future growth of the Chinese economy and for addressing rural poverty. Since 2003, grain output had increased for six consecutive years, with technological innovation contributing to higher corn, rice and wheat yields. The income of farmers had also increased, leading to a decline in rural poverty.
- 6.44 Infrastructure improvements were being targeted to address rural poverty. For example, priority counties had been identified for roads construction. Through this work, China was achieving its Millennium Development Goals.
- 6.45 It was noted that there had been growth in agricultural cooperation between Australia and China. Parliamentarians from both sides agreed there was potential for and benefit from boosting agricultural cooperation between the two countries.
- 6.46 While in Beijing, the delegation also had the opportunity to meet with Australian business and government representatives working in the Chinese capital. One of the clear messages was that there are increasing opportunities for Australian companies with environmental know-how to invest in and profit from the development of green technology industries in China.
- 6.47 Rapid growth across China has given rise to a number of environmental issues, including water management and air quality. It has been recognised that action needs to be taken to ensure the pace of growth does not lead to irreversible environmental damage.
- 6.48 The delegation heard that the growing green industry sector in China could be worth up to one trillion US dollars by 2013. While Australia does not currently have a significant green industry presence in China, an

Australia-China Green Growth Initiative is looking at future opportunities. Business representatives indicated that Australian companies with green sector expertise should take a serious look at the business possibilities emerging in China.

- 6.49 Community health is also an area where Australian expertise could benefit both countries. Better access to healthcare is a Chinese government priority and reforms are being trialled through pilot projects. The delegation was told that Australian involvement would not only carry economic benefits but also longer term benefits for the bilateral relationship.

Shanghai

- 6.50 In Shanghai the focus of the delegation's meetings and inspections was on economic development and trade. Like Guangzhou, Shanghai has long been a city and region that has opened up to the outside world. Its hosting of World Expo 2010 has helped to cement its reputation as a dynamic and evolving international city. It also demonstrates another important evolving characteristic of Chinese economic development: the growing sense of confidence that it brings the nation.
- 6.51 The delegation had the opportunity to inspect the World Expo 2010 site, including the impressive Australian pavilion. With the theme of 'Better City, Better Life', World Expo 2010 has provided China with the chance to showcase its economic success and at the same time emphasise its commitment to a more sustainable future, in which economic development and environmental management are complementary.
- 6.52 In discussions with municipal representatives, there was a clear sense of pride in their ability to stage major international events. Shanghai and the Yangzi River Delta have long been regarded as the nation's foremost economic powerhouse. The successful hosting of World Expo 2010, the largest ever international event, has contributed an extra dimension to Shanghai's growing self-confidence: a sense that the city can stand tall internationally and is a desirable place to live. There was also recognition that this reflects a change in the focus of Shanghai, which previously relied heavily on its manufacturing sector but more recently has been diversifying into services (which now constitute 59 per cent of Shanghai's economy) and has been building its credentials as an international trade, finance and shipping hub.



Inspecting the Australian pavilion at World Expo 2010 Shanghai

- 6.53 With 1.4 per cent of China's population (just over 20 million), Shanghai alone contributes almost five per cent of China's national economic output. It is the city with China's largest per capita GDP (US\$10,529 in 2009). Shanghai's relatively high incomes are fuelling rapid growth in Shanghai's services economy. Until 2008 Shanghai enjoyed 16 consecutive years of double-digit growth. While growth dropped below 10 per cent in 2008-09, it is likely to return to double-digit figures in 2010. In addition to national and local policies focused on developing Shanghai's services sector, World Expo has contributed strongly to robust economic growth.
- 6.54 This was also highlighted during discussions the delegation held with Australian business representatives in Shanghai. The discussions involved representatives of major companies as well as smaller operators who had found a niche for themselves in the Chinese market. It was made clear to the delegation that Australia's trading future with China does not rest solely on provision of natural resources. There are many opportunities for service industries to become involved in an increasingly affluent Chinese market, although such involvement needs to be undertaken with due regard to Chinese laws and cultural understanding.
- 6.55 While in Shanghai, the delegation inspected two major industrial complexes, the Baosteel Corporation and the Yangshan Deepwater Port. Both have experienced remarkable growth and expansion in recent years.

Both demonstrate Chinese determination to ensure the country's ongoing economic development.

- 6.56 Since the establishment of the Baosteel Corporation site in Shanghai in 1978, steel production has skyrocketed to an output of 25 million tonnes per year. The delegation was told that over a two decade period it has become the second largest steel production plant in the world. The port inspected by the delegation handles 40 million tonnes of iron ore per year.
- 6.57 Outside of Shanghai, the Yangshan Deepwater Port is connected to the mainland via a massive 30 kilometre bridge. The first three stages of the facility, including the bridge, were constructed over a five year period. The facility is currently handling nine million container units a year.
- 6.58 Visiting the facility as the final port of call for the delegation provided a fitting end for the visit. It emphasised the capacity within China to deliver large scale projects to support large scale economic development. It also impressed on the delegation the need for Australian policy and decision-making to be in tune with the extremely fast pace of growth and development in China.

HARRY JENKINS MP

Speaker and

Leader of the Delegation



Appendices

Appendix A: Resolution on cooperation and shared responsibility in the global fight against organized crime, in particular drug trafficking, illegal arms trafficking, trafficking in persons and cross-border terrorism

Appendix B: Resolution on the role of parliaments in developing South-South and Triangular Cooperation with a view to accelerating achievement of the Millennium Development Goals

Appendix C: Resolution on youth participation in the democratic process

Appendix D: Resolution on the role of parliaments in strengthening the solidarity of the international community towards the people of Haiti and Chile in the wake of devastating major disasters, and urgent actions required in all disaster-prone countries to improve disaster-risk assessment, prevention and mitigation

Appendix E: Resolutions concerning the Human Rights of Parliamentarians

Appendix F: Meetings of the Association of Secretaries General of Parliaments

Appendix G: Program in the People's Republic of China

**COOPERATION AND SHARED RESPONSIBILITY IN THE GLOBAL FIGHT
AGAINST ORGANIZED CRIME, IN PARTICULAR DRUG TRAFFICKING,
ILLEGAL ARMS TRAFFICKING, TRAFFICKING IN PERSONS AND CROSS-
BORDER TERRORISM**

Resolution adopted by consensus by the 122nd IPU Assembly
(Bangkok, 1 April 2010)*

The 122nd Assembly of the Inter-Parliamentary Union,

Cognizant of the fact that while globalization fosters many positive advancements, interdependence between States and the opening of borders, it also has a negative effect, that of facilitating transnational organized crime, in particular drug trafficking, illegal arms trafficking, trafficking in persons, cross-border terrorism and money laundering, and that this requires the implementation of relevant international and domestic legal instruments,

Recalling that 2010 marks the tenth anniversary of the adoption of the United Nations Convention against Transnational Organized Crime and of its Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children,

Recalling United Nations General Assembly resolution 63/194 of 18 December 2008 (Improving the coordination of efforts against trafficking in persons) and Human Rights Council resolution 11/3 of 17 June 2009 (Trafficking in persons, especially women and children),

Also recalling the resolution of the 118th IPU Assembly (Cape Town, 2008), on *The role of parliaments in striking a balance between national security, human security and individual freedoms, and in averting the threat to democracy*,

Recalling the resolutions on combating terrorism adopted by the IPU at its 108th Conference (Santiago de Chile, 2003) and its 111th (Geneva, 2004), 115th (Geneva, 2006) and 116th (Bali, 2007) Assemblies,

Aware that drug trafficking is one of the principal illicit activities worldwide, that it constitutes a serious threat to the global community, and that, when compounded by drug abuse, it is not only harmful to the stability and integrity of the world, but also adversely affects the health of human beings and the security of families, communities and society at large, and hinders development plans and the achievement of the Millennium Development Goals (MDGs) in different countries,

Convinced that any effort to effectively combat the trafficking of agriculturally produced drugs must incorporate a reduction in the amount of land cultivated for that purpose, and that this goal implies the implementation of incentive programmes for alternative crop cultivation,

Aware that trafficking in persons is a modern form of slavery and a human rights violation affecting men, women and children worldwide, that certain practices, negative attitudes and maltreatment of trafficked victims persist and that the well-being of these vulnerable groups is further threatened by the global financial and economic downturn and new forms of transnational organized crime,

Recognizing that migrant smuggling is often facilitated by organized crime networks, generating huge profits for the smugglers while exposing irregular migrants to serious personal risks and making them vulnerable to trafficking in persons,

Recognizing the nexus between drug trafficking, corruption and other forms of organized crime, including trafficking in persons, trafficking in arms, cybercrime, cross-border terrorism, money laundering and the financing of terrorism,

Considering that illegal arms trafficking contributes to conflict, the displacement of persons, crime and terrorism, thereby undermining global peace, safety and security,

Recalling that in its resolution 64/48 of 2 December 2009, the United Nations General Assembly decided to convene an international conference on the arms trade treaty in 2012 to elaborate a legally binding instrument on the highest possible common international standards for the transfer of conventional arms,

Mindful that the phenomenon of cross-border terrorism continues to represent a substantial threat to peace and security in the world, and continues to endanger political institutions, economic stability and the welfare of nations,

Recognizing the significant challenges faced by law enforcement and judicial authorities in responding to the ever changing means used by transnational criminal organizations, including the increasing use of the Internet, global positioning system (GPS) techniques and other geographical information systems, to avoid detection and prosecution,

Appreciating the positive roles of the IPU, governments, non-governmental organizations and international organizations in joint parliamentary activities to combat transnational organized crime, such as drafting stringent legislative measures to combat the financing of terrorism and cross-border terrorism, and implementing the parliamentary measures set forth in the joint IPU-United Nations Office on Drugs and Crime (UNODC) publication, *Combating Trafficking in Persons: A Handbook for Parliamentarians*,

1. *Fully affirms* the strong determination and clear commitment of IPU Member Parliaments to strengthen and harmonize drug-related laws, regulations and additional measures, pursue strong regional cooperation to combat drug trafficking. within the framework of international cooperation, with international legal instruments on drugs, and enhance the technical capability of law enforcement and judicial authorities;
2. *Reaffirms* the strong determination of IPU Member Parliaments to strengthen laws against corruption and transnational organized crime and *calls upon* States that have not yet done so to consider ratifying or acceding to the United Nations Convention against Corruption and the United Nations Convention against Transnational Organized Crime and the Protocols thereto as a matter of priority and to fully implement their provisions;
3. *Also reaffirms* its unwavering commitment to ensure that all aspects of laws on drugs and organized crime are in full conformity with the purposes and principles of the Charter of the United Nations, international law and the Universal Declaration of Human Rights;
4. *Also reaffirms* its unwavering commitment to intensify efforts to counter the illicit cultivation, production, manufacture, sale, abuse, transit, trafficking and distribution of narcotic drugs and psychotropic substances, especially heroin, cocaine and its derivatives, amphetamine-type stimulants (ATS), the diversion of precursor chemicals, misuse of pharmaceutical medicines and preparations as well as drug-related criminal activities, through a balanced, comprehensive, sustainable and gender-sensitive approach;
5. *Agrees* to develop and strengthen partnerships and cooperation mechanisms for combating drug trafficking on the international, regional and bilateral levels, and to ensure that these mechanisms are effective and achieve their goals;
6. *Decides* to intensify joint parliamentary efforts to share best practices and experiences in combating drug trafficking and developing national laws that comply with international standards and uphold the rule of law;
7. *Calls on* countries where agriculturally produced drugs are made and consumed to cooperate with a view to developing and implementing assistance programmes for the farmers concerned in order to encourage them to turn to alternative crop cultivation in economically viable conditions;
8. *Encourages* parliaments to mainstream gender equality concerns in all legislation and oversight practices (including the formulation, enforcement and monitoring of laws and budgets) to ensure that women and children are protected from all forms of abuse and that they are provided with legal, medical and other forms of assistance;

9. *Invites* IPU Member Parliaments to ensure that international cooperation actions and measures are enhanced and strengthened by way of technical assistance to agents in charge of combating organized crime;
10. *Calls on* IPU Member Parliaments to foster dialogue and cooperation with a view to developing and harmonizing efforts to combat the production, abuse and trafficking of illicit drugs and counterfeit medicines, and the misuse of drugs, noting that enhanced technological capabilities enable counterfeiters to produce drugs and packaging that can barely be distinguished from the original product;
11. *Calls on* parliaments to urge their respective governments to tighten controls of goods passing through their territory;
12. *Urges* IPU Member Parliaments to support tax exemption and other initiatives in respect of products grown or produced by alternative development projects on lands formerly devoted to the production of illicit drugs, and for individuals and private-sector companies that contribute to such projects or other drug control activities, in compliance with World Trade Organization rules and regulations, as incentives to combat the drug menace;
13. *Encourages* IPU Member Parliaments to support national efforts against illegal arms trafficking and, where appropriate, strengthen national laws in this regard;
14. *Also encourages* IPU Member Parliaments to support and participate in the development of a comprehensive, legally binding instrument establishing common international standards for the import, export and transfer of conventional arms, building on arms transfer principles already established in existing regional and multilateral arms control agreements;
15. *Invites* the IPU to seriously discuss the possibility of harmonizing laws on trafficking in persons in each country to ensure compatibility and seamless cooperation in order to combat trafficking in persons;
16. *Also invites* IPU Member Parliaments to be more proactive in combating trafficking in persons and other forms of exploitation such as child pornography, by drawing up and implementing a comprehensive work plan and laws that are consistent with international standards, criminalize trafficking and other forms of exploitation and include prevention, protection and assistance measures;
17. *Calls on* IPU Member Parliaments to heighten public awareness, including through enhanced cooperation with civil society, to promote cooperation in the fight against trafficking in persons, to tackle the root causes of the problem such as poverty, gender inequality, oppression, lack of human rights protection, and lack of social or economic opportunities, and to enhance awareness by the competent authorities of the need to preserve the human rights of trafficked victims and their families, taking into account the special needs of women and children;
18. *Calls on* parliaments to encourage governments to tighten entry and exit controls of children and to monitor adoptions and the activities of associations and non-governmental organizations working with minors;
19. *Encourages* IPU Member Parliaments, in line with the Recommended Principles and Guidelines on Human Rights and Human Trafficking of the Office of the High Commissioner for Human Rights, to support the establishment up of mechanisms to monitor the human rights impact of anti-trafficking laws, policies, programmes and interventions;
20. *Also encourages* States to protect the victims of trafficking in persons by establishing rehabilitation programmes that also comprise medical and psychological care, social and legal assistance, education and training;
21. *Calls on* the IPU to provide its Member Parliaments with recommendations and best practices for the establishment of a special parliamentary committee on combating trafficking in persons, and for the appointment of a national rapporteur or equivalent mechanism to monitor the development and implementation of national measures to combat trafficking in persons, and to monitor and evaluate the implementation of relevant national action plans once they have been put in place;
22. *Urges* IPU Member Parliaments to ensure that all measures taken to combat terrorism are in line with their respective State's international obligations, in particular international human rights standards, international refugee law and international humanitarian law, notably to ensure protection of the rights of victims of terrorism and of the individual right to privacy;
23. *Calls on* IPU Member Parliaments to take into account, in exercising their legislative and oversight functions, the fact that terrorism cannot and should not be associated with

- any religion, nationality or ethnic group, and hence profiling based on any of these factors should not be used by national and transnational agencies in their efforts to combat terrorism;
24. *Invites* IPU Member Parliaments to strengthen their respective legal systems in accordance with the International Convention for the Suppression of the Financing of Terrorism with a view to combating money laundering and financing of terrorist activities and to ensure that all measures taken are in line with their respective State's international obligations;
 25. *Calls on* States to take all the necessary measures to combat terrorism, in particular by preventing their territories from being used for cross-border terrorist acts and by swiftly bringing to justice the persons or entities in their territory that participate in these acts;
 26. *Calls on* States to adhere to all relevant United Nations resolutions, conventions and international agreements and to take measures to prevent, combat and eliminate terrorism in all its manifestations and forms;
 27. *Invites* the United Nations to consider convening an international conference on the fight against terrorism, with a view to evaluating progress in meeting international commitments, analysing the impact of new forms of terrorism, and determining whether existing national legislation does indeed meet international humanitarian and human rights standards;
 28. *Calls for* universal ratification of the United Nations Convention against Corruption (UNCAC), and *invites* parliaments to support the effective functioning of the newly established UNCAC review mechanism;
 29. *Also urges* national parliaments to adopt legislation providing more stringent penalties for corruption and organized crime, and to apply standards of good governance, accountability and transparency in public institutions with a view to combating corruption;
 30. *Urges* the IPU to promote international cooperation to combat financial safe havens in the form of extradition agreements, confiscation and forfeiture of assets, social sanctions, mutual legal assistance, and good governance in order to combat money laundering;
 31. *Invites* IPU Member States to undertake a thorough evaluation and screening of officials in charge of public institutions with a view to preventing their involvement in activities related to transnational organized crime;
 32. *Recommends* the establishment of enhanced mechanisms for international cooperation, particularly among intelligence services and systems, in the fight against organized crime, while, at the same time, affirming that information shared in the course of these cooperative efforts should be used only for the purpose for which it was originally provided and in the light of each country's specificities;
 33. *Invites* IPU Member Parliaments from donor countries to promote development cooperation programmes aimed at upgrading criminal justice systems in countries vulnerable to organized crime;
 34. *Also recommends* that the fight against transnational organized crime be strengthened and intensified so as to foster lasting solutions through the promotion of human rights and equitable socioeconomic conditions;
 35. *Invites* parliamentarians to make use of the technical services and expertise provided by UNODC in specialized workshops and training courses, and to call on the United Nations General Assembly in cases related to crime prevention, international drug control and the fight against terrorism.

* *The delegation of Iran (Islamic Rep. of) expressed a reservation on operative paragraph 8 in relation to the concept of "gender equality".*

THE ROLE OF PARLIAMENTS IN DEVELOPING SOUTH-SOUTH AND TRIANGULAR COOPERATION WITH A VIEW TO ACCELERATING ACHIEVEMENT OF THE MILLENNIUM DEVELOPMENT GOALS

Resolution adopted by consensus by the 122nd IPU Assembly
(Bangkok, 1 April 2010)*

The 122nd Assembly of the Inter-Parliamentary Union,

Deeply concerned about the adverse impact of the international economic and financial crisis on the most vulnerable nations and sectors of the global community and on the achievement of the Millennium Development Goals (MDGs) in 2015,

Bearing in mind that the current financial and economic crisis has its origins in developed countries, and that a broad international dialogue, conducted under United Nations auspices with the active participation of all countries, is required to lead the world on the path of economic and social recovery,

Concerned that, according to the forecasts of the International Monetary Fund, the World Bank and regional development banks, foreign direct investment in and remittances to developing countries, especially in Africa, will have declined dramatically in 2009-2010,

Underscoring the importance of increased financing for development, including the need to meet the long-standing target of 0.7 per cent of gross national product (GNP) for official development assistance (ODA) to developing countries, of wider and deeper debt relief to developing countries, and of ongoing efforts aimed at identifying additional, innovative sources of financing for South-South and triangular cooperation,

Noting that, although ODA from OECD-DAC countries (Organisation for Economic Development and Co-operation-Development Assistance Committee) rose by 10 per cent in real terms in 2008 (after an 8.5 per cent decline in 2007), it probably declined again in 2009, owing to the economic crisis,

Recalling that MDG 8 (Develop a global partnership for development) calls for an open, non-discriminatory trading and financial system that includes a commitment to good governance, development and poverty reduction, both nationally and internationally,

Noting that, according to the UN Secretary-General, important progress has been made towards all eight MDGs, but the world community is not on track to fulfil its commitments, especially in sub-Saharan Africa,

Recalling UN General Assembly resolution 58/220 of 23 December 2003 (Economic and technical cooperation between developing countries), which proclaims 19 December United Nations Day for South-South Cooperation,

Taking note of the Ministerial Declaration adopted by the Ministers of Foreign Affairs of the Group of 77 at their Twenty-seventh Annual Meeting, held in New York on 25 September 2003, in which they once again underscored the importance and increased relevance of South-South cooperation,

Noting the G20 Summit held on 2 April 2009 in London and its willingness to boost the global economy, in particular by disbursing US\$ 50 billion to developing countries to counteract the economic and social effects of the crisis and thereby strengthen human development in those countries,

Recalling the relevant IPU resolutions, in particular those adopted at the 92nd Inter-Parliamentary Conference (Copenhagen, 1994) on *International co-operation and national action to support social and economic development and efforts to combat poverty*, the

104th Inter-Parliamentary Conference (Jakarta, 2000) on *Financing for development and a new paradigm of economic and social development designed to eradicate poverty*, the 107th Inter-Parliamentary Conference (Marrakech, 2002) on *The role of parliaments in developing public policy in an era of globalisation, multilateral institutions and international trade agreements*, the 112th IPU Assembly (Manila, 2005) on *The role of parliaments in establishing innovative international financing and trading mechanisms to address the problem of debt and achieve the Millennium Development Goals*, the 115th IPU Assembly (Geneva, 2006) on *The role of parliaments in overseeing the achievement of the Millennium Development Goals, in particular with regard to the problem of debt and the eradication of poverty and corruption*, the 118th IPU Assembly (Cape Town, 2008) on *Parliamentary oversight of State policies on foreign aid* and the 120th IPU Assembly (Addis Ababa, 2009) on *The role of parliaments in mitigating the social and political impact of the international economic and financial crisis on the most vulnerable sectors of the global community, especially in Africa*,

Deeply concerned that climate change poses risks that may unravel many advances in reducing poverty, compounding the negative consequences of the economic crisis,

Welcoming the outcome document of the Eleventh session of the United Nations Conference on Trade and Development (UNCTAD XI), which salutes the important role of parliaments in international development cooperation,

Recalling the reports of the UN Secretary-General entitled *The state of South-South cooperation* (23 August 2007 and 24 August 2009) and *Promotion of South-South cooperation for development: a thirty-year perspective* (27 October 2009),

Considering that the outcome document of the High-Level United Nations Conference on South-South-Cooperation, held in Nairobi from 1 to 3 December 2009, fails to mention the positive role that parliaments can and should play to develop South-South cooperation and make it more efficient,

Underscoring that in a globalized world, South-South and triangular cooperation are more important than ever to achieve sustainable development in developing countries, given that economic development, social progress and environmental protection are interdependent and mutually reinforcing goals,

Recalling that the South has a number of success stories, best practices and lessons learned in addressing major development challenges, such as microfinance, which have brought about a profound societal transformation in many countries, such as Bangladesh,

Aware that South-South cooperation has a long history (the UNDP Special Unit for South-South Cooperation was established in the late 1970s) and an essential role to play in developing countries,

Convinced that organizations within the UN system, due to their universal membership, neutrality and political independence, represent essential vehicles to catalyse, support and strengthen South-South cooperation,

Recalling that financing for development, as set forth in the Monterrey Consensus, is about tapping all available resources, not only development assistance and debt relief, but also financing from domestic resources, fair trade, foreign investment and remittances, all of which are all complementary,

Noting the growing volume of ODA flows from southern contributors, and *observing* a lack of accessible and comprehensive information on these flows,

Considering that there is a need for standards, rules and regulatory frameworks that are able to enhance South-South cooperation, as well as for methodologies for gathering information on South-South flows of assistance and other forms of cooperation,

Noting that the private sector, civil society actors and individuals are assuming a new and dynamic role in South-South cooperation,

Underscoring that achieving the internationally agreed development goals will not be possible without progress on gender equality and women's empowerment,

Emphasizing that women are active and successful in building South-South non-governmental networks for improving their status and addressing major economic, social, environmental and political concerns,

Noting that the agenda for South-South cooperation has expanded significantly to include not only economic and technical cooperation, but also good governance, health and disease control, environmental issues and transnational security threats,

Also noting that capacity-building programmes in the framework of South-South cooperation have made a significant contribution to the achievement of the MDGs,

Strongly concerned that some donor countries tend to make light of the weakness of democratic governance in beneficiary countries in order to acquire their natural resources,

Noting that OECD donor countries have partnered with middle-income developing countries to provide development assistance to the least developed countries,

Considering that the rationale underlying triangular development cooperation is that southern countries, which are still themselves developing, are better placed and have the relevant experience to respond to the needs and problems of other developing countries,

Underscoring that triangular development cooperation programmes can be more cost effective,

Considering that regional integration is an essential process which can overcome, by common accord, political, physical, economic and social barriers that divide countries from their neighbours and foster collaboration leading to economic growth, expansion of regional trade and investment, management of shared resources, regional public goods and climate change, and the prevention of disasters,

Stressing in this respect that regional and subregional organizations play a prominent role in conflict prevention, peacekeeping and peacebuilding and are important partners of the United Nations in promoting international peace and security,

Also stressing that South-South cooperation and integration are highly complementary to North-South cooperation, along with regional integration among developing countries,

Considering that regional initiatives such as the New Partnership for Africa's Development (NEPAD), the New Asian-African Strategic Partnership (NAASP) and the Pacific Plan may further enhance regional cooperation with a view to meeting development, democracy, good governance and security challenges,

Aware that no single model of regional integration can be imposed since all integration strategies have to be adapted to particular interests and circumstances, but that general features can nonetheless be identified which impede or foster integration processes,

1. *Calls on* Northern and Southern parliaments and governments to support and develop South-South and triangular cooperation as an important tool to achieve the MDGs;
2. *Invites* Southern and Northern parliaments and governments to align their South-South cooperation agenda with the MDGs;
3. *Urges* Southern parliaments and governments to see to it that the funds allocated to MDG-related programmes and sectors are effectively used for these programmes;
4. *Invites* Southern parliaments and governments to implement the results of the successive South summits;

5. *Also invites* Southern parliaments and governments to take legislative or other initiatives in support of South-South cooperation efforts that foster achievement of the MDGs;
6. *Recommends* that donor parliaments and governments, in addition to traditional bilateral and multilateral aid flows, contribute to the United Nations Fund for South-South Cooperation to ensure sufficient funding for South-South projects and initiatives;
7. *Urges* parliaments to ask their governments to ensure that future UN documents on South-South cooperation make due mention of the important role that parliaments have to play in fostering South-South cooperation and making it more efficient;
8. *Calls on* the United Nations, working with other global institutions, to establish an effective mechanism to monitor, discuss and evaluate the progress and delivery of the commitments made by the international community in support of South-South and triangular cooperation for development, while ensuring they are oriented towards achieving the MDGs;
9. *Invites* the UN and its specialized agencies, such as UNDP and UNCTAD, to enhance the efficiency and effectiveness of South-South cooperation by better coordinating and streamlining the various institutions, initiatives and guidelines dealing with it, especially within the UN system;
10. *Invites* Northern parliaments and governments to ensure that a substantial part of development assistance serves to promote South-South and triangular cooperation;
11. *Recommends* that Northern parliaments require their governments to allocate a substantial part of their ODA to triangular cooperation mechanisms which, besides being more cost effective, allow successful Southern donor countries to share their experiences and best practices;
12. *Urges* Southern donor parliaments and governments to develop good practices concerning South-South ODA and cooperation, taking into consideration, among others, the Paris Declaration on Aid Effectiveness and the Accra Agenda for Action;
13. *Invites* Southern donor governments to renounce tied aid in favour of other forms of support that fully take into account the needs of the recipient countries and are in line with their national development strategies;
14. *Also invites* donor and beneficiary country parliaments and governments to put in place consistent and transparent accounting of both North-South and South-South ODA flows, and of other forms of cooperation, including in-kind contributions and shared natural and knowledge resources;
15. *Recommends* that Northern and Southern parliaments increase oversight of their South-South and triangular cooperation activities;
16. *Requests* Southern parliaments to strengthen mechanisms to oversee government implementation of development plans and programmes and regional and subregional agreements that focus specifically on the MDGs;
17. *Invites* Southern parliaments and governments to analyse how South-South approaches can be applied to development issues and how policies and projects that have succeeded in reducing poverty in some developing countries could be replicated elsewhere to accelerate achievement of the MDGs;
18. *Also invites* Southern parliaments and governments to conclude the São Paulo round of negotiations of the Global System of Trade Preferences among Developing Countries (GSTP), which has the potential to generate significant additional trade flows;
19. *Calls on* Northern and Southern countries that are in a position to comply to give duty-free and quota-free market access to all exports from the least developed countries, including the 3 per cent of tariff lines that are currently covered by the tariff line exclusion (with the exception of arms);
20. *Invites* Southern parliaments and governments to improve the platforms for exchanging views among developing countries on South-South cooperation, flows of trade and direct investments in order to coordinate their actions in these areas;
21. *Encourages* Northern parliaments and governments to make Aid for Trade available for enhancing South-South cooperation;
22. *Invites* Northern parliaments to encourage their governments to urge multilateral institutions, such as the Bretton Woods institutions and regional development banks, to develop and foster the implementation of programmes that promote trade and investment between countries of the South;
23. *Encourages* Southern parliaments and governments to actively promote South-South investment and technology transfers by ensuring a secure and stable investment environment, thereby reducing transactions costs and enhancing legal security;

24. *Invites* parliaments to actively support South-South non-governmental networks created by women for improving their status and addressing major economic, social, environmental and political concerns;
25. *Calls* on both Northern and Southern parliaments to step up their support for the parliamentary structures of regional organizations in order to consolidate the regional integration and cooperation required to achieve the MDGs;
26. *Invites* parliaments and governments to recapitalize Southern regional development banks in order to help establish or develop regional development funds;
27. *Also invites* Southern parliaments and governments to develop South-South regional cooperation in order to manage regional public goods, including water resources, ecological assets such as cross-border forest basins or natural reserves and cross-border energy resources, and control disease more efficiently,
28. *Encourages* Southern regional and national parliaments to hold their governments to account for their efforts to achieve the MDGs through South-South cooperation mechanisms and *requests* that the oversight capacity of these parliaments be strengthened in this respect;
29. *Also encourages* regional and subregional parliaments to promote and immediately initiate an exchange of information and best practices on South-South and triangular cooperation strategies and initiatives, and *also invites* governments to facilitate such exchanges in cooperation with national parliaments and the UN system;
30. *Urges* Northern donor parliaments to ensure that their governments honour ODA commitments, despite the economic crisis, given the importance of predictable aid flows for the realization of South-South and triangular cooperation;
31. *Urges* parliaments to oversee implementation of the present resolution and government action to implement the recommendations of the United Nations High-level Committee on South-South Cooperation.

* *The delegation of Iran (Islamic Rep. of) expressed reservations on preambular paragraph 24 in relation to the concept of "gender equality".*

YOUTH PARTICIPATION IN THE DEMOCRATIC PROCESS

Resolution adopted by consensus by the 122nd IPU Assembly
(Bangkok, 1 April 2010)*

The 122nd Assembly of the Inter-Parliamentary Union,

Emphasizing the need to prevent and counter all forms of discrimination, including discrimination based on age, in accordance with the principle of non-discrimination enshrined in the Universal Declaration of Human Rights (1948),

Noting the UN World Youth Reports 2003, 2005 and 2007,

Also noting UN General Assembly resolutions 60/2 of 6 December 2005 (Policies and programmes involving youth), 62/126 of 18 December 2007 (Policies and programmes involving youth: youth in the global economy - promoting youth participation in social and economic development) and 64/134 of 18 December 2009 (Proclamation of 2010 as the International Year of Youth: Dialogue and Mutual Understanding),

Recognizing that children and young people are capable of forming their own views and should be assured the right to express those views freely in all matters affecting them, the views being given due weight in accordance with their age and maturity, as set forth in Article 12 of the Convention on the Rights of the Child (1989),

Also recognizing that implementation of the UN World Programme of Action for Youth and achievement of the Millennium Development Goals requires the full and effective participation of young people and youth-led organizations,

Declaring that achieving meaningful democracy requires the full and active participation of young people and youth organizations in democratic processes at the local, national, regional and international levels,

Stressing the importance of enhancing young people's awareness of and commitment to human rights and democracy, the promotion of intercultural dialogue and understanding in a spirit that is respectful of diversity, and the struggle against all forms of discrimination and all actions aimed at undermining democracy; and *considering* the importance of young people's contribution to social cohesion, especially their activities to combat exclusion and prevent the ills affecting them in particular,

Bearing in mind that youth participation promotes active citizenship, which should be considered as an opportunity for enhancing democracy and placing new issues on the political agenda,

Recognizing the positive impact that youth participation in the local, regional and global economy and in social and economic development can have on the eradication of poverty and hunger, and on socially unacceptable and/or deviant behaviour,

Also recognizing that while youth today are better placed than ever before to participate in and benefit from global development, many young people remain marginalized, disconnected or excluded from the opportunities that globalization offers,

Underscoring that the involvement of young people in public decision-making processes offers important opportunities for civic engagement, education and learning about government, thus strengthening young people's social responsibility and developing their communication capacities, negotiating skills and ability to resolve conflicts through peaceful means and critical thinking,

Aiming to maximize young people's contribution to the building of society, especially in all areas which concern them, to encourage new forms of youth participation and organization, and to train young people to assume responsibilities,

Reiterating the critical role of both formal education and non-formal learning in the empowerment of young people for democratic citizenship, and *recognizing* the importance of informal learning,

Highlighting the importance of creating the conditions for genuine dialogue and partnership between young people and local and national authorities,

Recognizing youth parliaments, national and local youth councils, or their equivalent bodies as effective channels of cooperation and information exchange between young people, parliaments, national governments, local councils and other decision-making bodies,

Mindful of the importance of solidarity and dialogue between generations,

Deeply concerned by young people's dwindling interest in formal political activity, including voting and party membership, and disenchantment with politicians and political parties, which is a real threat to the future of participatory democracy,

Recognizing that young people care deeply about their political communities, and in many cases are active participants in informal political activities, such as online activism, boycotts/buycotts and third-sector initiatives,

Taking into consideration the needs and aspirations of internally displaced young people and disabled young people,

1. *Calls on* all States to take appropriate steps, in accordance with the UN World Programme of Action for Youth, to develop holistic and integrated national youth policies in consultation with youth organizations;
2. *Invites* parliaments to set up, if they have not yet done so, specialized bodies entrusted with mainstreaming youth issues in parliament's work;
3. *Urges* parliaments to monitor the fulfilment of their respective government's obligations under the Convention on the Rights of the Child to ensure respect for children's right to be heard and express their views freely without any form of discrimination;
4. *Requests* parliaments to create the necessary platform for youth participation in the democratic process by providing a basic level of education that is equal for everyone, with the same opportunities for boys and girls;
5. *Invites* States, parliaments, parliamentarians, political parties, the IPU and youth organizations to encourage, promote and make more visible in all fields the initiative, enterprise and creativity of young people;
6. *Calls on* the IPU, parliaments, States and non-governmental organizations to scale up investments in youth and encourage youth-led contributions to parliamentary democracy through strong partnerships and financial support, and by keeping youth participation high on the political agenda;
7. *Also calls on* the IPU, parliaments, youth organizations and other relevant stakeholders to strengthen efforts aimed at achieving appropriate representation and participation of youth in decision-making bodies, bearing in mind that girls, boys, young women and young men are all entitled to the same rights;
8. *Invites* States and parliaments, as part of efforts to promote youth participation in decision-making, to ensure that youth representatives are included in national delegations to the UN General Assembly and other relevant UN meetings;
9. *Invites* the IPU, parliaments and States to identify the lines of action for youth participation on which they intend to concentrate, to define concrete measures and/or action plans for their implementation, to promote these plans with regional and local authorities, youth organizations and young people, and to cooperate closely with regional and local authorities in order to ensure the fullest possible implementation;

10. *Calls on* parliaments to ensure that young people with disabilities and those who are socially and economically underprivileged are afforded equal opportunities to participate fully in society;
11. *Encourages* the IPU and parliaments to develop tools to promote youth knowledge of and participation in the democratic process, including, but not limited to, guidelines for participatory mechanisms or interactive policy-making forums;
12. *Calls on* parliaments to promote youth awareness of and participation in the political process by using modern information and communication technologies (ICTs) to reach out to young people and increase access to information on the democratic process;
13. *Calls on* parliaments to develop practical measures (such as the possible introduction of quotas for young people) to increase the participation of young people in parliament and other representative bodies, while respecting the values of human dignity, freedom, democracy and equality;
14. *Recommends* that parliaments align the minimum voting age with the minimum age of eligibility to run for office in order to ensure greater participation by youth in parliaments;
15. *Urges* States, parliaments, parliamentarians, political parties, the IPU and youth organizations to promote greater participation by girls and young women by taking measures aimed at promoting role models and facilitating better reconciliation of work and family life;
16. *Invites* States, parliaments, parliamentarians, political parties, the IPU and youth organizations to open up "adult institutions" and administrative bodies, particularly those with planning responsibilities, to young people's representatives and establish links between these institutions and young people in a spirit of complementarity and joint decision-making;
17. *Calls on* States, parliaments, parliamentarians, political parties, the IPU and youth organizations to take targeted action to enhance the participation of young people in political parties and elections at the local, national and regional levels;
18. *Requests* parliaments to provide political and financial support, notably adequate operating budgets, to form strong youth parliaments, youth councils or equivalent bodies and to strengthen existing ones, thus providing further opportunities for more young people to become active in decision-making and in shaping their societies;
19. *Urges* States to make instruction in democracy and civics an integral part of the compulsory school curriculum;
20. *Encourages* States to ensure adequate funding for formal education and non-formal learning, including programmes aimed at fostering the acquisition of the skills required for the democratic participation of youth;
21. *Invites* States to promote student participation, initiative and creativity as valuable resources in teaching, learning and other school activities, and to stimulate active citizenship via the education system;
22. *Also invites* States to create all the necessary conditions to form student councils in schools through which students can acquire valuable first-hand experience in decision-making;
23. *Encourages* States to ensure special training for teachers and other persons working with children and youth in youth participation and to implement best practices in the field of youth participation;
24. *Urges* States to remove the social, economic and cultural barriers affecting young women and to ensure they have equal access to education and vocational training at all levels in order to provide them with equal opportunities for full participation in society, especially political participation;
25. *Encourages* States to introduce gender-sensitive compulsory education for young men and young women in order to nurture their awareness of gender issues, the problem of low rates of democratic participation by women, and the need to actively support women's democratic participation;
26. *Encourages* States to support voluntary service by youth and internship programmes at all levels, whether locally, nationally or internationally, to recognize and evaluate the skills and knowledge gained through these activities, and, in particular, to promote the participation of young people who feel excluded from voluntary activities;
27. *Recommends* that States develop national ICT strategies to overcome the barriers of distance and socio-economic disadvantage and ensure that young people are equipped with the knowledge and skills they need to use ICTs appropriately, while also promoting the involvement of young people in public debates and the development of policy

- through ICTs, remembering that such digital tools are not necessarily a panacea for youth's disenchantment with formal politics and should be viewed as one of many means that can be used to engage youth in democracy;
28. *Calls on* parliaments to establish and promote coherent, overarching youth information strategies which, in a youth-friendly way, address all issues relevant to young people, to develop special web-based information and information centres for young people, and to facilitate access to information for young people with fewer opportunities;
 29. *Invites* States to set up contact points for young people in ministries and other government agencies so as to provide young people with information, listen to their problems, offer advice and encourage them in their quest for services and participation;
 30. *Encourages* political parties to increase the number of young people in their membership and enhance young members' participation in party life and decision-making;
 31. *Invites* parliaments to facilitate the meaningful participation of young people in issues that affect them through consultation processes when drafting laws and during parliamentary hearings, to ensure that they contribute to debates on policy- and law-making, resource allocation, and parliament's efforts to hold government to account;
 32. *Calls on* the IPU and its Member Parliaments to form caucuses of young parliamentarians in order to promote youth participation, making young persons in politics more visible and reflecting the youth perspective in the political agenda;
 33. *Encourages* parliamentarians and appointed officials at all levels to give maximum support to young parliamentarians and young appointed officials, thus helping to create a youth-friendly and accessible environment;
 34. *Requests* the IPU to consult, as appropriate, with youth-led and youth-focused organizations to ensure that youth inputs are duly shared with IPU bodies during their deliberations;
 35. *Welcomes* the participation of young members of parliament in national parliamentary delegations and *urges* IPU Member Parliaments to systematically include young members of parliament in their delegations to IPU Assemblies and other IPU meetings;
 36. *Urges* the IPU and its Member Parliaments to collect, on a continuous basis, youth-specific data disaggregated by age and sex in order to create comprehensive databases related to youth and young parliamentarians, and to devise the means of disseminating such data widely with a view to ensuring that interest in youth development is informed by sound and accurate data and to developing, assessing and disseminating best practices in democracy education and youth participation;
 37. *Requests* the IPU to incorporate youth participation into its activities along the lines of the measures that have been taken to promote women's participation;
 38. *Urges* the IPU to establish mechanisms for monitoring, analysing, evaluating and exchanging information on parliamentary action in the context of the promotion and implementation of youth participation;
 39. *Encourages* the IPU to launch a project for youth to be implemented in partnership with the UN Programme on Youth, which is part of the UN Division for Social Policy and Development (DSPD), and the International Institute for Democracy and Electoral Assistance (IDEA).

* *The delegation of India expressed opposition to operative paragraph 14.*

THE ROLE OF PARLIAMENTS IN STRENGTHENING THE SOLIDARITY OF THE INTERNATIONAL COMMUNITY TOWARDS THE PEOPLE OF HAITI AND CHILE IN THE WAKE OF DEVASTATING MAJOR DISASTERS, AND URGENT ACTIONS REQUIRED IN ALL DISASTER-PRONE COUNTRIES TO IMPROVE DISASTER-RISK ASSESSMENT, PREVENTION AND MITIGATION

*Resolution adopted unanimously by the 122nd IPU Assembly
(Bangkok, 1 April 2010)*

The 122nd Inter-Parliamentary Assembly,

Acknowledging the growing evidence that both disasters and climate change hit poor nations and communities the hardest, and that disaster-risk reduction for immediate climate change adaptation is a strategic step towards sustainable development,

Considering that in recent months a devastating earthquake hit Port-au-Prince, the capital of Haiti, and that another struck off the coast of Chile, causing considerable damage to both countries,

Further considering that more than 200,000 lives were lost in the earthquake in Haiti, which caused damage and losses amounting to an estimated US\$ 7.8 billion (US\$ 4.3 billion in physical damage and US\$ 3.5 billion in economic losses), or the equivalent of more than 120 per cent of Haiti's gross domestic product (GDP) in 2009, and that the earthquake in Chile caused damage and losses estimated at between US\$ 15 and 30 billion, or the equivalent of 15 per cent of Chile's GDP,

Considering that Haiti, the poorest nation in the western hemisphere, is also facing severe problems of food security as a consequence of the disaster,

Acknowledging that the growing frequency, intensity and impact of disasters pose a significant threat to people's lives and livelihoods, and to the achievement of the Millennium Development Goals (MDGs),

Mindful of the different ways such disasters can affect each country depending on its vulnerabilities, but *convinced* that international humanitarian action must reach all those who have been affected, while taking account of local initiatives to provide relief,

Recognizing that the poor account for the majority of all people killed in disasters, and that it is the combination of hazards such as floods and tropical storms, with an exposed, vulnerable and ill-prepared population or community, that causes disasters,

Stressing that the international community and governments urgently need to establish frameworks and measures to help poor countries and communities adapt to climate change while continuing to engage in debate and negotiation on climate change mitigation,

Recalling that the resolution on natural disasters adopted unanimously by the 112th IPU Assembly (Manila, 2005) proposed that nations further strengthen their cooperation in disaster-prevention efforts, and *recognizing* that the Hyogo Framework for Action 2005-2015, which was endorsed by 168 governments at the World Conference on Disaster Reduction in 2005, lays the groundwork for the implementation of disaster-risk reduction and specifically identifies the need to promote the integration of risk reduction into existing climate variability and future climate change strategies,

1. *Commends* the efforts made by the national authorities of Haiti and Chile to cope with the disasters, *welcomes* the outpouring of solidarity towards their peoples in the wake of the devastating disaster, and *requests* governments to contribute further to it and promote continued mobilization of civil society for the benefit of those countries, taking account of the needs expressed by the Chilean and Haitian authorities and, in the case

- of Haiti, of the added complication of the almost total destruction of the country's infrastructure;
2. *Reaffirms* the need for the disaster assistance currently being received by the Haitian Government to be followed up with aid for as long as is necessary for the long-term reconstruction of the country and establishment of a self-sufficient State that is able to provide its people with better living conditions;
 3. *Calls upon* governments to take both urgent and structural measures to make disaster-risk assessment an integral part of post-earthquake recovery and reconstruction planning and for programmes to protect people from future disasters;
 4. *Urges* governments to assess all their critical public facilities, such as schools and hospitals, with a view to making them resilient to earthquakes, floods and storms, and to make disaster-risk reduction a part of poverty reduction and of all planning and programmes aimed at achieving the MDGs and the ensuing long-term welfare of the people;
 5. *Also urges* governments to pay close attention to the protection of women and children in post-disaster situations, which can leave them particularly vulnerable to abuse, including trafficking;
 6. *Also urges* governments to further coordinate their international relief, reconstruction and recovery activities, among themselves and with humanitarian bodies, and to take concrete action to enhance people's understanding of and capacity to address the impact of climate change and disaster-risk reduction through public awareness, education and training;
 7. *Also urges* all parliaments to foster the strong political will and allocate the budget funds needed to develop a national legal framework designed to ensure synergy between disaster-risk reduction and climate change adaptation, and between disaster-risk reduction and poverty reduction and socio-economic development, so as to protect the best interests of those vulnerable to geological and climate-related disasters.

Resolutions concerning the Human Rights of Parliamentarians

CASE No. AFG/01 - MALALAI JOYA - AFGHANISTAN

Resolution adopted unanimously by the IPU Governing Council at its 186th session (Bangkok, 1st April 2010)

The Governing Council of the Inter-Parliamentary Union,

Referring to the case of Ms. Malalai Joya, a member of the House of Representatives of Afghanistan, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/186/12(b)-R.1), and to the resolution adopted at its 185th session (October 2009),

Noting that, at the session it held during the 122nd Assembly, the Committee met with a member of the delegation of Afghanistan, Mr. Gailani Sayed Ishaq,

Recalling the following:

- On 21 May 2007 the House of Representatives (Wolesi Jirga) of Afghanistan suspended Ms. Joya's parliamentary mandate until the end of her term (September 2010) for violating Article 70 of the Standing Orders by speaking disparagingly about parliament and its members in a television interview; the requisite procedure was not followed since the suspension of a member for more than one day must first be proposed by the Advisory Board, which had not been done; several parliamentary colleagues have criticized parliament's decision to suspend her, some of them publicly in an article published in the "Daily 8 a.m." newspaper on 31 October 2008;
- The parliamentary authorities have said that she would be reinstated and, apart from the Deputy Speaker, who in October 2008 told the Committee that she would be reinstated before the end of the parliamentary session that year, insisted that she would, however, have to apologize for her remarks; Ms. Joya refuses to do so, affirming that they were taken out of context and that she was not criticizing parliament as a whole but only certain members of parliament; moreover, the sources have affirmed that parliamentary colleagues who had called her a prostitute and a whore and urged that she be raped or killed, were reprimanded by the Speaker but have not been suspended or asked to apologize to her, as confirmed by the leader of the Afghan delegation to the 121st IPU Assembly;
- In common with many other women parliamentarians, Ms. Joya has been the target of death threats, and she has reportedly survived four assassination attempts,

Recalling that, while the complaint lodged by Ms. Joya with the Supreme Court against her suspension has not been examined, the Attorney General's Office has acted on a complaint filed by parliament in February 2007 requesting that she be prosecuted under Article 246 of the Penal Code (which punishes insulting public institutions) on account of the same statement which had led to her suspension, and that this case is proceeding; *noting* in this respect that, at his meeting with the Committee, Mr. Gailani stated that it was not an important matter and that parliament "would stop that",

Considering that, according to Mr. Gailani, parliament has attempted to contact Ms. Joya, who most of the time is out of the country, to invite her to return to the parliament, unfortunately to no avail; that she herself has never written to the parliamentary authorities about her reinstatement; that he undertook to make a final effort to contact her before the parliament's term ends; *noting* also that he referred to an interview she gave stating that her security in Afghanistan was under threat, preventing her from returning to the country,

Considering finally that, according to Mr. Gailani, there is nothing to prevent Ms. Joya from standing in the elections, which will be held in Afghanistan in September 2010,

Bearing in mind that, in September 2009, the United Nations Assistance Mission to Afghanistan (UNAMA) published a report on violence against women in Afghanistan, entitled "Silence is violence"; it shows that the risk to women in Afghanistan has increased in recent years and that the pattern of violence against women in public life sends a strong message to all women to stay at home and that the report also denounces the impunity enjoyed by perpetrators,

1. *Thanks* the Afghan delegation for its cooperation;
2. *Is pleased to note* that the parliament is prepared to withdraw its complaint in the criminal case against Ms. Joya, and *looks forward* to receiving notice thereof as soon as possible;
3. *Is also pleased to note* that there is no legal obstacle debarring Ms. Joya from standing in the forthcoming elections;
4. *Remains nevertheless deeply concerned* that Ms. Joya has to date not been reinstated and that, in failing to reinstate her, the House of Representatives is prolonging a situation which infringes its own Standing Orders - for Ms. Joya has in fact been expelled and not merely suspended from parliament - and that hence she continues not only to be prevented from exercising the mandate entrusted to her by her constituents but also leaves her constituents without representation in parliament;
5. *Also remains deeply concerned* at the discriminatory treatment of her given that her male colleagues who had, in parliament, called her a whore and prostitute and urged that she be raped and killed have simply been reprimanded and never asked to apologize to her; and *considers* therefore that the punishment meted out to her infringed her right to equality before the law set forth in Article 22 of the Constitution of Afghanistan;
6. *Considers*, moreover, that her discriminatory and arbitrary treatment can only discourage women from participating in the political affairs of their country;
7. *Calls therefore once again* on the parliamentary authorities to reinstate Ms. Joya before the parliamentary term ends, thus making at least a symbolic gesture towards redressing the wrong caused to her and her constituents, thereby sending a positive signal to women that their participation in politics is welcome; *invites* Ms. Joya to write to the parliamentary authorities to facilitate such reinstatement;
8. *Requests* the Secretary General to convey this resolution to the authorities and the sources;
9. *Requests* the Committee to continue examining this case and report to it at its next session, to be held on the occasion of the 123rd IPU Assembly (October 2010).

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

***Resolution adopted unanimously by the IPU Governing Council at its 186th session
(Bangkok, 1st April 2010)***

The Governing Council of the Inter-Parliamentary Union,

Referring to the case of Mr. Shah Ams Kibria, a member of the Parliament of Bangladesh who was assassinated in January 2005, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/186/12(b)-R.1), and to the resolution adopted at its 185th session (October 2009),

Taking into account the information note of 24 March 2010 provided by the Home Ministry and forwarded by the delegation of Bangladesh at the meeting it held with the Committee during the 122nd Assembly,

Recalling that the initial inquiry in this case proved to be an attempt by the investigating officers to divert the course of justice by extracting testimony under torture and paying individuals to testify against the 10 persons initially accused of the grenade attack; that on 12 May 2009 Mr. Munshi Atiquer Rahman, who was for a time in charge of the initial investigation, surrendered in connection with charges of obstructing the course of justice and committing torture; *recalling further* that, since the reopening of the investigation in March 2007, Islamist militants belonging to the Horkatul Jihad al Islami (Huji), including its leader Mufti Hannan Munshi, have been detained as suspects,

Recalling that, according to a police report of 28 March 2009, Mufti Abdul Hannan collected 32 Arges grenades through an associate and kept them in his office; in February and April 2004, one of the leaders of Huji - Sylhet Division, on the instructions of Mufti Abdul Hannan, collected nine of those grenades with the help of two other accomplices; one of those grenades was given to Md. Badrul Alam Mizan, who subsequently exploded it with the help of Mr. Mizanur Rahman alias Mithu at the public meeting at which Mr. Kibria was killed,

Considering that, according to the Home Ministry's report of March 2010, seven persons have been arrested, including Mithu, who was arrested on 8 March 2010 and has confessed his involvement; that, in addition, the former Minister of Home Affairs, Mr. Lutfozzaman Babar, has also been arrested in this case; that, according to the report, the collection of substantial evidence is proceeding and efforts have been undertaken to resolve the case without further delay,

Noting finally that, according to the delegation, the Speaker has instructed the Standing Committee on the Ministry of Home Affairs to monitor the investigation in this case,

1. *Thanks* the delegation of Bangladesh for its cooperation and for the information provided; *thanks* in particular the Speaker for the initiative he has taken to follow closely the proceedings in this case;
2. *Is pleased to note* that progress has been made in the investigation leading to the arrest not only of persons suspected of having perpetrated the crime but also of others thought to have masterminded it;
3. *Wishes* to be kept informed of further progress in the investigation, which, it hopes, will soon reveal the full truth in this case;
4. *Requests* the Secretary General to inform the parliamentary and competent governmental authorities accordingly, inviting them to keep the Committee informed of the proceedings;
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 123rd IPU Assembly (October 2010).

CASE No. BGL/15 - SHEIKH HASINA - BANGLADESH

Resolution adopted unanimously by the IPU Governing Council at its 186th session (Bangkok, 1st April 2010)

The Governing Council of the Inter-Parliamentary Union,

Referring to the case of Sheikh Hasina, opposition leader of the Parliament of Bangladesh at the time the communication was submitted, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/186/12(b)-R.1), and to the resolution adopted at its 185th session (October 2009),

Taking into account the information note of 24 March 2010 provided by the Home Ministry and forwarded by the delegation of Bangladesh at the meeting it held with the Committee during the 122nd Assembly,

Recalling that the initial line of inquiry into the grenade attack of 21 August 2004 on Sheikh Hasina and other Awami League leaders was a complete fabrication based on the "confession" of a petty criminal, Joj Miah, who had under duress admitted carrying out the attack with a criminal gang and whose family had been provided with a long-term government subsidy; that in February 2007 a new investigation was opened and revealed that Horkatul Jihad al Islami (Huji) militants, including its leader, Mufti Abdul Hannan, had carried out the attack, and enabled the police to arrest more suspects and to recover grenades, rifles and explosives,

Considering that, according to the Home Ministry's report of March 2010, at the end of the investigation, the Investigating Officer (IO) submitted a charge sheet against 22 persons including Mufti Abdul Hannan Munshi and former Deputy Minister, Mr. Abdus Salam Pinto; of those 22 persons, eight accused were absconding, including Mr. Salam Pinto's brother Mowlana Tajuddin; that during the trial the case was referred to the Criminal Investigation Department (CID) to identify the source of the grenades; that investigation revealed the following: the grenade attack was decided on at a meeting in the Government quarters of Deputy Minister Abdus Salam Pinto; his brother Mowlana Tajuddin supplied the grenades for the attack; former State Minister of Home Affairs Mr. Lutfozzaman Babar and Mr. Abdus Salam Pinto provided administrative and financial backup and support; the then government arranged for Tajuddin to leave Bangladesh; the case is still under investigation,

Noting finally that, according to the delegation, the Speaker has instructed the Standing Committee on the Ministry of Home Affairs to monitor the investigation in this case,

1. *Thanks* the delegation of Bangladesh for its cooperation and for the information provided; *thanks* in particular the Speaker for the initiative he has taken to follow closely the proceedings in this case;
2. *Is pleased to note* that progress has been made in the investigation leading to the arrest not only of persons suspected of having perpetrated the crime but also of others thought to have masterminded it;
3. *Wishes* to be kept informed of further progress in the investigation, which, it hopes, will soon reveal the full truth in this case;
4. *Requests* the Secretary General to convey the resolution to the parliamentary and competent governmental authorities, inviting them to keep the Committee informed of the proceedings;
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 123rd IPU Assembly (October 2010).

CASE No. BLS/05 - VICTOR GONCHAR - BELARUS

Resolution adopted unanimously by the IPU Governing Council at its 186th session (Bangkok, 1st April 2010)

The Governing Council of the Inter-Parliamentary Union,

Referring to the case of Mr. Victor Gonchar, a member of the Thirteenth Supreme Soviet of Belarus who disappeared together with his friend, Anatoly Krasovsky, on 16 September 1999, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/186/12(b)-R.1), and to the resolution adopted at its 185th session (October 2009),

Taking into account the letters dated 6 January and 24 March 2010 signed by the Chairmen of the Standing Committees on National Security and International Affairs and on Relations with the Commonwealth of Independent States, respectively, and *noting* that the letters provide no new information, on the investigation, which is regularly being extended,

Recalling the following:

- The investigation into the disappearance, on 16 September 1999, of Mr. Victor Gonchar and his friend Anatoly Krasovsky has yielded no result and the authorities have consistently refuted the conclusions of a report by the Parliamentary Assembly of the Council of Europe into disappearances for allegedly political reasons in Belarus (Pourgourides report), which provided evidence linking senior officials to the disappearance of Mr. Gonchar and Mr. Krasovsky; Mr. Pourgourides had gathered evidence to this effect, including a handwritten document from the then police chief, General Lapatik, the authenticity of which the Belarusian authorities have acknowledged, in which General Lapatik accuses Mr. V. Sheyman, then Secretary of the

Belarusian Security Council, of having ordered the killing of Mr. Zakharenko, a former Minister of the Interior, and that the order was carried out by a special task force (SOBR unit) under the command of Colonel Pavlishenko, with the assistance of the then Minister of the Interior, Mr. Sivakov, who provided Colonel Pavlishenko with the official execution pistol temporarily removed from SIZO-1 prison; the same method was reportedly used in the execution of Mr. Gonchar and Mr. Krasovsky;

- The Belarusian authorities have consistently stressed that despite extensive investigative work and despite examination of all possible leads, no tangible results have been obtained; however, the case has not been closed and the investigation is being regularly extended; a new investigator, Mr. Y.V. Varavko, was appointed but reportedly refused to meet Mr. Gonchar's wife as there "was no reason to meet",

Considering that, in their letter of 6 January 2010, the chairmen stated that, according to the law in force, information on operational and investigative action on ongoing cases may not be disclosed until the end of the investigation and that the wives of Mr. Gonchar and Mr. Krasovsky had been questioned about the disappearance of their husbands and subsequently summoned again for further questioning, but they did not go to the Prosecutor's office in Minsk as they were abroad,

Noting in this respect the following:

- Article 198 of the Code of Criminal Procedure prohibits the disclosure of data about preliminary investigations or inquiries; such data can only be disclosed with the permission of the investigator or the person responsible for the inquiry, only to the extent they consider appropriate, and only if such disclosure does not contradict the interests of the preliminary investigation and does not infringe the legal rights and interests of the persons involved in legal procedures; according to the sources, Article 50, paragraph 14, of the Code of Criminal Procedure stipulates that the injured parties are entitled to receive from the investigative body notification of decisions which affect their rights and interests; that, however, the investigator is entitled to instruct defence counsels and victims not to disclose information without his/her permission; according to the sources, this means that parties to a criminal case are entitled not only to participate in criminal prosecution (Article 128 of the Code of Criminal Procedure) but also to receive reliable information on the case if it affects their rights and legitimate interests;
- Mrs. Krasovskiy, who is living abroad, has declared her readiness to appear before the prosecutor in the presence of her lawyer; however, the authorities have prohibited her lawyer from assisting her, arguing that he is not a member of the Belarus Bar Association;
- Mrs. Gonchar, who is living in Belarus, and her counsel as well as Mrs. Krasovskiy have repeatedly submitted petitions to the investigators of Minsk City Prosecutor's Office for the purpose of familiarizing themselves with the orders on the resumption and extension of the preliminary proceedings and other documents to which they are entitled; all the petitions were dismissed with the result that neither Mr. Gonchar's nor Mr. Krasovskiy's family has received any official information on the progress of the investigation for more than 10 years; the families only keep themselves informed through statements made by State officials in the media;
- According to Article 83, part 1, paragraph 4, of the Code of Criminal Procedure, the statute of limitations is 15 years from the date of commission of the crime,

Recalling that, in an interview he gave on 10 June 2009 to the Russian *Zavtra* newspaper, President Lukashenko stated that the cases of Mr. Gonchar and Mr. Krasovskiy "were murders for business reasons; they had to buy or sell something and failed to stick to their promises, so they were killed, as is usual in 'half-bandit' circles; traces of a murderer have recently been found in Germany"; *noting* in this respect the following: in response to a request by the leader of the Belarus United Civil Party, the German authorities replied that they were no traces of such persons in the country and that no request for extradition had been made by the Belarusian authorities; *considering*, moreover, that in an interview he gave to a Lithuanian television channel, President Lukashenko stated *inter alia* that he knew very well what was happening and said "You want to know at what level this process is? Please ask the Prosecutor General - he does this business in the country. The issue is under the control of the President; they regularly report to me what has recently been done, as on many other important issues, if it is politically motivated",

Bearing in mind finally that Mrs. Krasovsky and her daughter submitted a communication under the Optional Protocol to the International Covenant on Civil and Political Rights to the Human Rights Committee, which is now pending before the Committee,

1. *Thanks* the Chairmen of the Standing Committees on National Security and on International Affairs and Relations with the Commonwealth of Independent States for their letters;
2. *Is deeply concerned* that the right of the families of Mr. Gonchar and Mr. Krasovsky to be kept informed of the proceedings and procedural decisions is not respected, while senior State officials are entitled to make unfounded allegations about the investigation;
3. *Considers* that the secrecy surrounding the investigation into Mr. Gonchar's and Mr. Krasovsky's disappearance prompts fears that no investigation is being conducted and that the case will be closed upon the expiry of the statute of limitations;
4. *Affirms* that in such high-profile cases as this one, which President Lukashenko himself has described as politically motivated, it should be in the interest of the authorities to show that they are acting and doing their utmost to reveal the truth, as is their duty;
5. *Recalls* in this respect that the authorities have so far failed to refute convincingly the evidence produced in the Pourgourides report and have produced no documents showing that they indeed investigated the report's findings;
6. *Calls on* the parliament to use its oversight function to ensure that the investigative authorities are indeed complying with their duty and specifically that of keeping the families of both victims informed in accordance with the law;
7. *Requests* the Secretary General to convey this resolution to all parties concerned;
8. *Requests* the Committee to continue examining this case and report to it at its next session, to be held on the occasion of the 123rd IPU Assembly (October 2010).

BURUNDI

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

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

***Resolution adopted unanimously by the IPU Governing Council at its 186th session
 (Bangkok, 1st April 2010)***

The Governing Council of the Inter-Parliamentary Union,

Referring to the case of Mr. Ndikumana, Mr. Basabose, Mr. Nyangoma, Ms. Gahigi, Mr. Mpawenayo, Mr. Nduwabike, Ms. Nzomukunda and Ms. Radjabu, all serving or former members of the Parliament of Burundi, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/186/12(b)-R.1), and to the resolution adopted at its 185th session (October 2009),

Taking into account the letter signed by both the Secretary General of the National Assembly and the Secretary General of the Senate, dated 15 January 2010, and the information provided by members of the Burundian delegation at the meeting it held with the Committee during the 122nd Assembly; *also taking into account* information regularly provided by various sources,

Recalling that the former and incumbent parliamentarians concerned were the target of apparently coordinated grenade attacks perpetrated on 19 August 2007 and 6 March 2008, and that only in the case of the

attack on Ms. Nzomukunda's house was a suspect arrested, namely the driver of the motorcycle from which the grenade was thrown; in late March 2008, the police issued a communiqué stating that the investigation was progressing and that its conclusions would be made public in the ensuing days; according to information provided by the Speaker in October 2008, the investigation into the grenade attacks had passed the stage of the police investigation and was with the public prosecutor, who was preparing the submission of the case to court; however, in November 2008, the Attorney General informed the Director of the IPU's Democracy Division that the initial investigations had been mishandled, having focused on the victims themselves as instigators of these attacks; this lead was soon abandoned but, having started off on the wrong premise, the case had become complicated, making it very difficult to identify the perpetrators of these attacks, which was why he believed that the case would be dismissed; in April 2009, the Burundian delegation to the 120th IPU Assembly reported that the cases were not ready to be presented in court as the investigation had yet to be completed by the prosecutor's office,

Considering that in their letter the Secretaries General of the National Assembly and the Senate state that the Parliament of Burundi has been following this case with great interest, and refer to the meeting held between the Director of the IPU Division for the Promotion of Democracy and the Attorney General during the former's mission to Burundi in November 2008,

Considering that, according to members of the Burundian delegation to the 122nd IPU Assembly at the hearing with the Committee, investigations like this often take too long but what is most important is that the Burundian authorities are acting in good faith,

Considering furthermore that, according to the source, the person who threw the grenade at Ms. Nzomukunda's house and was captured by the public was later released by the authorities,

Considering finally that presidential and parliamentary elections are to take place in Burundi in June and July 2010,

1. *Thanks* the parliamentary authorities and the Burundian delegation for their stated interest in the cases at hand;
2. *Is deeply concerned* that the competent authorities did not decide to investigate and prosecute the only suspect, who was caught *in flagrante delicto*; *can but consider* that this, along with the original focus of the investigation and the lack of any results thus far, cast serious doubts on the authorities' willingness to dispense justice in this case;
3. *Recalls* that impunity only serves to encourage the repetition of crime and thereby undermines the rule of law and human rights, and that Burundi, as a party to the International Covenant on Civil and Political Rights, is bound to uphold the fundamental rights enshrined therein, including the right to life and security, and is therefore obliged to dispense justice by identifying and punishing those guilty of any attack on a person's life and security, and to take reasonable measures to ensure the safety of threatened persons;
4. *Considers* that this is all the more important in view of the forthcoming elections and election campaign, which may carry the risk of increased violence;
5. *Urges* the authorities, as is their duty, to conduct a diligent and thorough investigation into the attacks and to examine all possible leads; *reiterates its wish* to be informed of recent steps taken in the investigation and of any results obtained; *also wishes to ascertain* why the suspect in the case of Ms. Nzomukunda was released;
6. *Requests* the Secretary General to inform the competent authorities of this resolution, inviting them once more to provide information on the current status of the investigations in question;
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 123rd IPU Assembly (October 2010).

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

***Resolution adopted unanimously by the IPU Governing Council at its 186th session
(Bangkok, 1st April 2010)***

The Governing Council of the Inter-Parliamentary Union,

Referring to the case of the above-mentioned former members of the Parliament of Burundi, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/186/12(b)-R.1), and to the resolution adopted at its 185th session (October 2009),

Taking into account the letter signed by both the Secretary General of the National Assembly and the Secretary General of the Senate, dated 15 January 2010, and the information provided by members of the Burundian delegation at the meeting it held with the Committee during the 122nd Assembly; *also taking into account* information regularly provided by various sources,

Recalling the following information on file:

- The persons concerned, initially all members of the ruling CNDD-FDD party, dissented and had lost their parliamentary seats as a result of a ruling adopted by the Constitutional Court on 5 June 2008 declaring that they occupied their seats unconstitutionally, which it has consistently considered to lack any genuine legal basis;
- Mr. Radjabu's parliamentary immunity was lifted on 27 April 2007, and proceedings were started against him and seven other people accused of plotting to undermine State security by inciting citizens to rebel against the authority of the State, and against Mr. Radjabu alone for having, in the course of a meeting he organized with a view to disturbing the peace, insulted the Head of State by comparing him to an empty bottle; on 22 December 2007, the Supreme Court found Mr. Radjabu guilty as charged and sentenced him to 13 years in prison (Case RPS 66); on 25 May 2009 the Supreme Court Appeal Chamber upheld the first-instance judgment; Mr. Radjabu has filed a cassation petition, which he had to do in the absence of the written appeal court judgment;
- Mr. Evariste Kagabo, the main person accused with Mr. Radjabu, and another person initially suspected, Mr. Abdul Rahman Kabura, were reportedly tortured by the National Intelligence Service with the complicity of the police station in charge of the investigation, and a complaint was lodged in this regard; according to the information provided by the President of the Senate in April 2009, the matter is at present before an examining magistrate in a separate case;
- The Committee had sent an observer to the appeal proceedings who concluded that Mr. Radjabu's trial was marred by serious flaws, notably the use of torture during the investigation, the lack of independence of the Court's judges and of the prosecution, and, more generally, the absence of evidence to substantiate the accusation; the parliamentary authorities have rejected his conclusions as biased, but have not responded to the observer's rebuttal of their comments;
- Mr. Pasteur Mpaawenayo was arrested on 4 July 2008 and accused of being Mr. Radjabu's accomplice; the hearings on the merits of his case have reportedly been adjourned for deliberation since 13 January 2009, the maximum period for such adjournment being 60 days;
- Mr. Nkurunziza was arrested on 15 July 2008 on the orders of the Kirundo Provincial Police Commissioner on the charge of distributing weapons for the purpose of arming a rebellion against the State authorities; according to the sources, it was in fact Mr. Nkurunziza who, while still a parliamentarian, filed a complaint of defamation against the authorities of Kirundo Province, which had accused him in the media of distributing weapons for a rebellion; instead of investigating the complaint, the authorities had him arrested; Mr. Nkurunziza has reportedly not been served the indictment and is being detained in the absence of any charge or trial and without having been brought before a judge for a ruling on his pretrial detention; similarly, many applications filed by the defence counsel have reportedly not been handled;

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

Considering the following new information on file:

- The procedural irregularities raised by Mr. Mpawenayo's defence pertaining essentially to his pretrial detention and the merging of his case with that of Mr. Radjabu, were rejected on 19 March 2009, of which decision he was informed only on 29 October 2009; his defence has filed a cassation application, which is pending; the court has not yet started hearings on the merits of the case;
- Mr. Radjabu's cassation petition was rejected on 12 March 2010;
- Mr. Jean Bigirimana and Mr. Baudoin Ribakare, co-accused of Mr. Radjabu and both sentenced to 10 years' imprisonment, were not serving their prison sentence and have only recently been arrested;
- The case file regarding Mr. Nkurunziza was transferred to the Kirundo High Court and he himself was also transferred to a prison in the region; following a hearing on procedural matters held on 4 November 2009, the Kirundo court declared itself incompetent to hear the case as the alleged offences were committed while Mr. Nkurunziza was still a member of parliament; the prosecution has not lodged an appeal against that decision; however, Mr. Nkurunziza is still to be transferred to the Mpimba prison near Bujumbura, where the case was now to be heard by the Supreme Court;
- Members of the Burundian delegation to the 122nd IPU Assembly confirmed that Mr. Minyurano, as he was not in detention, was fully able to exercise his political rights,

Considering that, in their letter, the Secretaries General of the National Assembly and the Senate state that the parliament is following this case with interest and refer in this respect to the visit carried out by the Director of the IPU Division for the Promotion of Democracy in November 2008 to Burundi, when he had also raised the case in question and met with the Attorney General,

Considering that parliamentary elections will take place in Burundi in July 2010; according to the information provided by the members of the Burundian delegation to the 122nd IPU Assembly, under Burundian law, the three former members of parliament in detention are not allowed to stand as candidates in these elections,

1. *Thanks* the parliamentary authorities and the Burundian delegation for their stated interest in the cases at hand;
2. *Regrets*, however, that they have not provided a substantive response to the persistent concerns in these cases;
3. *Refers* in this respect in particular to the fundamental issue of torture in the case of Mr. Radjabu et al. and the recommendations on how to combat torture in Burundi issued by the United Nations Committee against Torture, as well as the serious concerns it has expressed about how justice is administered in the cases of the parliamentarians in question;
4. *Observes* that its concern about the due administration of justice is further substantiated by the fact that a court decision delivered in March 2009 was not brought to the attention of the person concerned, Mr. Mpawenayo, until seven months later, although it should have at the latest been delivered within two months; and *stresses* that such undue delays prolong Mr. Mpawenayo's pretrial detention, which in itself may well not be legally founded; *wonders why* two persons who were, in common with Mr. Radjabu, given prison sentences are, unlike him, only now serving their sentences;

5. *Reaffirms* that, so long as the question of torture in the case of Mr. Radjabu has not been fully elucidated, the suspicion remains that Mr. Radjabu and consequently also Mr. Mpawenayo were or are being prosecuted for political reasons;
6. *Considers* that these matters, along with the concerns about Mr. Nkurunziza, have gained further weight and urgency in the light of the forthcoming elections as their continued detention prevents them from seeking election;
7. *Calls therefore again* on the authorities to address these matters without further delay and to reply fully to its outstanding requests for information;
8. *Requests* the Secretary General to convey this resolution to the competent authorities and to the sources;
9. *Requests* the Committee to continue examining this case and report to it at its next session, to be held on the occasion of the 123rd IPU Assembly (October 2010).

CASE No. CMBD/47 - MU SOCHUA - CAMBODIA

Resolution adopted unanimously by the IPU Governing Council at its 186th session (Bangkok, 1st April 2010)

The Governing Council of the Inter-Parliamentary Union,

Referring to the case of Ms. Mu Sochua, a member of the National Assembly of Cambodia, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/186/12(b)-R.1), and to the resolution adopted at its 185th session (October 2009),

Noting that, at the session it held during the 122nd Assembly, the Committee met with the leader of the Cambodian delegation,

Recalling the following:

- Ms. Mu Sochua's parliamentary immunity was lifted on 22 June 2009 to allow a defamation lawsuit brought against her by Prime Minister Hun Sen to proceed; the Prime Minister had earlier called upon the Assembly to lift her immunity and stated that this would be as easy as "ABC"; the procedure applied was as follows: emergency rules were applied to prevent the public, the diplomatic corps, civil society and the media from attending the session; the sound system allowing television coverage was disconnected so that the session was not broadcast as usual; the Speaker did not allow time for Ms. Mu Sochua to defend herself, although she had asked to speak, and the vote went ahead without a debate; moreover, heavily armed military police were reportedly posted outside the parliament building; the parliamentary authorities affirm that the procedure applied was in accordance with the Standing Orders, including the holding of a closed session as the necessary number of parliamentarians had so requested;
- The Prime Minister's lawsuit was brought one day after Ms. Mu Sochua had announced in a press conference, held on 23 April 2009, that she would bring a defamation lawsuit against him for insulting statements he had made about her in a speech in her province, qualifying her *inter alia* as a woman gangster or a prostitute; the Prime Minister also brought a lawsuit against her lawyer, who, after having been accused by the Cambodian Bar Association of breaching the Code of Ethics, apologized to the Prime Minister, declined to present Ms. Mu Sochua's defence, joined the majority party and had the charges against him withdrawn; on 10 June 2009, Phnom Penh Municipal Court rejected Ms. Mu Sochua's lawsuit against the Prime Minister for lack of evidence and the decision was upheld on appeal;
- On 4 August 2009, Phnom Penh Municipal Court found Ms. Mu Sochua guilty under Article 63 of the United Nations Transitional Authority in Cambodia (UNTAC law) Criminal Provisions of defaming Prime Minister Hun Sen by: (i) holding a press conference to announce that she would file a defamation lawsuit against the Prime Minister, (ii) informing the IPU and the Global

Fund for Women of the matter, (iii) affirming that the Prime Minister's words against her "affected all Khmer women and women all over the world", all of which showed that she had acted in bad faith with the intention of defaming the Prime Minister worldwide and sullyng his reputation and dignity;

- The parliamentary authorities have affirmed that the trial was fair, stating that the evidence presented during the trial, namely the press conference and her letters to the Global Fund for Women and to the IPU, was not challenged and that Ms. Mu Sochua presented no witnesses; the Court had respected its duty to find out the truth, and the alleged threat of the disbarment of her lawyer was related not to his being selected as counsel by Ms. Mu Sochua but to his violation of the Code of Ethics; he had apologized for those violations and his withdrawal was his own decision and could not be considered a denial of Ms. Mu Sochua's right to counsel of her choice; in the view of the parliamentary authorities, the court had respected due process, examined all the evidence presented and identified the offence, namely a bad-faith allegation and imputation which harmed the honour and reputation of the Prime Minister; in their response to the IPU's trial observer report, the parliamentary authorities stated that "the Court simply exercised its judicial responsibilities in litigation between two individuals, applying current laws of the Kingdom",

Considering that, in October 2009, the Appeal Court upheld the first-instance verdict, and that Ms. Mu Sochua has lodged an appeal in the Supreme Court which is still pending,

Recalling that the Office of the United Nations High Commissioner for Human Rights (OHCHR) in Cambodia issued a statement on 5 August 2009 in response to the guilty verdict in Ms. Mu Sochua's case, in which it emphasized the need to uphold the constitutional right to freedom of expression in Cambodia and pointed out that, under international law, freedom of expression is to be restricted only in exceptional cases, where clearly necessary and proportionate to the value that the restriction seeks to protect, and appealed to the Cambodian judiciary to take full account of constitutional and international standards when considering defamation cases; the OHCHR also recalled that, in July 2007, the Constitutional Court had directed all Cambodian courts to take into account international human rights standards, as contained in the treaties to which Cambodia was a party, when considering such cases,

Considering that the leader of the Cambodian delegation provided the following information and observations: no soldiers or police were in the National Assembly during the lifting of Ms. Mu Sochua's parliamentary immunity; her case is now pending before the court and it is necessary to await completion of the proceedings; she could have paid the fine, as advised by colleagues, and the case would have been over; however, she chose to appeal and to go before the Supreme Court; she herself is responsible for this situation as she brought the complaint against the Prime Minister accusing him of something he had not done; the Prime Minister counter-attacked and the Court found that there was no evidence to support her claim; however, there was evidence to support the Prime Minister's claim of defamation, namely the press conference she held and the publication of the letters she wrote to the IPU and another organization, not the letters as such but only their publication,

Bearing in mind finally that, in his report on the situation of human rights in Cambodia, the United Nations Special Rapporteur on the situation of human rights in Cambodia (A/HRC/12/40/Corr.1), referring in particular to the series of defamation and disinformation charges filed by or on behalf of the Government against opposition members and other critics, mentioning particularly the case of Ms. Mu Sochua, expressed concern that this trend, "if allowed to continue, could seriously undermine the exercise of the constitutional right to freedom of expression, which is essential to effective media freedom, pluralism, diversity and democratic debate", and *noting* that, in his response (A/HRC/12/G/11) to the statement made by the Special Rapporteur during the Universal Periodic Review process of Cambodia that "some of the core political rights such as freedom of expression and peaceful assembly had been undermined in Cambodia", the Ambassador and Permanent Representative of the Kingdom of Cambodia stated that, on the contrary, the Cambodian people had largely enjoyed that right which, in accordance with Article 19 (para. 3) of the International Covenant on Civil and Political Rights (ICCPR), carries with it special duties and responsibilities such as the respect of the rights or reputation of others and that "like any other democratic country, Cambodia cannot allow the proliferation of voluntary public defamation and disinformation intended to create social disorder, which is detrimental to the well-being of the entire society and the dignity of all citizens",

1. *Thanks* the leader of the Cambodian delegation for the information and observations he shared with the Committee; *considers*, however, that his arguments are not such as to enable it to alter its position regarding this case;
2. *Observes* that the responsibilities and duties under Article 19, paragraph 3, of the ICCPR are incumbent on everyone, including the Prime Minister, who also must respect the right to reputation of others, and *reaffirms* that Ms. Mu Sochua, by bringing a defamation lawsuit against him, holding a press conference to announce this and informing the IPU and the Global Fund for Women of the matter, was merely exercising her right to defend her reputation, as guaranteed under Article 19, paragraph 3, of the ICCPR;
3. *Observes* that it is difficult, if not impossible, to admit that this was litigation between two equal individuals, if only because the Prime Minister called on the National Assembly to lift Ms. Mu Sochua's immunity, stating that this would be an easy task and even indicated that she might lose her parliamentary seat; *fears* that such statements made by a head of government gravely affect not only the independence of parliament and its members but also the independence of the judiciary, and undermine freedom of expression in general;
4. *Remains deeply concerned* that: (a) there appears to be no instance of the courts having seriously examined whether or not the Prime Minister's statement targeting Ms. Mu Sochua was defamatory, but instead quickly dismissed her lawsuit and proceeded with the Prime Minister's lawsuit; (b) the courts did not examine and put forward any arguments to sustain their view that Ms. Mu Sochua acted in bad faith when she held a press conference and wrote letters to the IPU and the Global Fund for Women and how that could have damaged the Prime Minister's reputation, and (c) they did not, as they should have done, examine evidence not only against Ms. Mu Sochua but also in her favour;
5. *Cannot accept* under any circumstances that a letter to the IPU, whether publicized or not, should be used as an argument against Ms. Mu Sochua, particularly since the IPU has put in place a procedure designed to examine such communications, and *points out* that, in the final analysis, such action may render ineffective the right of everyone to seek the assistance of international organizations in human rights matters; *calls once again* on the National Assembly, as a Member of the IPU, and in particular the parliamentary authorities, to bring this argument to bear to the best of their ability;
6. *Remains deeply concerned* at the way in which the National Assembly lifted Ms. Mu Sochua's parliamentary immunity, and *stresses* in this respect once again the following: while the National Assembly may have followed the procedure, it had not borne in mind the purpose of parliamentary immunity, which is to protect the independence of parliament by protecting its members from possibly unfounded legal proceedings; this presupposes, as the IPU has consistently recommended, a careful scrutiny by parliament of the request for the lifting of immunity, an open parliamentary debate during which the member of parliament concerned has the right to defend himself/herself and a secret vote ensuring that members can vote in line with their conscience and not along political party lines; these basic rules appear not to have been respected in this case; *wishes to ascertain* in particular why the Assembly decided to hold a closed session, why it did not allow Ms. Mu Sochua to present her defence and did not hold a debate on the issue, and why it did not decide to hold a secret ballot;
7. *Remains hopeful* that, in conformity with the directive issued by the Cambodian Constitutional Court, the Supreme Court will rule on Ms. Mu Sochua's case in accordance with the international human rights obligations which Cambodia is bound to respect and hence will ensure respect for core democratic values, including freedom of expression; *requests* the Secretary General to ensure the presence of an international observer at the hearing before the Supreme Court;
8. *Requests* the Secretary General to forward this resolution to the authorities, to Ms. Mu Sochua and to the OHCHR in Cambodia;
9. *Requests* the Committee to continue examining this case and report to it at its next session, to be held on the occasion of the 123rd IPU Assembly (October 2010), when it hopes to be able to close this case owing to its satisfactory settlement.

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

***Resolution adopted unanimously by the IPU Governing Council at its 186th session
(Bangkok, 1st April 2010)***

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/186/12(b)-R.1), and to the resolution adopted at its 185th session (October 2009),

Having before it the written report of the on-site mission to Colombia carried out from 22 to 24 August 2009 (CL/186/12(b)-R.2) for the purpose of raising the Committee's concerns in this and the other Colombian cases and of gaining a better understanding of the political and legal environment in Colombia in which they are situated; *also having before it* a communication from the Prosecutor's Office dated 19 March 2010,

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

Recalling that in 1997 the Inter-American Commission on Human Rights was seized of a petition regarding the persecution of the *Unión Patriótica* and offences committed, directly and indirectly, against its members, including the aforementioned parliamentarians; for lack of results in the friendly settlement process, the petitioners decided in 2006 to request the Commission to rule on the merits of their petition; the year before, the Commission agreed to review separately the petition concerning the murder of Mr. Cepeda; on 25 July 2008, the Commission concluded that the Colombian State was indeed responsible for that murder, by commission and omission, and issued a series of recommendations and referred the case to the Inter-American Court of Human Rights, requesting confirmation of its findings; *recalling* that, at the request of petitioner Iván Cepeda, the IPU, through the Secretary General, submitted on 11 January 2010 an expert opinion on this case,

Considering that the Inter-American Court of Human Rights held hearings at the end of January 2010, during which the representative of the State of Colombia publicly condemned Senator Cepeda's murder, calling it unacceptable that full light had yet to be shed on the circumstances of the crime and the identity of the masterminds; on behalf of the State of Colombia, she asked the relatives for forgiveness and assured them of the authorities' commitment to elucidating the crime and holding the masterminds to account; the Court requested the parties to the case to present their final written submissions by 1 March 2010,

Considering that the Inter-American Commission has yet to rule in the collective case of the *Unión Patriótica* and that it appears, given the complexity of the case, that it may still be some time before the Commission adopts its report,

Considering finally that the Attorney General's Office (*Procuraduría General*) decided in 2009 to give special attention to the case of Mr. Jaramillo Ossa and that the Office of the Prosecutor has assembled a special team focusing on violations committed against members of the *Unión Patriótica* and has reactivated investigations into the assassinations of Mr. Jiménez, Mr. Posada, Mr. Valencia, Mr. Cepeda and Mr. Jaramillo

and the death threats against Mr. Motta; *considering also* that the latest communication from the Prosecutor's Office reaffirms that, by decision of 2 December 2005, the Prosecutor in the case of Mr. Vargas declared the investigation closed on account of extinction of the criminal action through prescription; *considering* that, in the cases of Mr. Posada and Mr. Valencia, reference is made in each case to one suspect who is in detention and awaiting judgment,

Considering that legislative elections took place in Colombia on 14 March 2010,

1. *Commends* the delegation for its work and *fully endorses* the findings and recommendations contained in the report; *thanks* the Prosecutor's Office for the latest information about progress in the cases before it;
2. *Is pleased* that the competent authorities have lent fresh impetus to the investigations into five of the assassinations and the death threats against Mr. Motta; *trusts* that they will pursue their efforts with the necessary resolve in order, to the extent possible, to shed full light on these crimes and hold those responsible to account; *wishes* to be kept informed in this respect and to receive copies of the forthcoming judgments in the cases of Mr. Posada and Mr. Valencia; *wishes* to receive further details as to why the case of Mr. Vargas, who was assassinated in the same year as two of the other parliamentarians, cannot be reopened as well;
3. *Takes note with interest* of the recent public apology and express commitment of the Colombian authorities before the Inter-American Court of Human Rights with respect to the long-standing entitlements of Mr. Cepeda's relatives in the areas of truth, justice and reparation; *eagerly awaits* the ruling of the Inter-American Court of Human Rights in this case;
4. *Trusts* that the new Colombian Congress will help ensure that ongoing efforts to elucidate the murders of and death threats against parliamentarians of the *Unión Patriótica* receive the necessary political and financial support and that the State of Colombia fully implements the forthcoming ruling of the Inter-American Court of Human Rights in the case of Mr. Cepeda;
5. *Requests* the Secretary General to inform the competent Colombian authorities and the source of this resolution;
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 123rd IPU Assembly (October 2010).

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

Resolution adopted unanimously by the IPU Governing Council at its 186th session (Bangkok, 1st April 2010)

The Governing Council of the Inter-Parliamentary Union,

Referring to the case of Mr. Luis Carlos Galán Sarmiento, a member of the Colombian Senate and a nominee for the New Liberalism party in the presidential elections, who was murdered at a political rally on 18 August 1989 in the main square of Soacha municipality, department of Cundinamarca, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/186/12(b)-R.1), and to the resolution adopted at its 185th session (October 2009),

Having before it the written report of the on-site mission to Colombia carried out from 22 to 24 August 2009 (CL/186/12(b)-R.2) for the purpose of raising the Committee's concerns in this and the other Colombian cases and of gaining a better understanding of the political and legal environment in Colombia in which they are situated; *taking into account* the communication from the Prosecutor's Office dated 4 March 2010,

Recalling that the source affirms that the crime was masterminded by Mr. Pablo Escobar, Mr. Gonzalo Rodríguez Gacha and Mr. Alberto Santofimio Botero, a politician from Tolima and member of the political wing of the Medellín cartel; while Mr. Santofimio was found guilty at first instance, in October 2008, the High Court of Cundinamarca quashed the verdict and acquitted him; in response, the Prosecutor's Office and Mr. Galán's family, as the complainant in the proceedings, have filed a cassation petition in the Supreme Court, which is reportedly due to deliver its ruling soon,

Considering that on 18 August 2009 an arrest warrant and detention order was issued for General Miguel Maza Márquez, who at the time of the murder was the Director of the Administrative Department of Security (DAS), on accusations of involvement in Senator Luis Carlos Galán's murder; on 3 February 2010 the Chief Prosecutor General of Colombia took over the case from the Prosecutor's National Human Rights Unit owing to a privilege question arising from Mr. Maza's status as a Director of the DAS at the time of the alleged facts; the source emphasizes that the Supreme Court of Colombia in the case of General Rito Alejo del Río has clearly stated that such privilege applies only if the accusations are strictly related to the exercise of the function, which they are not in the case of Mr. Maza; according to the source, Mr. Maza will automatically be released unless the Prosecutor's Office charges him by 16 April 2010,

Considering also that on 25 November 2009 the Attorney General (*Procuraduría*) of Colombia, which has formed a special team to conduct the investigations into the murder, requested the Prosecutor's Office to extend the investigation to retired General Oscar Peláez Carmona; Mr. Peláez was the Chief of the Criminal Investigation Department at the time and had allegedly acted in complicity with Mr. Maza in misleading and obstructing the original investigation,

Considering further that the source and the prosecuting authorities are defending the theory that the murder was part of a pattern of persecution of members of Senator Luis Carlos Galán's party, and hence a crime against humanity, which would mean that the statute of limitations of 20 years to which the crime of murder is subject in Colombia would not apply,

Considering finally that the National Police of Colombia, in its report of 23 November 2006, concluded that Senator Juan Manuel Galán, who has been at the forefront of claiming justice in the case of his father's murder, was at exceptional risk; the source affirms that in the light of recent developments in the pursuit of justice and the pending ruling of the Supreme Court in the case of Mr. Santofimio, this risk has further increased; the National Police are investigating an anonymous threat made against Senator Juan Manuel Galán, according to which there would be an attempt on his life, which investigation is being carried out under the guidance of Prosecutor's Office 45 of Cartagena (No. 12288); in spite of four letters sent in June and August 2009 by Senator Juan Manuel Galán to the National Police and the Ministry of the Interior and Justice, requesting an armoured vehicle and appropriate communication equipment and bulletproof vests for himself and his family, no steps appear to have been taken to provide such security facilities,

1. *Commends* the delegation for its work and *fully endorses* the findings and recommendations contained in the report;
2. *Is alarmed* at the mounting evidence and leads which corroborate initial suspicions that the murder of Senator Luis Carlos Galán was carried out with the involvement of the most senior officers of the authorities in charge of law and order in Colombia;
3. *Considers* that the issues at stake in this case are of such importance to the preservation of the rule of law in Colombia that they justify the authorities' doing their very utmost to ensure full justice;
4. *Is pleased* therefore that the Offices of the Prosecutor and the Attorney General (*Procuraduría*) have given priority to this matter in the last two years; *is confident* that the Chief Prosecutor of Colombia will ensure that the results obtained by his Office in the investigation into the possible involvement of Mr. Maza are fully safeguarded and that he will decide with the utmost urgency, giving due consideration to all the information on file, whether or not to bring formal charges against Mr. Maza; nevertheless *fails to understand* how, in the light of the accusations made against him, Mr. Maza would be entitled to privilege, and *wishes* to receive clarification on this

point; *also wishes to ascertain* whether the Prosecutor's Office is now also focusing on the possible involvement of Mr. Peláez and when the courts are due to rule on the proposed thesis of a crime against humanity;

5. *Expresses deep concern* that Senator Juan Manuel Galán and his family are without the security detail they have requested; *can but consider* in this respect that the threat against him shows that their protection has to be taken extremely seriously and that, by not addressing his requests diligently and swiftly, the authorities are putting him at great and unnecessary risk, particularly at a time when the pursuit of justice in the case of his father is taking a decisive turn; *urges* the Ministry of the Interior and Justice to take immediate steps to ensure that an effective security arrangement for him and his family is put in place; *trusts* that the Prosecutor's Office is investigating the threat against Senator Juan Manuel Galán with all due speed and diligence and will soon be able to identify and hold the culprit(s) to account; *wishes* to be kept informed in this respect;
6. *Eagerly awaits* the Supreme Court's ruling on the cassation petition; *would appreciate* receiving a copy of it when it becomes available;
7. *Requests* the Secretary General to inform the competent Colombian authorities and the source of this resolution accordingly;
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 123rd IPU Assembly (October 2010).

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

Resolution adopted unanimously by the IPU Governing Council at its 186th session (Bangkok, 1st April 2010)

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/186/12(b)-R.1), and to the resolution adopted at its 185th session (October 2009),

Having before it the written report of the on-site mission carried out to Colombia from 22 to 24 August 2009 (CL/186/12(b)-R.2) for the purpose of raising the Committee's concerns in this and the other Colombian cases and of gaining a better understanding of the political and legal environment in Colombia in which they are situated,

Recalling that Mr. Lozano was convicted and given a heavy prison sentence, following fundamentally flawed proceedings, without being afforded the possibility of challenging them since, under Colombian law, members of Congress are tried at 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 despite efforts to engage with the Inter-American Commission, in particular through its President and Executive Secretary, and contacts made to this end by its Vice-President, Senator Rosario Green,

Considering that, on 5 March 2010, the Secretary General met with the Executive Secretary of the Inter-American Commission; it appeared from the meeting that the Executive Secretary took full note of the IPU's request that Mr. Lozano's petition be given full and immediate consideration by the Commission but that he stopped short of giving firm assurances that this would actually happen,

Recalling that, in addition to a prison term, Mr. Lozano's sentence included deprivation of his civil and political rights for 10 years starting in February 1998; *considering* that Mr. Lozano's rights have still not been restored although this period has expired,

Considering that legislative elections took place in Colombia on 14 March 2010,

1. *Commends* the delegation for its work and *fully endorses* the findings and recommendations contained in the report;
2. *Reaffirms* that this case raises extremely serious concerns about respect for fair-trial guarantees, several of which are inherent in the current procedure applicable to members of Congress in Colombia in criminal cases and, therefore, have ramifications far beyond the situation of Mr. Lozano; *considers* that these concerns can only be fully and effectively addressed through combined efforts at the national and regional levels;
3. *Calls on* the Colombian authorities, in particular the new Colombian Congress, to take action with a view to overhauling the procedure applicable to criminal cases against its members so as to ensure its full compatibility with fundamental fair-trial standards, including the right to appeal and non-discrimination towards members of parliament; *affirms* the continued readiness of the IPU to help advance the public debate in Colombia on this complex and sensitive matter;
4. *Sincerely hopes* that the Inter-American Commission will soon finally rule on the case of Mr. Lozano, convinced as it is that this will be crucial towards helping redress the apparent injustice he has suffered and will send a clear message about the need for action by the Colombian authorities to modify the procedure applicable to parliamentarians;
5. *Requests* the Vice-President of the Committee and the Secretary General to continue their contacts with the Inter-American Commission to this end;
6. *Is appalled* that Mr. Lozano has still not recovered his civil and political rights; *urges* the Colombian authorities to remedy this unlawful situation without further delay;
7. *Requests* the Secretary General to inform the competent Colombian authorities and the source of this resolution accordingly;
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 123rd IPU Assembly (October 2010).

CASE No. CO/140 - WILSON BORJA - COLOMBIA

Resolution adopted unanimously by the IPU Governing Council at its 186th session (Bangkok, 1st April 2010)

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/186/12(b)-R.1), and to the resolution adopted at its 185th session (October 2009),

Having before it the written report of the on-site mission carried out to Colombia from 22 to 24 August 2009 (CL/186/12(b)-R.2) for the purpose of raising the Committee's concerns in this and the other Colombian cases and of gaining a better understanding of the political and legal environment in Colombia in which they are situated; *also having before it* a communication from the Prosecutor's Office dated 19 March 2010,

Recalling that an attempt was made on Mr. Borja's life on 15 December 2000 after he had received repeated death threats; *considering* that the former head of the United Self-Defence Forces of Colombia (AUC), Mr. Salvatore Mancuso, detained in the United States after admitting to masterminding the attack, has turned over a series of documents to the Colombian authorities reportedly proving that Generals Jorge Enrique Mora and Castellano knew of the attempt but that the Office of the Prosecutor decided against continuing the investigation into their possible involvement; Mr. Mancuso also affirms that the former Assistant Director of the Administrative Department of Security (DAS), Mr. José Miguel Narváez, at present detained, may have played a decisive role in the attack by linking Mr. Borja to the Revolutionary Armed Forces of Colombia (FARC) and inciting paramilitary groups to eliminate him; *recalling also* that DAS has illegally intercepted communications and followed the movements of Mr. Borja and other high-profile Colombian personalities and institutions,

Recalling that there have been recurring deficiencies in Mr. Borja's security arrangements without any action being taken; *considering* the latest information provided by the source, according to which Mr. Borja's security detail has been short of four bodyguards and that his own efforts to have their places filled have been thwarted by the Ministry of the Interior and Justice,

Recalling further that on 4 July 2008 the Supreme Court opened a preliminary investigation into Mr. Borja and others for their alleged links to FARC, which, according to the source, is unfounded; according to the latest information from the source, the preliminary investigation continues, even though not a shred of evidence has been presented and despite a legal provision setting the maximum length of the investigation at one year; *recalling also* that, before the investigation, Mr. Borja was publicly linked by the Colombian Government at the highest level to FARC in a radio interview on 20 February 2007,

Considering that legislative elections took place in Colombia on 14 March 2010 and that Mr. Borja was not re-elected,

1. *Commends* the delegation for its work and *fully endorses* the findings and recommendations contained in the report; *thanks* the Prosecutor's Office for the information recently provided about steps taken to hold to account those who threatened or attacked Mr. Borja;
2. *Remains deeply concerned* at the continuing failure to afford Mr. Borja a fully functioning security detail; *can but consider* in this respect that, in the light of the failed attempt on his life and the risks he incurs as a long-running critical voice in Colombia, his protection has to be taken extremely seriously and that, by not addressing his complaints diligently and swiftly, the authorities are putting him at great and unnecessary risk; *urges* the Ministry of the Interior and Justice to take immediate steps to bolster his security detail;
3. *Is alarmed* at the extensive accusations that State agents bear active and passive responsibility for the attack on Mr. Borja's life and that the very State institution responsible for providing security to persons at risk has without hindrance promoted and carried out a policy of illegality, thereby undermining the rule of law in Colombia; *trusts* that the competent authorities are doing their utmost by establishing full accountability and taking effective action to ensure full respect for the law by DAS, and by vigorously pursuing their ongoing investigation into the allegations that paramilitary groups cooperated with members of the armed forces to target Mr. Borja; *notes* that the information recently provided by the Prosecutor's Office does not indicate whether proceedings against Mr. Narváez are under way and whether Mr. Mancuso is being prosecuted in connection with the attack on Mr. Borja; *would appreciate* receiving this information along with clarifications as to why two generals who were allegedly aware of the attack are not being prosecuted;
4. *Is deeply concerned* that, reportedly in the absence of any proof and beyond the expiry of statutory deadlines, Mr. Borja continues to be subjected to a criminal investigation; *regrets* that Mr. Borja's campaign to stand in the recent parliamentary elections took place in the context of prolonged uncertainty in this case, which can only have harmed his chances of re-election; *recalls* that, as a party to the International Covenant on Civil and Political Rights and to the Inter-American Convention on Human Rights, the State of Colombia must guarantee the right to a fair trial, which comprises the right to be tried without undue delay; *calls on* the authorities therefore to handle the case with the utmost urgency, either dismissing it or bringing it to trial forthwith; *wishes* to ascertain what steps the authorities intend to take in this respect;

5. *Requests* the Secretary General to bring this resolution to the attention of the competent authorities and of the source;
6. *Requests* the Committee to continue examining this case and report to it at its next session, to be held on the occasion of the 123rd IPU Assembly (October 2010).

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

***Resolution adopted unanimously by the IPU Governing Council at its 186th session
(Bangkok, 1st April 2010)***

The Governing Council of the Inter-Parliamentary Union,

Having before it the case of Mr. Alvaro Araújo Castro, a former member of the Colombian Congress, which has been the subject of a study and report of the Committee on the Human Rights of Parliamentarians following the Procedure for the treatment by the Inter-Parliamentary Union of communications concerning violations of the human rights of members of parliament,

Taking note of the report of the Committee on the Human Rights of Parliamentarians, which contains a detailed outline of the case (CL/186/12(b)-R.1); and *having before it* the written report of the on-site mission to Colombia carried out from 22 to 24 August 2009 (CL/186/12(b)-R.2) for the purpose of raising the Committee's concerns in this and the other Colombian cases and of gaining a better understanding of the political and legal environment in Colombia in which they are situated; *also having before it* the analysis of the legal expert, Mr. Alejandro Salinas, who was mandated by the Committee to examine the question of respect for the right to fair trial in the case of Mr. Araújo,

Considering the following with respect to the judicial proceedings against Mr. Araújo:

- On 15 February 2007, the Supreme Court issued detention orders for Mr. Araújo and five other members of Congress from the departments of César and Magdalena in connection with accusations of aggravated criminal conspiracy and electoral coercion; the other five were convicted on the grounds of their own confessions, telephone calls with or between paramilitaries and an analysis of voting results; Mr. Araújo asserted that there was no proof against him and that his case should have been separated from that of the others; Mr. Araújo was initially also charged with taking part in an aggravated abduction for the purpose of extortion, which charge was later dismissed;
- On 27 March 2007, as the only way of ensuring that his case would be treated individually, Mr. Araújo relinquished his seat in Congress, as a result of which his case was transferred to the ordinary judicial system, under which he is investigated by the Prosecutor's Office and tried by an ordinary court with the possibility of appeal; as a consequence, on 18 April 2007, the Supreme Court declared itself incompetent to continue examining his case, whereupon the file was transferred to the Delegated Prosecution Service;
- The investigation was completed on 18 July 2007 and, on 22 August 2007, Mr. Araújo was formally charged; during the trial, the Attorney General (*Procuraduría*) emphasized that there was no documentary evidence connecting Mr. Araújo Castro with the paramilitary in his department and asked that he be declared innocent; during a hearing held in early May 2009, the Prosecutor's Office asked the second specialized judge of Bogotá to convict Mr. Araújo for criminal conspiracy and electoral fraud, given that, even though he did not take part in military operations and was not a member of a paramilitary organization, his political affiliations did in fact boost his election chances during the time the paramilitary held sway in César;
- Only on 15 July 2009, despite very strict legal deadlines, was Mr. Araújo given the opportunity to present his defence; on 23 July 2009, having exhausted all the procedural stages in the case and completed the public hearing, the Fifth Court of the Bogotá Specialized Circuit resolved to lodge the file for the passing of judgment, for which it had 15 days; however, on 1 September 2009, the Supreme Court decided that the cases of congressmen under investigation who had given up their seats should be examined by it alone; the titular magistrate of the Fifth Court of the Specialized Circuit, Dr. Patricia Ladino Gaitán, decided on 15 September 2009 to return

the file to the Supreme Court, which by resolution of that same day reaffirmed jurisdiction over Mr. Araújo's case, stating inter alia in its resolution that there were zones (in Magdalena and César) in which the population was under threat to support particular political candidates, as evidenced by the high percentages obtained by political paramilitary tickets, such as in the case of Senator Araújo; the decision was appealed against by the defence counsel before the Criminal Cassation Division of the Supreme Court, and for its part the Attorney General (*Procurador*) sought annulment of the action of the Fifth Court magistrate; the Supreme Court, by resolution of 1 October 2009, refused the application for annulment and, on 21 October 2009, decided not to admit the application lodged by Mr. Araújo for his defence pleadings to be heard in that court by a titular magistrate, the Court arguing that that procedural opportunity had already been exhausted in the Fifth Court of the Specialized Circuit;

- On 18 March 2010, the Supreme Court found Mr. Araújo guilty, without offering him an opportunity to be heard, and sentenced him to a prison term of nine years and four months and a fine of 7,222.15 Colombian monthly wages; the Court considered Mr. Araújo to be part of the hierarchy of the paramilitary group in his department and instructed the Prosecutor's Office to investigate him in this respect; the Court also decided to investigate the Prosecutor who had previously dismissed the kidnapping case against Mr. Araújo, considering that she had not taken due account of all the evidence; the source fears that by seeking action against the Prosecutor, the Supreme Court will have the possibility, if and when that Prosecutor is held criminally liable, to revive the abduction charge,

Considering that Mr. Araújo has always affirmed that there is no evidence to support the charges against him and observed that the analysis of his elections results bears out that he did not need and have the support of the paramilitary and that on several occasions he took a public stance against the paramilitary; in this respect, he affirms that on 1 October 2000 he was the target of an attack in southern César which two witnesses stated had to do with a statement he had made in a community council meeting rejecting the paramilitary groups,

Considering that, following two strokes suffered in 2007, Mr. Araújo had to be urgently taken from La Picota prison, where he was being held, to a clinic in Bogotá; on 22 November 2007, the Prosecutor's Office changed his detention to house arrest for health reasons; Mr. Araújo was immediately transferred back to La Picota after his conviction on 18 March 2010,

Taking into account the communication from the President of the Supreme Court, dated 9 December 2009, in which he stressed that the proceedings against members of Congress were constitutionally and legally sanctioned, but did not provide any detailed observations on each of the concerns raised in this respect,

1. *Is deeply concerned* that Mr. Araújo was found guilty as a result of a trial which ran counter to basic principles of due process; *fully endorses* the detailed findings in this respect of the legal expert mandated by the Committee, and *cannot share* the views expressed by the President of the Supreme Court regarding the fairness of the proceedings;
2. *Is therefore particularly concerned* that Mr. Araújo cannot challenge the judgment on appeal, all the more so as his conviction appears to rely mainly on testimonies of demobilized paramilitary leaders and hypotheses regarding his election results and paramilitary activity and movements in the department of César; *is concerned* that Mr. Araújo may yet again be submitted to the same flawed procedure as a result of the new investigation whose initiation the Supreme Court has instructed; *is furthermore concerned* that the Prosecutor who dismissed the kidnapping charge may now herself be investigated; *would appreciate* receiving information on the legal basis for this step; *also wishes to ascertain* the facts supporting the reported criminal investigations of Mr. Araújo's relatives;
3. *Affirms* that several of the serious concerns about respect for fair-trial guarantees in this case are inherent in the current procedure applicable to members of Congress in Colombia in criminal cases and, therefore, have ramifications far beyond the situation of Mr. Araújo;

4. *Calls on* the Colombian authorities, in particular the new Colombian Congress, to take action with a view to overhauling this procedure so as to ensure its full compatibility with fundamental fair-trial standards, including the right to appeal and non-discrimination towards members of parliament; *affirms* the continued readiness of the IPU to help advance the public debate in Colombia on this complex and sensitive matter;
5. *Requests* the Secretary General to convey this resolution to the competent Colombian 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 123rd IPU Assembly (October 2010).

DEMOCRATIC REPUBLIC OF THE CONGO

CASE No. DRC/30 - PIERRE DIBENGA TSHIBUNDI
 CASE No. DRC/31 - FRANCK DIONGO SHAMBA
 CASE No. DRC/32 - PIERRE JACQUES CHALUPA
 CASE No. DRC/33 - KAMBA MANDUNDU
 CASE No. DRC/34 - LIÉVIN LUMANDE MADA
 CASE No. DRC/38 - BLAISE DITU MONIZI
 CASE No. DRC/39 - JOSEPH MBENZA THUBI

CASE No. DRC/40 - CHARLES MAKENGO
 CASE No. DRC/41 - EDMOND LOFONDE BOSENGA
 CASE No. DRC/42 - JOSEPH UCCI MOMBELE
 CASE No. DRC/43 - JUSTIN KARHIBAHAZA MUKUBA
 CASE No. DRC/44 - MULENDA MBO
 CASE No. DRC/45 - MILOLO TSHANDA

***Resolution adopted unanimously by the IPU Governing Council at its 186th session
 (Bangkok, 1st April 2010)***

The Governing Council of the Inter-Parliamentary Union,

Referring to the case of the above-mentioned parliamentarians, all elected members of the National Assembly of the Democratic Republic of the Congo whose election was unlawfully invalidated by the Supreme Court, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/186/12(b)-R.1), and to the resolution adopted at its 185th session (October 2009),

Noting that, at the session it held during the Assembly, the Committee had a hearing with the Vice-President of the National Assembly,

Recalling that the election of the persons concerned in the July 2006 elections was invalidated by the Supreme Court in a ruling of 5 May 2007 which the National Assembly, in a resolution it adopted on 17 July 2007, criticized as being "fraught with irregularities and grave violations" and requested the President of the Republic "to envisage any possible political solution in favour of the victims of the injustice of the Supreme Court of Justice within the framework of reconciliation and national solidarity with a view to safeguarding civil peace in the country",

Considering that, by letter dated 27 August 2009, the President of the National Assembly requested the Budget Minister to pay Mr. Diongo and Mr. Chalupa financial compensation for the prejudice they had suffered, and that, by letter dated 25 March 2010, the Presidents of the National Assembly and of the Senate requested the Prime Minister to grant the same treatment to the other persons concerned,

1. *Thanks* the Vice-President of the National Assembly for his cooperation;
2. *Is very pleased* that a satisfactory settlement has been found and *highly appreciates* the initiatives taken to this end by the parliament;
3. *Decides* consequently to close this case.

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 186th session
(Bangkok, 1st April 2010)**

The Governing Council of the Inter-Parliamentary Union,

Referring to the case of Mr. Jaime Ricaurte Hurtado González and Mr. Pablo Vicente Tapia Farinango, a member and substitute member respectively of the National Congress of Ecuador, who were murdered in broad daylight in the centre of Quito on 17 February 1999 along with a legislative assistant, Mr. Wellington Borja Nazareno, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/186/12(b)-R.1), and to the resolution adopted at its 185th session (October 2009),

Taking into account the communication of the President of the Ecuadorian National Assembly of 24 March 2010,

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 and the prosecution authorities, including their scant consideration of the serious leads it has presented linking Mr. Hurtado's murder to his uncovering of a web of corruption involving high-profile figures;
- Two culprits, Mr. Contreras and Mr. Ponce, have each been sentenced at final instance to 16-year prison sentences which they are serving;
- Prime suspect Mr. Washington Aguirre was arrested in the United States of America in January 2009,

Noting that, according to the latest communication of the President of the National Assembly, despite repeated requests from the Ecuadorian authorities, it has not yet been possible to extradite Mr. Aguirre to Ecuador, a matter which remains a priority for the Ecuadorian authorities; on 17 March 2010, the President of the National Court of Justice of Ecuador, after being informed of the detention in Colombia of another suspect in this case, namely Mr. Henry Willberth Gil Ayerve, set in motion a request for extradition through the Minister for Foreign Affairs of Ecuador,

Bearing in mind existing extradition treaties between Ecuador and the United States of America, and between Ecuador and Colombia,

1. *Thanks* the President of the National Assembly for the information he provided and for his cooperation;
2. *Reaffirms its belief* that trial proceedings against Mr. Aguirre and Mr. Gil are essential to the pursuit of truth and justice in this case since they would provide a critical opportunity to give due consideration to the work of the CEI; *stresses* in this respect that the CEI's findings have not only revealed serious contradictions and omissions in the conduct of the competent authorities in this case, but also offer substantive leads for an alternative line of inquiry, enabling the authorities to identify the instigators of the crime and the motive for the murder;
3. *Trusts* that their extradition process is proceeding with the utmost urgency so that both suspects can soon stand trial in Ecuador;
4. *Requests* the Secretary General to inform the competent authorities of the United States of America and Colombia of its work on this case, and to seek from them further details of the extradition processes in question, particularly with respect to their swift conclusion; *also requests* the Secretary General to inform the Ecuadorian authorities and the source of this resolution;
5. *Requests* the Committee to continue examining this case and report to it at its next session, to be held on the occasion of the 123rd IPU Assembly (October 2010).

ERITREA

CASE No. ERI/01 - OGBE ABRAHA

CASE No. ERI/02 - ASTER FISSEHATSION

CASE No. ERI/03 - BERHANE GEBREGZIABEHER

CASE No. ERI/04 - BERAKI GEBRESELAASSIE

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 186th session
(Bangkok, 1st April 2010)***

The Governing Council of the Inter-Parliamentary Union,

Referring to the case of the parliamentarians listed above, former members of the Parliament of Eritrea who have been held incommunicado since 18 September 2001 (often referred to as the "G11"), as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/186/12(b)-R.1), and to the resolution adopted at its 185th session (October 2009),

Recalling its consistent position that the now more than 9 years of incommunicado detention of the persons concerned, which the African Commission on Human and Peoples' Rights already unequivocally condemned in 2003, amounts to severe physical and mental torture and causes their families unbearable anguish,

Recalling that since September 2004, when the Ambassador of Eritrea to the European Union, Belgium, Luxembourg, Portugal and Spain reported that he did not know whether "anyone from the outside or a member of their family had recently visited them and observed their conditions of detention", no further reply to any request for information has been received from the Eritrean authorities, and that no other source has been able to provide any information on the current situation of the former parliamentarians; the Ambassador has yet to meet Committee member Senator Philippe Mahoux, despite several requests by the latter for a meeting,

Considering that at its 13th session (1-26 March 2010), the United Nations Human Rights Council adopted the report of its Working Group on the Universal Periodic Review regarding the human rights situation in Eritrea; this report contains a number of recommendations in response to concerns about arbitrary arrest and detention and lack of respect for freedom of expression, particularly in the political sphere, refers to the situation of the 11 detained parliamentarians and includes a call for the release of all political prisoners; in response to the report, the Eritrean authorities have stated that "The State of Eritrea respects the right to information and freedom of expression and opinion", that "No one in Eritrea is detained for expressing his/her views", that "there are no secret detention centres in the country" and that "Due process is the law of the land"; *considering* that the official report which the United Nations made available for this debate and which contains a compilation of actions taken and concerns expressed by the United Nations human rights special mechanisms about the situation in Eritrea depicts a very gloomy picture regarding freedom of expression and the use of torture and arbitrary detention in that country,

Considering finally that the European Parliament, in its resolution of 15 January 2009 on the situation in the Horn of Africa, "calls on the EU to reconsider its approach to Eritrea if no progress is made towards compliance with the essential elements of the Cotonou Agreement (Article 9), in particular on core human rights issues (access for the International Committee of the Red Cross (ICRC) to prisons, release of the "G11" prisoners).",

1. *Is disturbed* that the Eritrean authorities continue to ignore the persistent pleas of the IPU and a binding decision by the African Commission on Human and Peoples' Rights to release the 11 former parliamentarians forthwith; *is shocked* that the authorities, in what is meant to be a transparent and frank exchange of views in the United Nations Human Rights Council, choose to hide behind generalities;

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,

Noting that no response from the Lebanese parliamentary authorities has been forthcoming,

1. *Regrets* the lack of response of the parliamentary authorities to its repeated requests for information; *stresses* the importance it attaches to dialogue with the authorities and, in particular, with parliament with a view to advancing towards a satisfactory settlement of the cases before it;
2. *Reaffirms* in this respect its belief that the National Assembly has a special responsibility to ensure that the murderers are identified and held to account in this case in which, in the past 12 months, the Lebanese authorities have borne prime responsibility for the pursuit of justice;
3. *Is therefore concerned* at the absence of any information on file showing that the National Assembly has indeed taken a serious interest in the case; *reiterates therefore its wish* to receive details as to whether the Parliament is monitoring the investigations and has associated itself, as in the case of Mr. Tueni, with the court action by the public prosecutor in the other three cases; *also reiterates its wish* to ascertain the stage reached in the investigations and progress made towards identifying the alleged culprits;
4. *Requests* the Secretary General to convey this resolution to the competent parliamentary and judicial authorities of Lebanon and to the source;
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 123rd IPU Assembly (October 2010).

CASE No. MAG/05 - LANTONIAINA RABENATOANDRO)	MADAGASCAR
CASE No. MAG/06 - HENRI RANDRIANJATOVO)	
CASE No. MAG/07 - MAMISOA RAKOTOMANDIMBY)	
CASE No. MAG/08 - RAYMOND RAKOTOZANDRY)	
CASE No. MAG/09 - RANDRIANATOANDRO RAHARINAIVO)	
CASE No. MAG/10 - ELIANE NAIKA)	
CASE No. MAG/11 - MAMY RAKOTOARIVelo)	
CASE No. MAG/12 - JACQUES ARINOSY RAZAFIMBELO)	
CASE No. MAG/13 - YVES AIMÉ RAKOTOARISON)	
CASE No. MAG/14 - FIDISON MANANJARA)	

***Resolution adopted unanimously by the IPU Governing Council at its 186th session
(Bangkok, 1st April 2010)***

The Governing Council of the Inter-Parliamentary Union,

Having before it the case of Mr. Mamy Rakotoarivelo, Mr. Jacques Arinosy Razafimbelo, Mr. Yves Aimé Rakotoarison and Mr. Fidison Mananjara, who had arrest warrants issued for them and are all accused of complicity in mutiny, 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,

Referring to the case of Mr. Lantoniaina Rabenatoandro, Mr. Henri Randrianjatovo, Mr. Mamisoa Rakotomandimby, Mr. Raymond Rakotozandry, Mr. Randrianatoandro Raharinaivo and Ms. Eliane Naika, members of the Parliament of Madagascar dissolved in March 2009, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/186/12(b)-R.1), and to the resolution adopted at its 185th session (October 2009),

Considering that the case has to be seen in the context of the coup d'état perpetrated by Mr. Andry Rajoelina with the backing of the army in March 2009, the creation of a High Transitional Authority (HAT), presided over by himself and the subsequent dissolution of parliament; that since then a political dialogue between the four major political movements in Madagascar has been under way, coordinated by the Joint Mediation Team for Madagascar under the auspices of the African Union, the Southern African Development Community (SADC), the Organisation internationale de la Francophonie (OIF) and the United Nations to restore constitutional order, peace and stability to Madagascar; that on 9 August 2009, agreement was reached on the establishment of an inclusive, consensual, neutral and peaceful transition (Maputo Accord); however, the parties have failed to agree on the distribution of posts and the composition and functioning of the transitional institutions; that Mr. Rajoelina, President of the Transitional Authority, refused to attend a meeting convened by the President of the Joint Mediation Team to resolve the outstanding problems, and has instead de facto denounced the Maputo Accord, dismissed the Prime Minister upon whom the parties had agreed and stated his intention to organize legislative elections, which were first scheduled for March 2010 but later set for May 2010, to be followed by presidential elections,

Considering further that the Transitional Congress provided for in the Maputo Accord was prevented from convening on 22 December 2009 and its members were reportedly attacked by the military; that the President of the Transitional Congress, Mamy Rakotoarivelo, was arrested and later released on bail; he stands accused of planting bombs and encouraging a mutiny; that arrest warrants were issued for Mr. Jacques Arinosy Razafimbelo, Mr. Yves Aimé Rakotoarison and Mr. Fidison Mananjara, all of whom are accused of complicity in mutiny,

Recalling the following:

- Mr. Lantoniaina Rabenatoandro, Mr. Henri Randrianjatovo, Mr. Mamisoa Rakotomandimby and Mr. Raymond Rakotozandry were arrested on 23 April 2009 in humiliating circumstances, reportedly on account of their attempt to reconvene the dissolved parliament; they were released on 18 August 2009 after being sentenced to a one-year suspended prison term; an appeal is pending;
- Mr. Raharinaivo was arrested on 15 September 2009, and allegedly accused of insulting a police officer, violence and assault and battery, unauthorized gatherings and jeopardizing public order; he was released on bail on 19 November 2009 and the charges brought against him are: disturbing public order, unauthorized gathering and destruction of public property;
- Ms. Naïka, a member of the dissolved Senate of Madagascar, was arrested on 12 September 2009 by a group of heavily armed military officers under the command of Major Charles Randrianasoavina of the Special Intervention Forces (FIS), who manhandled and beat her up; on 18 September 2009, the court released her on bail and she left the country shortly afterwards; she reportedly stands accused of organizing and attending an illegal gathering, causing damage to public property, violence and assault and battery, insulting police officers and rebellion, and her trial was initially scheduled for 13 October 2009, before being adjourned to 2 February 2010,

Recalling also that arrest warrants have reportedly been issued for 18 other members of the former parliament who have gone into hiding,

Considering that the African Union, in the light of the failure of Mr. Rajoelina to implement the Maputo Accord, issued travel bans and froze his assets and that of 108 other persons backing him; that, apparently in retaliation for those measures, a travel ban, inter alia, has been imposed on the former parliamentarians concerned,

Bearing in mind that the Malagasy Constitution contains numerous provisions guaranteeing fundamental rights and that Madagascar is a party to the International Covenant on Civil and Political Rights, in which those rights are enshrined, and as such is bound to uphold them by virtue of its international obligations,

1. *Expresses concern* at the treatment inflicted on the parliamentarians in question, as it tends to show that the authorities are intent on suppressing and silencing opposition voices and on preventing the transitional parliament from convening and starting its work; and *refers* in particular to the arrest warrants issued for Mr. Razafimbelo, Mr. Rakotoarison and Mr. Mananjara and the charges laid against them and Mr. Rakotoarivelo, the brutal force used in Ms. Naïka's arrest and the issuing of travel bans on the former parliamentarians in question;
2. *Calls on* all parties concerned, in particular the President of the Transitional Authority, to comply with the agreements he has signed, and to refrain from any measures that contravene those agreements, and hence to ensure that the transitional parliament can meet and work as provided for in the Maputo Accord;
3. *Recalls* that, as a party to the International Covenant on Civil and Political Rights and to the African Charter on Human and Peoples' Rights, Madagascar is duty-bound to guarantee freedom of expression and assembly, freedom from arbitrary arrest and detention, and freedom from torture and ill-treatment;
4. *Wishes* (a) to ascertain the legal grounds for the issuing of the arrest warrants for Mr. Razafimbelo, Mr. Rakotoarison and Mr. Mananjara, the facts adduced to substantiate the charges brought against Mr. Rakotoarivelo and the legal grounds for the issuing of travel bans on all persons concerned, and (b) to receive a copy of any indictments issued against them as well as a copy of the judgment handed down at first instance on Mr. Rabenatoandro, Mr. Randrianjatovo, Mr. Rakotomandimby and Mr. Rakotozandry;
5. *Urges* the authorities once again to hold to account the persons who brutalized Ms. Naïka and whose identity is known;
6. *Would appreciate* receiving detailed information on the identity of the members of parliament for whom arrest warrants are at present pending;
7. *Considers* that the situation of the Malagasy members of parliament would warrant an on-site mission in order to obtain official first-hand information from all the parties concerned; *requests* the Secretary General to take the necessary measures 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 123rd IPU Assembly (October 2010).

CASE No. MAL/I5 - ANWAR IBRAHIM - MALAYSIA

Resolution adopted by consensus by the IPU Governing Council at its 186th session * (Bangkok, 1st April 2010)

The Governing Council of the Inter-Parliamentary Union,

Having before it the case of Mr. Anwar Ibrahim, an incumbent member of the Parliament of Malaysia, 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,

Recalling the following: Mr. Anwar Ibrahim, Finance Minister from 1991 to 1998 and Deputy Prime Minister from December 1993 to September 1998, was dismissed from both posts in September 1998 and was arrested on charges of abuse of power and sodomy; he was found guilty on both counts and sentenced, in April 1999 and August 2000 respectively, to a total of 15 years' imprisonment; on 2 September 2004, the Federal Court quashed the conviction in the sodomy case and ordered Mr. Ibrahim's

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

release, as he had already served his sentence in the abuse of power case; under Malaysian law, as a result of the conviction in the abuse of power case, Mr. Ibrahim was prevented from holding office in political parties or standing for election until 14 April 2008; a pardon petition submitted in May 2005 by a group of Malaysian citizens has never been considered; Mr. Ibrahim was, however, able to campaign for the Kaedilan Rakyat Party (People's Justice Party), which was led by his wife Dr. Wan Azizah, during the 8 March 2008 elections, in which opposition parties took 47.8% of the ballot nationwide, thus for the first time depriving the ruling coalition of the two-thirds majority required for amending the Constitution; *recalling* also that the IPU had arrived at the conclusion that the motives for Anwar Ibrahim's prosecution were not of a legal nature and that the case was built on a presumption of guilt,

Considering that Mr. Anwar Ibrahim was re-elected on 26 August 2008 and has since been the de facto leader of the opposition Pakatan Rakyat (The People's Alliance),

Considering the following: on 28 June 2008 Mohammed Saiful Bukhari Azlan, a former male aide in Anwar Ibrahim's office, filed a complaint alleging that he had been forcibly sodomized by Anwar Ibrahim in a private condominium. When it was pointed out that Anwar, at the time of the alleged rape 61 years old and suffering from a bad back, was no physical match for a healthy 24-year-old, the complaint was revised to indicate homosexual conduct by persuasion; Anwar was arrested on 16 July 2008 and released the next day and was formally charged on 6 August 2008 under Section 377B of the Malaysia Penal Code which punishes "carnal intercourse against the order of nature" with "imprisonment for a term which may extend to 20 years and shall also be liable to whipping; Anwar Ibrahim has pleaded not guilty to the charge and has, according to the source, a solid alibi for the day and time mentioned in the charge sheet; if convicted, Anwar Ibrahim would also be forced to relinquish his parliamentary seat. Even if he were sentenced to just one day's imprisonment or fined at least RM 2000 (US\$ 600), he would be barred from standing in elections for five years.

Considering the following procedural irregularities and other incidents that occurred before and during investigation:

- Saiful gave testimony in court that he was not examined until about 52 hours after the alleged incident, and the first doctor from Hospital Pusrawi (Pusat Rawatan Islam) reported he found no evidence of anal penetration. About two hours later, Saiful then visited Hospital Kuala Lumpur, a government hospital, and a report endorsed by three specialists from that hospital reached the same conclusion;
- The initial First Information Report to the police by the complainant was not released to Anwar Ibrahim's counsel for months, raising concerns about evidence-tampering, especially as regards DNA samples; moreover, it has been confirmed that Saiful visited the office and home of the then Deputy Prime Minister Najib Tun Razak a few days before he made the allegations, which Mr. Najib initially denied took place; Saiful reportedly also had a private meeting with senior police officer Rodwan Yusof at a hotel the day before the alleged sodomy report was made by Saiful;
- The main members of the prosecution team were involved in the earlier sodomy case. Attorney General Abdul Ganil Patail, was then the main prosecutor. He has been investigated by Malaysia's anti-corruption agency over allegations that he had fabricated evidence in that case;
- Anwar Ibrahim's lawyers have been denied pretrial access to DNA specimen samples. On 29 January 2010 the Court of Appeal made a ruling rejecting the High Court's ruling, which had held that he could have access to medical and other crucial evidence held by the prosecution. An appeal to the Federal Court in this matter was rejected on procedural grounds. Anwar Ibrahim was likewise denied access to, inter alia, statements by the plaintiff and key prosecution witnesses, notes from doctors who examined Saiful and original copies of CCTV surveillance system tapes from the condominium at the time of the alleged incident;
- Utusan Malaysia, a newspaper owned by the United Malays National Organization (UMNO), the lead party in the ruling coalition, published false information gathered during the court's *in camera* fact-finding visit to the condominium where the alleged sodomy took place. Moreover, in March 2009, Attorney General Abdul Gani Patail signed the transfer certificate transferring the case from a Sessions Court to the High Court although initially the then Prime

Minister Abdullah Badawi had assured that Abdul Gani would not be involved in any way in the prosecution of Anwar. Furthermore, at the time when Abdul Gani issued the order, he was under investigation over allegations that he fabricated evidence against Anwar Ibrahim in the 1998 sodomy case,

Considering the following information provided with regard to the trial proceedings:

- On 1 December 2009 the High Court scheduled Anwar Ibrahim's trial for 25 January to 25 February 2010. The defence applied for postponement to the trial High Court and also to the Federal Court, which denied the request and proceeded, on 20 January 2010, to hear pending appeal on two interlocutory matters (application for pretrial documents and striking out of charge). Reserving its judgment on the matter of pretrial documents, the Federal Court ordered the main trial to start on 2 February 2010. At the same time, the Federal Court fixed 29 January for delivering its decision on a defence appeal regarding access to pretrial documents and raw samples for independent testing. In addition, another defence appeal to strike out the charge was pending. According to defence lawyers, never before had a case in a lower court started while appeals were pending in the superior courts whose rulings would have a direct effect on the main trial;
- Anwar Ibrahim's second sodomy trial finally started on 2 February. The court denied an application of the defence to stay the main trial until decision on pending appeals. It also ruled against providing the defendant with a list of prosecution witnesses. The defence submitted an application for the judge to decline to act in the case, which the judge dismissed on 18 February 2010, and the defence decided to withdraw that appeal on 16 March 2010; on 25 March 2010, the schedule of hearings was set; the only evidence heard during this first phase was the complainant's testimony-in-chief,

Bearing in mind that the law punishing homosexual acts dates back to British colonial rule in India and was adopted by the former British colonies; that Singapore decriminalized homosexuality in 2009 and that the Delhi High Court, by setting aside a conviction in 2009 when the acts were between consenting adults, thus also effectively decriminalizing homosexuality,

Noting that Anwar Ibrahim's renewed sodomy trial has been widely criticized as a bid to wreck Anwar Ibrahim's political career,

1. *Is deeply concerned* at the new sodomy charges and proceedings brought against Anwar Ibrahim, which seem to suffer from flaws similar to those of the first sodomy trial several years ago of which he was acquitted at final instance;
2. *Believes* that, in the light of the two medical reports concluding that there were no physical signs of penetration, charges should not have been pressed in the first place and should now be dismissed;
3. *Is moreover alarmed* that members of the prosecution team who were involved in the first sodomy trial, the main prosecutor at the time and now Attorney General, having even been accused of having fabricated evidence against Anwar Ibrahim, are again involved in the present proceedings and that Anwar Ibrahim's defence team has been prevented from exercising its right to access prosecution evidence and been hindered in its preparation of the defence;
4. *Firmly recalls* that equality of arms between the prosecution and the defence is an essential element of a fair trial and that, failing action to ensure that the defence can exercise its rights, any judgments issued by the court will be fundamentally flawed;
5. *Requests* the Secretary General to make the necessary arrangements to ensure the presence of a trial observer at the coming hearings;
6. *Requests* the Secretary General to inform the Malaysian parliamentary authorities accordingly;
7. *Requests* the Committee to continue examining this case and report to it at its next session, to be held on the occasion of the 123rd IPU Assembly (October 2010).

CASE No. MON/01 - ZORIG SANJASUUREN - MONGOLIA***Resolution adopted unanimously by the IPU Governing Council at its 186th session
(Bangkok, 1st April 2010)***

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/186/12(b)-R.1), and to the resolution adopted at its 185th session (October 2009),

Taking into account information provided by the Secretariat of the Japanese Parliament on 28 January and by the source on 15 January and 25 March 2010,

Recalling that the Mongolian Government has requested technical assistance with analysing certain evidence available in the case of Mr. Zorig's murder and that the German authorities have provided such assistance and remain at the disposal of the Mongolian authorities, including by making available the "mitotyping technology" which the Mongolian authorities have said they needed; *considering* that, with respect to the offer by the Japanese Government, it appears that in late January 2010 the Mongolian authorities sent the required diplomatic document that the Japanese authorities had previously requested in order to enable them to provide assistance,

Recalling further that a parliamentary working group was first set up in 2006 and reactivated in 2008 in order to "acquaint itself with the investigation into Mr. Zorig's murder and provide it with the necessary assistance and support",

1. *Notes with satisfaction* that, in addition to the continued readiness of the German authorities to provide the required state-of-the-art technology, the Mongolian authorities can now also receive such assistance from their Japanese counterparts;
2. *Is confident* that their combined support, along with the indispensable resolve of the Mongolian authorities, notably through a sustained contribution from the parliamentary working group, will finally make it possible to elucidate Mr. Zorig's murder; *trusts* that the Japanese and German equipment and expertise can soon be put to full use in the ongoing investigation; *would appreciate* being kept informed in this regard and receiving official information on the current role of the working group;
3. *Requests* the Secretary General to inform the parliamentary authorities of this resolution, inviting them to provide the requested information; *requests* the Secretary General to convey the resolution also to the German and Japanese parliaments;
4. *Requests* the Committee to continue examining this case and report to it at its next session, to be held on the occasion of the 123rd IPU Assembly (October 2010).

MYANMAR

Parliamentarians reportedly serving sentences:

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

Parliamentarians who died in custody or soon after their release:

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

Parliamentarians assassinated:

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

Resolution adopted unanimously by the IPU Governing Council at its 186th session (Bangkok, 1st April 2010)

The Governing Council of the Inter-Parliamentary Union,

Referring to the case of the above-mentioned members-elect of the Pyithu Hluttaw (People's Assembly) of the Union of Myanmar, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/186/12(b)-R.1), and to the resolution adopted at its 185th session (October 2009),

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, and about the continued removal from the political process of parliamentarians-elect, notably through arbitrary arrests, prolonged imprisonment, forced resignation from political parties and severe limitations on any kind of political activity; *recalling also* that in August 2009 Aung San Suu Kyi was initially sentenced to three years in prison with hard labour in a widely criticized trial, that this sentence was immediately commuted to 18 months of house arrest, and that this commuted sentence was upheld on appeal,

Recalling also its previous concerns at the fact that the National Convention, an assembly of members selected by the authorities, drafted a new Constitution giving the military sweeping powers, without allowing a free exchange of opinions and ideas and penalizing any criticism of its work, which was adopted by referendum in May 2008 in a climate of intimidation and that the military authorities, on the basis of that instrument, have announced that elections will take place in 2010,

Considering that on 8 March 2010 the Myanmar authorities, which have repeatedly pledged that these elections will be free and fair, enacted electoral laws, including the Election Commission Law, Political Party Registration Law and the Election Law, which bar most key political figures and some ethnic and students' leaders from the electoral process in which the Election Commission, whose members have been selected by the authorities, has sweeping powers to restrict political party activities in the lead-up to the elections; in protest against the authorities' enactment of these laws, the NLD, which had already expressed serious misgivings about the constitution-drafting process and outcome as well as the referendum, decided on 29 March 2010 to boycott the elections,

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

Considering that 12 parliamentarians continue to be imprisoned and that the Special Rapporteur on the human rights situation in Myanmar stated in his report of 14 May 2009 that "In order to ensure national reconciliation and democratic transition, to which the Myanmar leadership has committed itself, all 2,156 prisoners of conscience currently detained by the authorities should be released before the 2010 elections",

1. *Urges* the authorities once more to release forthwith the 12 parliamentarians still imprisoned; *recalls* its long-standing belief that they were detained for merely exercising their freedom of expression and sentenced on the basis of legal proceedings which blatantly disregarded their right to fair trial;
2. *Calls on* the authorities to do everything possible to ensure that the elections are inclusive, free and fair and to make the changes to the electoral laws that this requires; *draws* their attention in this respect to the *Declaration on Criteria for Free and Fair Elections* which the Inter-Parliamentary Union adopted on 26 March 1994;
3. *Reiterates* its long-standing wish to carry out an on-site visit; *believes* that such a visit would be very timely and *expresses the hope* that the authorities will give serious and urgent consideration to this proposal;
4. *Calls on* IPU Member Parliaments, in particular those of China and India as neighbouring countries, and the Association of South-East Asian Nations (ASEAN), to lend their full support to the appeals made in this resolution, in particular since, with the elections drawing close, time is running short;
5. *Decides* to follow the electoral process closely, to revert to this matter during the 123rd IPU Assembly (October 2010), and to request the Committee to continue examining this case and report to it at its next session.

NIGER

CASE No. RN/02 - ABA ADAM OUSSEINI
 CASE No. RN/03 - ABBALÉ IBRAHIM
 CASE No. RN/04 - ABDOU ABDOURHAMANE
 CASE No. RN/05 - ABDOU BAKO
 CASE No. RN/06 - ABDOU JARIRI
 CASE No. RN/07 - ABDOULAYE DIORI
 CASE No. RN/08 - A. DJERMAKOYE MOUMOUNI
 CASE No. RN/09 - AGALI MANO
 CASE No. RN/10 - MME AÏSSATA KARIDIO
 CASE No. RN/11 - ALASSANE ALI
 CASE No. RN/12 - ALGABI ATTA
 CASE No. RN/13 - ALI ABDOURHAMANE
 CASE No. RN/14 - ALI MAGAGI ISSAKA
 CASE No. RN/15 - ALIDOU SOUMAÏLA
 CASE No. RN/16 - AMADOU GOULO ABDOU
 CASE No. RN/17 - ELHADJI AMADOU NOMAOU
 CASE No. RN/18 - AMADOU SOUMANA
 CASE No. RN/19 - ELHADJI AMADOU YACOUBA
 CASE No. RN/20 - BAHAMDI MOHAMED LEBCHIR
 CASE No. RN/21 - BANA FATIMA MOUTARI
 CASE No. RN/22 - BASSIROU IBO
 CASE No. RN/23 - BAZOUM MOHAMED
 CASE No. RN/24 - BELLO BARKIRÉ
 CASE No. RN/25 - BONKANO MAÏFADA
 CASE No. RN/26 - BOUKARI SANI DIT ZILY
 CASE No. RN/27 - ELHADJI BOULOU MAMADOU_
 CASE No. RN/28 - BRIGI RAFINI
 CASE No. RN/29 - CHAÏBOU ELHADJI IBRAHIM
 CASE No. RN/30 - CHERIF OULD ABIDINE
 CASE No. RN/31 - DINA TANKARI
 CASE No. RN/32 - DJIBRILLA HAPSATOU
 CASE No. RN/33 - MME ELBACK ZEINABOU
 CASE No. RN/34 - FALKÉ BACHAROU
 CASE No. RN/35 - GADO MOUMOUNI
 CASE No. RN/36 - GARBA SOULEY
 CASE No. RN/37 - GREMAH BOUKAR KOURA
 CASE No. RN/38 - MME H. MOUSSA GROS
 CASE No. RN/39 - HALADOU AMADOU
 CASE No. RN/40 - HAMA BAGUÉ
 CASE No. RN/41 - HAMED OULD OUMADAH
 CASE No. RN/42 - HAMIDIL ALIO
 CASE No. RN/43 - HAOUA BARAZÉ
 CASE No. RN/44 - ELHADJI HAROUNA MOUSSA
 CASE No. RN/45 - HASSANE MOSSI
 CASE No. RN/46 - IDRISSE ADAMOU
 CASE No. RN/47 - I. HASSANE DJERMAKOYE
 CASE No. RN/48 - ALI BOUTRANE
 CASE No. RN/49 - ISSAKA ALI
 CASE No. RN/50 - ISSAKA DJEBOULE HASSANE
 CASE No. RN/51 - ISSAKA MAMAN
 CASE No. RN/52 - ISSOUFOU MAHAMADOU
 CASE No. RN/53 - JANÁÏDOU GADO SABO
 CASE No. RN/54 - E. KADRI MAMAN MOUCTARI
 CASE No. RN/55 - KALLA ANKOURAOU
 CASE No. RN/56 - KARIM FATOUMA ZARA ALI
 CASE No. RN/57 - KINNI NAOUWENE
 CASE No. RN/58 - LAOUALI YACOUBA
 CASE No. RN/59 - MAGAGI MAMANE DADA
 CASE No. RN/60 - MAHAMADOU KADRI
 CASE No. RN/61 - M. MANIROU MAGAGI ROGO
 CASE No. RN/62 - MAHAMADOU ZADA
 CASE No. RN/63 - MAHAMAN HABIBOU BAKO
 CASE No. RN/64 - MAHAMAN IBRAHIM
 CASE No. RN/65 - MAHAMAN ISSA MAÏFADA
 CASE No. RN/66 - MAHAMAN NOMAO DJIKA
 CASE No. RN/67 - MAHAMANE OUSMANE
 CASE No. RN/68 - MAÏDAGI ALLAMBAYE
 CASE No. RN/69 - M. DIALLO ABDOURHAMANE
 CASE No. RN/70 - MAMAN AMADOU MAGAOUATA
 CASE No. RN/71 - MAMANE ARDJI ELHADJI
 CASE No. RN/72 - MAMANE LAOUALI AMADOU
 CASE No. RN/73 - M. MAHAMAN DIT DAN GOMKI
 CASE No. RN/74 - MAÏDOU SOURGHIA
 CASE No. RN/75 - MME MARIAMA ALASSANE
 CASE No. RN/76 - MARIAMA MATHIEU
 CASE No. RN/77 - MARIAMA SADOU
 CASE No. RN/78 - MME MAY MALAM GONOMI
 CASE No. RN/79 - ABDOURHAMANE ATTAYOUB
 CASE No. RN/80 - ELHADJI MOUSSA ADAMOU
 CASE No. RN/81 - MOUSSA ALASSANE
 CASE No. RN/82 - MOUSSA IDE
 CASE No. RN/83 - MOUSSA SALE
 CASE No. RN/84 - MOUSSA ZANGAOU
 CASE No. RN/85 - NOUHOU MOUSSA
 CASE No. RN/86 - OUMAROU AMADOU MAÏNASSARA
 CASE No. RN/87 - OUMAROU SEKOU CISSE
 CASE No. RN/88 - OUMAROU MALAM ALMA
 CASE No. RN/89 - BOUBACAR BOUKARI
 CASE No. RN/90 - ELHADJI RAJA CHAÏBOU
 CASE No. RN/91 - MME RAMATOU MAHAMAN
 CASE No. RN/92 - SABIYOU MAMANE
 CASE No. RN/93 - SAIDOU AMA
 CASE No. RN/94 - SAIDOU TAHIROU MAYAKI
 CASE No. RN/95 - MME SALAMATOU BALA GOGA
 CASE No. RN/96 - SALIAH OUMAROU
 CASE No. RN/97 - SALIFOU ADAMOU
 CASE No. RN/98 - SALISSOU AMADOU
 CASE No. RN/99 - SALISSOU GARBA
 CASE No. RN/100 - SALISSOU MAMANE
 CASE No. RN/101 - SANI OUSMANE_
 CASE No. RN/102 - SANI SOULEY DAN GARA ELHADJI
 CASE No. RN/103 - SANOUSSI JACKOU
 CASE No. RN/104 - SARDAOUNA MAHAMANE SALIFOU
 CASE No. RN/105 - SENAD MAHMOUD
 CASE No. RN/106 - SIDI MOHAMAD ASSEYED
 CASE No. RN/107 - SILEYIM BEN HAMEDA
 CASE No. RN/108 - SOUMANA SANDA
 CASE No. RN/109 - TAHER IBRAHIM AHMED
 CASE No. RN/110 - WAZIR MALAM ADJI DIT DOUMBA
 CASE No. RN/111 - YACOUBA HOUSSEINI
 CASE No. RN/112 - YAOU ELHADJ DJIBRILLOU
 CASE No. RN/113 - MME Z. AMINATOU HABIBOU
 CASE No. RN/114 - ZAKOU DJIBO

**Resolution adopted unanimously by the IPU Governing Council at its 186th session
(Bangkok, 1st April 2010)**

The Governing Council of the Inter-Parliamentary Union,

Referring to the case of the above-mentioned parliamentarians of the National Assembly of Niger dissolved in May 2009,

Having before it the report of the delegation which, at its request, visited Niger on 30 November and 1 December 2009 (CL/186/12(b)-R.3),

Recalling that judicial proceedings were instituted in early September 2009 against the members of the dissolved Assembly on account of allowances and benefits allegedly received by them illegally; that a number of them were reportedly detained for some time before being released on bail, except for the first and second treasurers of the Assembly, who were kept in detention; the President of the 2004-2009 legislature, Mr. Mahamane Ousmane, who is also the serving President of the Parliamentary Assembly of ECOWAS and, as such, enjoys parliamentary immunity, was forced into exile to Abuja in Nigeria, fearing arrest should he return to Niger,

Considering the action taken on one of the concerns of the delegations of the Inter-Parliamentary Union on the occasion of its mission, namely the release of the first and second treasurers of the 2004-2009 legislature,

Deploring the latest developments in the political situation in Niger, marked by a military coup d'état resulting in suspension of the country's institutions,

1. *Thanks* the Committee for its mission report and *endorses* its recommendations;
2. *Welcomes* the release of the two former parliamentarians and of two National Assembly officials; and *notes* that Mr. Mahamane Ousmane has been able to travel to Niger without any problems;
3. *Is hopeful* that the question of the allowances and other benefits paid to the former parliamentarians will be resolved in the spirit of the Committee's recommendations;
4. *Is greatly concerned* at the absence of the democratic process in Niger and *earnestly hopes* that democracy with all the institutions needed to ensure its proper functioning will be promptly restored for the good of the people of Niger;
5. *Decides* to close the case and *requests* the Secretary General to convey this resolution to the authorities concerned.

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

**Resolution adopted unanimously by the IPU Governing Council at its 186th session
(Bangkok, 1st April 2010)**

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/186/12(b)-R.1), and to the resolution adopted at its 185th session (October 2009),

Referring also to Mr. Simon Foreman's expert report on Mr. Barghouti's trial (CL/177/11(a)-R.2), and to the study published in September 2006 by B'Tselem - the Israeli Information Center for Human Rights in the Occupied Territories - entitled "Barred from Contact: Violation of the Right to Visit Palestinians Held in Israeli Prisons",

Recalling that Mr. Barghouti was arrested on 15 April 2002 in Ramallah by the Israeli Defence Forces and transferred to a detention facility in Israel, and that he was sentenced in June 2004 to five life sentences and two 20-year prison terms; *recalling also* that in his report Mr. Foreman concluded that "the numerous breaches of international law make it impossible to conclude that Mr. Barghouti was given a fair trial",

Recalling that, according to information supplied in March 2009 by Palestinian sources, not only was Mr. Barghouti kept in solitary confinement from 2002 to 2004 but he has since been in an isolated department in Hadarim prison, where 120 political leaders are held in cells with three persons per room; visiting rights are irregular and only granted occasionally; for example, when his wife went to the prison on 25 March 2009, she was denied the visit; the International Committee of the Red Cross (ICRC) bus which took her there was attacked and stoned by supporters of Gilad Shalit, the soldier captured in June 2006 in a cross-border attack on military installations; her children, three sons aged 23, 20 and 19 and one 22-year-old daughter - are not allowed to visit their father; even Mr. Barghouti's mother was not allowed to visit him and died in 2007 without having seen her son again,

Recalling also that in the past years several members of the Knesset have called for the release of Mr. Barghouti, such as MK Amir Peretz in March 2008 when he stated that Mr. Barghouti could be a key element in attaining stability and assuming responsibility of the Palestinian National Authority (PNA) and, later, Guideon Ezra, member of Kadima; following Mr. Barghouti's election in August 2009 to Fatah's Central Committee, the Israeli Minister for Minority Affairs, Avishai Braverman, expressed support for his release; in the context of the prisoner exchange negotiations, in November 2009, many newspaper articles reported the possibility of Mr. Barghouti's imminent release,

1. *Reaffirms* its position that Mr. Barghouti's arrest and transfer to Israeli territory was in violation of international law; reaffirms further, in the light of the compelling legal arguments put forward in Mr. Foreman's report, on which the Israeli authorities have not provided observations, that Mr. Barghouti's trial failed to meet the fair-trial standards which Israel, as a State party to the International Covenant on Civil and Political Rights, is bound to respect and that his guilt has therefore not been established;
2. *Consequently calls on* the Israeli authorities to release him forthwith and *points out* that calls for his release have also come from within Israel, including from Knesset members;
3. *Remains deeply concerned* at the extremely limited family visiting rights enjoyed by Mr. Barghouti and, more particularly, the arbitrariness of decisions authorizing or denying visits; *recalls* that Article 37 of the United Nations Standard Minimum Rules for the Treatment of Prisoners stipulates that "prisoners shall be allowed ... to communicate with their family and reputable friends at regular intervals, both by correspondence and by receiving visits"; *calls on* Israel to comply with those rules;
4. *Reiterates* its long-standing wish to be granted permission to visit Mr. Barghouti;
5. *Requests* the Secretary General to convey this resolution to the Israeli and Palestinian authorities and *requests* the Committee to continue examining this case and report to it at its next session, to be held on the occasion of the 123rd IPU Assembly (October 2010).

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

***Resolution adopted unanimously by the IPU Governing Council at its 186th session
(Bangkok, 1st April 2010)***

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/186/12(b)-R.1), and to the resolution adopted at its 185th session (October 2009),

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

Recalling the following: on 14 March 2006, Mr. Sa'adat, whom the Israeli authorities had accused of involvement in the October 2001 murder of Mr. R. Zeevi, the Israeli Minister of Tourism, was abducted by the Israeli Defence Forces from Jericho jail and transferred to Hadarim prison in Israel together with four other prisoners suspected of involvement in the murder; the Israeli authorities concluded one month later that he had not been involved in the killing and charged the other four suspects with the murder; subsequently 19 other charges were brought against Mr. Sa'adat, all of which arise from his leadership of the Popular Front for the Liberation of Palestine (PFLP), considered a terrorist organization by Israel, and none of which allege direct involvement in crimes of violence; on 25 December 2008, Mr. Sa'adat was sentenced to 30 years' imprisonment,

Recalling also that Mr. Sa'adat was held in Hadarim prison and transferred in mid-March 2009 to Ashkalon prison; he suffers from cervical neck pain, high blood pressure and asthma and has reportedly not been examined by a physician and does not receive the necessary medical treatment; at the beginning of his detention the Israeli authorities refused to let his wife visit him; for the first seven months, Mr. Sa'adat received no family visit; his children with Palestinian ID cards have not been allowed to visit their father since his arrest, for reasons unknown; in March and June 2009, solitary confinement was imposed on him, which was why he went on a nine-day hunger strike in June 2009,

1. *Reaffirms* that Mr. Sa'adat's abduction and transfer to Israel was related not to the murder charge but rather to his political activities as PFLP General Secretary, and that the proceedings against him were therefore based on extra-legal considerations; *considers* that the imposition of the extremely harsh sentence on him is further evidence of the political motives for his arrest and prosecution as the leader of a political party; *calls on* Israel to release him forthwith;
2. *Points out* that Mr. Sa'adat was tried by a military court and *recalls* in this respect the consistent concerns which United Nations human rights treaty bodies and special procedures have expressed regarding compliance of military courts with fair-trial guarantees, such as most recently in the report of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, on his visit to the Occupied Palestinian Territories (A/HRC/6/17/Add. 4, 16 November 2007);
3. *Recalls* that, in conformity with the United Nations Standard Minimum Rules for the Treatment of Prisoners, no prisoner shall be punished except in accordance with the terms of a law or regulation and that, in its Article 7, the Basic Principles for the Treatment of Prisoners recommend the abolition of solitary confinement; *recalls also* that solitary confinement may seriously affect the health of prisoners and that international human rights bodies have in various instances concluded that prolonged periods of solitary confinement may amount to torture; *urges* the authorities to refrain from imposing it again;
4. *Urges* the Israeli authorities to respect the United Nations Standard Minimum Rules for the Treatment of Prisoners, Article 37 of which stipulates that "prisoners shall be allowed ... to communicate with their family and reputable friends at regular intervals, both by correspondence and by receiving visits";
5. *Would appreciate* receiving information as to Mr. Sa'adat's current conditions of detention, with respect in particular to the frequency of visits and what access he is afforded to medical care;
6. *Reiterates its wish* to be granted permission to visit Mr. Sa'adat;

7. *Deeply regrets* the lack of response of the parliamentary authorities to the human rights concerns the IPU has expressed in this case and which reflect general human rights concerns about the treatment of Palestinian prisoners by the Israeli authorities; *affirms* that the Knesset has a duty to ensure respect for human rights and for Israel's obligations as a party to international human rights treaties not only within Israel but also in the Territories that Israel occupies;
8. *Requests* the Secretary General to inform the Israeli and Palestinian authorities and any other interested parties of this resolution;
9. *Requests* the Committee to continue examining this case and report to it at its next session, to be held on the occasion of the 123rd IPU Assembly (October 2010).

PALESTINE / ISRAEL

CASE No. PAL/17 - NAYEF AL-ROJOUN	CASE No. PAL/37 - ALI SALEEM ROMANIEN
CASE No. PAL/22 - ANWAR ZBOUN	CASE No. PAL/38 - SAMEER SAFEH AL-KADI
CASE No. PAL/23 - MAHMOUD AL-KHATEEB	CASE No. PAL/39 - REYAD ALI EMLEB
CASE No. PAL/24 - ABDULJABER AL-FUQAHA	CASE No. PAL/42 - KALI MUSA RBAE
CASE No. PAL/28 - MUHAMMAD ABU-TEIR	CASE No. PAL/44 - WAEL MOHAMED ABDEL RUMAN
CASE No. PAL/29 - AHMAD 'ATTOUN	CASE No. PAL/46 - AHMED ABDEL AZIZ MUBARAK
CASE No. PAL/30 - MUHAMMAD TOTAH	CASE No. PAL/47 - HATEM QFEISHEH
CASE No. PAL/32 - BASEM AHMED ZAARER	CASE No. PAL/51 - AYMAN DARAGHME
CASE No. PAL/34 - MOHAMED MAHER BADER	CASE No. PAL/52 - NIZAR RAMADAN
CASE No. PAL/35 - MOHAMED ISMAIL AL-TAL	CASE No. PAL/53 - AZZAM SALHAB
CASE No. PAL/36 - FADEL SALEH HAMDAN	CASE No. PAL/54 - KHALED TAFISH

***Resolution adopted unanimously by the IPU Governing Council at its 186th session
(Bangkok, 1st April 2010)***

The Governing Council of the Inter-Parliamentary Union,

Referring to the case of the above-mentioned parliamentarians, all of whom were elected to the Palestinian Legislative Council (PLC) in January 2006, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/186/12(b)-R.1), and to the resolution adopted at its 185th session (October 2009),

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

Recalling the following:

- The parliamentarians concerned, elected on the Change and Reform list in the January 2006 PLC elections, were arrested on or after 29 June 2006 in the occupied West Bank and subsequently charged with standing in the election on the Change and Reform list, which, in the view of the Israeli prosecution authorities, is Hamas, and hence being a member of a terrorist organization, holding a position on behalf of Hamas by assuming membership in parliament on behalf of Hamas and providing services to a terrorist organization by assuming membership in parliamentary committees and supporting an illegal organization; that not a single charge related to any violent activity was advanced in that respect; the arrests came in the context of Israeli military operations in the Gaza Strip to obtain the release of Gilad Shalit, an Israeli soldier kidnapped on 25 June 2006 in a cross-border attack on Israeli military installations, which the Israeli Government blames on Hamas and the Palestinian Authority;

- The cases of the parliamentarians concerned were heard by the Ofer and Salem Israeli military courts and, following a recommendation by the appeal court, most of them were sentenced to about 40 months' imprisonment; two parliamentarians were found not guilty but nevertheless taken into administrative detention; the most important substantive defence argument in these cases was that the Israeli authorities knew and had accepted that Hamas was standing in the election; in determining their judgment, the courts relied on what they termed an "expert report" by a Shin Beit member (called "Ivory" during the proceedings), who testified that Change and Reform was indeed Hamas; virtually none of the appeals succeeded; on the contrary, sentences were increased and often doubled;
- In late March 2009, after the failure of the negotiations for the release of the Israeli soldier, Israel arrested or rearrested a number of Palestinians, including four Change and Reform parliamentarians, namely Ayman Daraghme (PAL/51), Nizar Ramadan (PAL/52), Azzam Salhab (PAL/53) and Khaled Tafish (PAL/54), who had all been released earlier, and took them into administrative detention; in the West Bank, administrative detention is authorized under Military Order 1226, which allows indefinite arbitrary detention on security grounds; charges against prisoners, including the parliamentarians in question, are usually those of being a "security threat", but the area and nature of the threat are not specified and evidence is not disclosed, which thus prevents detainees from presenting a meaningful defence;
- Prisoners enjoy limited visiting rights; family members need permits, which can be restricted and cancelled for various, especially security-related reasons; under the normal visiting procedure, if a permit is issued by the Israeli authorities, the permit holder can visit the prisoner once every two weeks for a period of 45 minutes; prisoners are separated from their visitors by a glass partition and conversations are held by telephone; permits are usually issued for a period of three months and need to be renewed; following the failure of the negotiations for the release of Gilad Shalit in March 2009, the Israeli Prison Service decided to impose additional restrictions on Palestinian political prisoners held in Israeli prisons, such as denying them family visits and not letting them watch television or read newspapers, reducing the time allowed in the open and restricting access to prison shops,

Considering that, according to information provided by Palestinian sources in January and March 2010, in addition to the release of 15 of the parliamentarians concerned, of which it was informed in October 2009, the following parliamentarians have since been released after serving their sentences: Mahmoud Al-Khateeb (PAL/23, released on 2 November 2009), Ahmad 'Attoun (PAL/29, released on 2 September 2009), Mohamed Maher Bader (PAL/34, released on 2 November 2009), Mohamed Ismail Al-Tal (PAL/35, released on 28 December 2009), Fadel Saleh Hamdan (PAL/36, released on 10 September 2009), Sameer Safeh Al-Kadi (PAL/38, released on 2 November 2009), Reyad Ali Emleb (PAL/39, released on 4 October 2009), Kali Musa Rbae (PAL/42, released on 2 November 2009), Wael Mohamed Abdel Ruman (PAL/44, released on 2 September 2009), Ahmed Abdel Aziz Mubarak (PAL/46, released on 31 January 2010), Hatem Qfeisheh (PAL/47, released on 1 November 2009), and Khaled Tafish (PAL/54, released on 17 March 2010 from administrative detention),

Bearing in mind the consistent concerns which United Nations treaty bodies and special procedures, such as the Special Rapporteur on the promotion and protection of human rights while countering terrorism (A/HRC/6/17/Add. 4, 16 November 2007), and most recently the Committee against Torture (CAT/C/ISR/CO/4, June 2009), have expressed about compliance of military courts and administrative detention, inter alia, with the obligations that Israel, as a party to the International Covenant on Civil and Political Rights (ICCPR) and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), and other human rights treaties, is bound to respect,

1. *Reaffirms* its position that the arrest, detention and prosecution of the parliamentarians concerned were politically motivated and hence arbitrary, since Israel was undoubtedly aware of and accepted the participation of Hamas in the election, which was recognized by the international community as free and fair;
2. *Takes note* of the release of 12 more parliamentarians having served their sentences, and *observes* that 10 others continue to be held in jail, including three who had been freed earlier but were subsequently taken into administrative detention and can therefore be held indefinitely;

3. *Calls on* the Israeli authorities to release the 10 remaining PLC members forthwith;
4. *Remains appalled* at the practice of administrative detention in Israel since it opens the way to arbitrariness, and *urges* once again the Israeli authorities to heed the recommendations made by the international human rights bodies and procedures to refrain from such practices and to bring them into conformity with the State's international human rights obligations;
5. *Reiterates its deep concerns* about how justice is administered in Israeli jails with regard to the parliamentarians concerned and the compliance of such prison administrations with the United Nations Standard Minimum Rules for the Treatment of Prisoners, as their treatment appears to be governed by arbitrariness rather than rules; *calls once again* on the Israeli authorities to abide by the aforesaid Standard Minimum Rules;
6. *Decides* to close the case of the 12 parliamentarians who were released; *deplores*, however, their arrest and detention and the proceedings brought against them, which were arbitrary;
7. *Requests* the Secretary General to inform the Israeli and Palestinian authorities accordingly;
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 123rd IPU Assembly (October 2010).

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

***Resolution adopted unanimously by the IPU Governing Council at its 186th session
(Bangkok, 1st April 2010)***

The Governing Council of the Inter-Parliamentary Union,

Referring to the case of Mr. Saturniño Ocampo, Mr. Teodoro Casiño, Ms. Liza Maza and Mr. Rafael Mariano, incumbent members of the House of Representatives of the Philippines, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/186/12(b)-R.1), and to the resolution adopted at its 185th session (October 2009),

Recalling that, in January 2006, President Gloria Macapagal Arroyo issued Executive Order 493 establishing the Inter-Agency Legal Action Group (IALAG) to prepare cases of rebellion and sedition against suspected enemies of the State, and that, in this context, the parliamentarians concerned were charged with rebellion in February 2006; that the Supreme Court dismissed the charges on 1 June 2007 and concluded that "the obvious involvement of political considerations in the accusations of the respondent Secretary of Justice and respondent prosecutors brings to mind an observation we made in another equally politically charged case. We reiterate what we stated then, if only to emphasize the importance of maintaining the integrity of criminal prosecutions in general and preliminary investigations in particular. 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",

Considering that since then new criminal cases have been brought against the parliamentarians concerned (also called the "Batasan Four") and considering more particularly the following:

- In the so-called "Nueva Ecija" murder cases, being dealt with by two different courts, the courts had before them extrajudicially obtained testimonies; the competent court in one of the cases dismissed it, while the court in the other case ordered a new investigation; a motion seeking the dismissal of the case for lack of probable cause was denied and the appeal against that decision is still awaiting resolution; according to the information and documentation supplied by the

National Commission on Human Rights, extrajudicially obtained confessions or testimonies cannot be used in court unless supported by other evidence or given under circumstances which ensure that they were made voluntarily;

- In May 2007, four days before the legislative elections, Representative Casiño was charged with obstructing justice by allegedly preventing the arrest of a person; the case has not since been proceeding although, according to the Court Rules, the investigating officer shall determine within ten days after the preliminary investigation whether or not there is sufficient ground to hold the respondent for trial;
- On 6 December 2009, a reportedly "self-confessed rebel returnee" filed a petition with the Commission for Elections (COMELEC) alleging that Rep. Ocampo committed "acts of terrorism to enhance his candidacy", which is a ground for disqualifying a candidate from standing in elections. According to the source, the petitioner attempted to establish links between Rep. Ocampo and the Communist Party of the Philippines/New People's Army (NPA), but failed to establish the alleged acts of terrorism. The source affirms that the petition is a "rehash" of the former rebellion case. On 9 February 2010, COMELEC dismissed the petition for lack of merit. The petitioner filed a motion for reconsideration, which is pending;
- On 6 December 2009, a reportedly self-confessed rebel returnee filed a disqualification case against Liza Maza on the same grounds as in the case of Rep. Ocampo. The petitioner alleged her party's supposed association with the New People's Army (NPA) and alleged that her party was a terrorist organization. On 11 February 2010, COMELEC dismissed the petition for lack of factual and legal bases,

Recalling with respect to the disqualification cases that petitions for the disqualification of the political parties to which the parliamentarians concerned belong had been brought before the May 2007 elections and were dismissed for lack of merit in June 2007,

Recalling also that, in his report of 29 April 2009 (A/HRC/11/2/Add.8), the United Nations Special Rapporteur on extrajudicial, summary or arbitrary executions reiterated his earlier recommendation that the Inter-Agency Legal Action Group (IALAG) be abolished; *considering* in this respect that, according to the information provided by the House of Representatives on 17 March 2010, House Resolution No. 881, "Directing the Committee on Justice to Conduct an Inquiry in Aid of Legislation on the Impact of the Inter-Agency Legal Action Group (IALAG) on the Administration of Justice in the Country", was adopted by the plenary and the inquiry is pending,

1. *Thanks* the House of Representatives for its cooperation;
2. *Observes* that the new disqualification cases brought against Representatives Ocampo and Maza can only reinforce its belief that the parliamentarians in question are the target of an ongoing effort to hinder their activities and eliminate them from politics;
3. *Observes* that this is also evidenced by the fact that the obstruction of justice case against Representative Casiño, brought against him before the May 2007 elections, is still not resolved now that he is again standing in the legislative elections to be held this year; *considers* this to be a gross violation of his right to prompt consideration of his case and *urges* the authorities to proceed without delay or to dismiss the charge forthwith;
4. *Can only recall* what the Supreme Court stated when dismissing the rebellion case against the parliamentarians concerned, namely 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";
5. *Remains perplexed* at the different decisions reached by two courts regarding the same accusation based on extrajudicially obtained testimony: dismissal of the case in one instance and launching of a new investigation in the other; *would appreciate* receiving information as to the reasons the court advanced for ordering a new investigation instead of dismissing the case;

6. *Commends* the House of Representatives for its initiative in following up on the recommendation of the United Nations Special Rapporteur on extrajudicial, summary or arbitrary executions, and *would appreciate* receiving information on the work done by the Justice Committee following the adoption of House Resolution 881;
7. *Requests* the Secretary General to convey this resolution to the competent authorities and the sources and to the United Nations Rapporteur on extrajudicial, arbitrary or summary executions;
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 123rd IPU Assembly (October 2010).

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

***Resolution adopted unanimously by the IPU Governing Council at its 186th session
(Bangkok, 1st April 2010)***

The Governing Council of the Inter-Parliamentary Union,

Referring to the case of Senator Trillanes of the Philippines, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/186/12(b)-R.1), and to the resolution adopted at its 185th session (October 2009),

Taking into account the letter from Senator Juan Miguel Zubiri, majority leader and Chairman of the Committee on Rules, dated 14 January 2010,

Recalling that Senator Trillanes was elected in May 2007 while in pretrial detention, having been arrested in 2003, and that his detention conditions prevent him from participating meaningfully in the work of the Senate and exercising his mandate; that the Senate has consequently sought to amend its Rules to allow Senator Trillanes to participate in its work,

Recalling that, in November 2008, a majority of Senators proposed Resolution No. 765 "Amending the rules of the Senate by incorporating a rule to allow Senators to participate in Senate sessions, hearings and/or meetings through remote or electronic means ...", and *noting* the following: in its recently submitted report on the proposed resolution, the Senate Committee on Rules recommended that a duly elected Senator under judicial detention before sentencing be allowed to participate in any committee proceedings through remote or electronic means subject to permission granted by the court, but that he/she may not participate in Senate plenary sessions as the Constitution requires physical presence and that he/she can only do so if authorized by the court having jurisdiction over his/her case; the resolution was being circulated for signature and, according to Senator Zubiri's letter, will be submitted to the Senate plenary for full and final deliberations,

Considering that, in his letter, Senator Zubiri observed that the question of Senator Trillanes's participation in parliamentary proceedings constituted a landmark legal question as no single parliament in the world allows a member who is legally detained to participate in parliamentary activities through remote or electronic means; *noting* in this regard that, in a number of countries, legally detained parliamentarians may be allowed to attend parliament and participate in its work,

Recalling, with regard to the proceedings in the attempted coup d'état case, that after almost five years the prosecution finished presenting its evidence and that it is now the turn of the defence to present its evidence; that, thereafter, both sides will be given the opportunity to present rebuttal evidence and that consequently the proceedings may still last for several years,

Bearing in mind that the Philippines is a party to the International Covenant on Civil and Political Rights (ICCPR), which enshrines fair-trial guarantees and that, as a member of the United Nations Human Rights Council, it has pledged to uphold the highest standards of human rights,

1. *Thanks* Senator Zubiri for the information he provided;
2. *Earnestly hopes* that Resolution 765, as amended, will now be adopted urgently by the Senate plenary and that the competent court will give the necessary authorization for Senator Trillanes to participate in parliamentary committee work at least;
3. *Observes* that, so long as Senator Trillanes is prevented from exercising his parliamentary mandate, not only is his right as a member of parliament gravely impaired but so also are the rights of the more than 11 million voters who elected him and remain without representation in parliament, which situation impairs the Senate's capacity to represent the people;
4. *Remains deeply concerned* that Senator Trillanes has now been on trial and been kept in detention for six and a half years, which, in the light of international jurisprudence, violates his fundamental rights under Article 9, paragraph 3, and Article 14, paragraph 3(c), of the ICCPR;
5. *Recalls* once again that it is a well-established principle that a person must be released pending trial unless the State can show that there are relevant and sufficient grounds for continued detention; *continues to believe* that there are ample grounds, especially in the light of judicial precedent, for Senator Trillanes's release pending trial, and *calls on* the authorities to release him pending trial;
6. *Reiterates* its wish to ascertain whether parliament has launched any investigation into the allegations of graft and corruption within the Armed Forces made by Senator Trillanes and his co-accused;
7. *Requests* the Secretary General to convey this resolution to the authorities and to the sources of information;
8. *Requests* the Committee to continue examining this case and report to it at its next session, to be held on the occasion of the 123rd IPU Assembly (October 2010).

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

***Resolution adopted unanimously by the IPU Governing Council at its 186th session
(Bangkok, 1st April 2010)***

The Governing Council of the Inter-Parliamentary Union,

Having before it the case of Ms. Galina Starovoitova, a member of the State Duma of the Russian Federation who was assassinated on 20 November 1998, 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/186/12(b)-R.1),

Considering that Ms. Galina Starovoitova, a member of the State Duma and co-chair of the Democratic Russia Party, was shot dead on 20 November 1998; two men, one of them disguised as a woman, intercepted her and one of her aides, Ruslan Linkov, in the stairwell of her apartment in the centre of St. Petersburg and shot them with an automatic weapon and a pistol; Ms. Starovoitova was shot in the head and killed instantly, while her aide was hospitalized with serious head wounds,

Considering the following information on file, as provided to the Committee over the years mostly by the Russian Parliament, regarding the investigation and judicial proceedings:

- In June 2005 two persons, Mr. Kolchin and Mr. Akishin, were found guilty of Ms. Starovoitova's murder and sentenced to 20 years in prison by the St. Petersburg City Court, which in its judgment concluded that the murder had been politically motivated; in September 2007, Mr. V.B. Lelyavin was found guilty of complicity in the murder and sentenced to 11 years in prison while Mr. Stekhnovsky, found guilty of helping to acquire an Agram 2000 submachine gun, a silencer and ammunition, was sentenced to two years in prison and has since been released; four other suspects were acquitted and released;
- National and international arrest warrants are pending for Mr. Mussin, Mr. Bogdanov and Mr. Fedesov, charged with committing a terrorist act and attempting to commit a crime for the purpose of concealment;
- On 25 August 2009, the Federal Security Services reopened the investigation, which had been suspended in April 2008; the reopening followed an appeal made by Mr. Linkov, Ms. Starovoitova's assistant, and her sister, to the President of the Russian Federation and came after the arrest of a former member of the State Duma, Mr. Mikhael Glushchenko, in St. Petersburg, on suspicion of organizing the killing of three Russian citizens in Cyprus; according to the Prosecutor General's report of 2 October 2009, Mr. Glushchenko was questioned about the case of Ms. Starovoitova and a further investigation was carried out, which, however, failed to produce sufficient evidence of his involvement in the murder;
- According to the Prosecutor General's report of 2 October 2009, "the investigation of the case was suspended on 4 September 2009" and "there are at present no grounds for changing the decision taken and reopening the investigation"; yet the same report continues by stating that, in accordance with legislation on criminal proceedings and the Federal Law on "operational investigative activity", the preliminary investigation body identified a set of measures intended to identify the instigators of the crime and locate the accused who were evading justice, and that the investigation of the case and the operational investigative steps were monitored by the Public Prosecution Department in St. Petersburg and the Prosecutor General's Office,

Considering that Ms. Starovoitova was a prominent Russian human rights advocate and had denounced instances of high-profile corruption shortly before her assassination,

Considering that, in its concluding observations of 24 November 2009 regarding the implementation by the Russian Federation of its obligations as a State Party to the International Covenant on Civil and Political Rights, the United Nations Human Rights Committee expressed "its concern at the alarming incidence of threats, violent assaults and murders of journalists and human rights defenders in the State party, which has created a climate of fear and a chilling effect on the media ... and regrets the lack of effective measures taken by the State party to protect the right to life and security of these persons" and urged the State Party "to take immediate action to provide effective protection and ensure the prompt, effective, thorough, independent, and impartial investigation of threats, violent assaults and murders and, when appropriate, prosecute and institute proceedings against the perpetrators of such acts",

1. *Is deeply concerned* that, more than 11 years after Ms. Starovoitova was murdered for political reasons, the masterminds have not been identified and held to account; *deeply regrets* that the authorities, despite their substantial achievements in bringing to justice several of the material perpetrators, have not made any tangible progress on this point, almost five years after the murder was qualified as politically motivated;
2. *Affirms* that so long as those who killed Ms. Starovoitova remain at large, her murder continues to serve as a deterrent for others wishing to speak out on critical issues and can only embolden those bent on silencing such voices, and thus undermine freedom of expression;
3. *Calls therefore on* the authorities, as is their duty, to do their utmost by lending fresh impetus to the investigation with a view to finally elucidating this crime and identifying the instigators; *calls on* the Parliament of the Russian Federation, which has a special interest in the case given that the victim was a member and was killed for exercising her freedom of speech, a parliamentarian's basic tool, to carry out the stringent oversight that the lack of results on this point warrants;

4. *Wishes to receive* any official information that is publicly available on the status and course of the current investigation and the latest monitoring steps taken by the Parliament;
5. *Would appreciate* receiving copies of the judgments handed down on Mr. Kolchin and Mr. Akishin, at least of the Court's conclusions, together with, if possible, copies of the judgments handed down on the other culprits and confirmation that the first three persons convicted in this case are indeed serving their sentences;
6. *Requests* the Secretary General to bring this resolution to the attention of the authorities and of 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 123rd IPU Assembly (October 2010).

CASE No. RW/06 - LEONARD HITIMANA - RWANDA

***Resolution adopted unanimously by the IPU Governing Council at its 186th session
(Bangkok, 1st April 2010)***

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/186/12(b)-R.1), and to the resolution adopted at its 185th session (October 2009),

Taking into account the letter sent by the Speaker of the Chamber of Deputies of Rwanda of 15 January 2010 and the information provided by one of the sources,

Recalling that Mr. Hitimana disappeared in the evening of 7 April 2003, the day before he was to have refuted in parliament accusations that his party, the Republican Democratic Movement (MDR), was fomenting ethnic strife and division; the authorities have long stated their belief that Mr. Hitimana fled to a neighbouring country and were very optimistic that he would soon be located, which has not happened,

Considering that the sources have always believed that Mr. Hitimana was abducted by the Rwandan intelligence service (DMI) and that they have recently supplemented their account to the Committee regarding the circumstances of his disappearance:

- The source affirms that from 2001 to April 2003 the MDR was harassed and demonized by the Rwandan authorities for fear of competing against the ruling Patriotic Rwanda Front in the run-up to the presidential and parliamentary elections; on 31 March 2003, President Kagame made a speech in Bwisige in which he said that he was going to dismiss the leaders opposed to his policy and crush those who thought that the elections would not produce the results he wanted and that his opponents, once hurt, would understand what they were doing; on 6 April 2003, the television and Radio Rwanda broadcast an announcement that President Kagame had asked the MDR President to resign from Government;
- According to the source, the authorities set up a parliamentary committee to help expedite the dissolution of the MDR by claiming that it fomented ethnic strife; in the afternoon of 7 April 2003 Mr. Hitimana, with two other MDR leaders, drafted the party's response to this parliamentary committee's report, which was due to be discussed the following day in parliament and which proposed dissolution of the MDR; according to one of the sources, around that time the DMI had Mr. Hitimana and his colleagues under surveillance; the MDR leaders had agreed that Mr. Hitimana, who had saved the lives of several Tutsis when working as a doctor at the time of the genocide and received a medal of merit for that, would take the floor in parliament to counter the allegations made in the report; later in the afternoon of 7 April, Mr. Hitimana was due to discuss the party's written draft response with MDR colleague Isaie Mpayimana at his

home; however, Mr. Hitimana never appeared; Mr. Mpayimana tried to contact him on his mobile telephone and, seeing that it no longer responded, feared the worst and fled the country; the following day, in the absence of Mr. Mpayimana and of Mr. Hitimana, who had the copy of the party's response and had been entrusted with defending it, the other MDR parliamentarians were allegedly either humiliated or forced to agree with the recommendations of the parliamentary committee, which were subsequently adopted;

- According to this source, witnesses saw that late in the afternoon of 7 April 2003 DMI officers intercepted Mr. Hitimana's car in the street, closing it to the public, and took him to Kami military camp, where he was allegedly tortured and killed in May 2003 by a DMI officer named John Karangwa; his remains were then removed to an unknown destination and his car was moved by the police to its Byumba station; Mr. Hitimana's representatives retrieved the car after a month and were told by the police that the car was in the state in which they had found it close to the border with Uganda; according to the representatives, the car's electric cables had been cut and there were bloodstains on the front seat; they subsequently sold the car to a human rights organization called "Coforwa",

Considering that human rights organizations have also accused John Karangwa of being responsible for the kidnapping and execution of Mr. Augustin Cyiza, Vice-President of the Supreme Court, President of the Cassation Court in Rwanda, and founding member of two Rwandan human rights organizations, who also disappeared in April 2003; *considering* furthermore that the United Nations Special Rapporteur on Torture sent out urgent appeals in 2003 to the Rwandan Government regarding the arbitrary detention and alleged torture of detainees at Kami and other military camps, and that the use of military camps in Rwanda as secret detention facilities has been the subject of reports by the Special Rapporteur and human rights organizations, including Amnesty International; *recalling* that, at the hearing held with the Committee in October 2007, the President of the Senate said that no secret detention facilities existed in Rwanda,

Recalling that the United Nations Human Rights Committee, in its concluding observations (CCPR/C/RWA/CO/3) of 31 March 2009, expressed "concern about reported cases of enforced disappearances and summary or arbitrary executions in Rwanda and about the impunity apparently enjoyed by the police forces responsible for such violations", and "the lack of information from the State party regarding the disappearance of Mr. Léonard Hitimana"; it stated that "the State party should ensure that all allegations of such violations are investigated by an independent authority and that those responsible for such acts are prosecuted and duly punished."

Considering that, in her latest communication, the Speaker of the Chamber of Deputies stated that in October 2009 the parliamentary committee on national unity, human rights and the fight against genocide had asked the National Human Rights Commission and the National Police about the status of the investigation, but that no developments had been reported; she affirmed that the National Police was continuing its investigation in cooperation with Interpol services in neighbouring countries,

Recalling the many reports concerning harassment of Mr. Hitimana's family, including his elderly father, who was arrested, detained and finally declared innocent by a Gacaca court, but nevertheless kept in detention, and only released 26 March 2007, after the Chairperson of the National Human Rights Commission intervened, having considered his continuing detention to be arbitrary; that he was rearrested reportedly on the strength of "new information" brought to the attention of the Gacaca court; *considering* that, according to the latest information provided by the Speaker of the Chamber of Deputies, Mr. Hitimana's father was convicted and sentenced to a 15-year prison term for his involvement in the 1994 genocide, and is being detained in the central prison of Muhanga,

1. *Is deeply disturbed* that Mr. Hitimana increasingly appears to have been the victim of a forced disappearance and that no serious efforts seem to have been made to hold the perpetrator(s) to account;
2. *Considers* that the wealth of information provided by the sources to show the circumstances of and explanation for his physical elimination contrasts sharply with the weak police reports and

official thesis that, seven years after his disappearance, Mr. Hitimana is alive and living abroad; *points out* in this respect that Mr. Hitimana is not the only high-profile person critical of the authorities to have gone missing in 2003 and never reappeared;

3. *Is deeply concerned* that the police reports on file do not show that the reported bloodstains in Mr. Hitimana's car, which support the thesis that he was indeed taken by force, were ever investigated; *considers* that the information regarding the circumstances of Mr. Hitimana's disappearance, the alleged place of his detention and execution, the state of his car and the identity of the presumed culprit have to be taken extremely seriously;
4. *Recalls* that forced disappearances are a serious violation of human rights and that the forced disappearance of a member of parliament, if not elucidated and punished, stands as a threat to parliament as such, to all its members and in the final analysis to the people it represents, as it can only encourage the repetition of such acts;
5. *Urges* the authorities to investigate these leads seriously forthwith; *urges* the parliament to make use of its oversight function to ensure that real efforts are made to this end; and *wishes to ascertain* what action it will take to this end;
6. *Expresses* its keen interest, in the light of the acquittal in 2007 by a Gacaca court of Mr. Hitimana's father, his arbitrary detention thereafter, and his allegedly arbitrary second arrest, in ascertaining the legal basis of and facts adduced to substantiate his recent conviction; *would appreciate* therefore receiving a copy of the judgment against him;
7. *Requests* the Secretary General to convey this resolution to the parliamentary authorities, to the President of the National Human Rights Commission, and to the source;
8. *Requests* the Committee to continue examining this case and report to it at its next session, to be held on the occasion of the 123rd IPU Assembly (October 2010).

CASE No. SRI/12 - JAYALATH JAYAWARDENA) SRI LANKA
CASE No. SRI/51 - SELVARAJAH KAJENDREN)
CASE No. SRI/52 - SENATHIRAJAH JAYANANDAMOORTHY)
CASE No. SRI/55 - T. KANAGASABAI)
CASE No. SRI/57 - THANGESWARI KATHIRAMAN)
CASE No. SRI/58 - P. ARIYANETHRAN)
CASE No. SRI/59 - C. CHANDRANEHRU)

***Resolution adopted unanimously by the IPU Governing Council at its 186th session
(Bangkok, 1st April 2010)***

The Governing Council of the Inter-Parliamentary Union,

Referring to the case of the above-mentioned parliamentarians of Sri Lanka, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/186/12(b)-R.1), and to the resolution adopted at its 185th session (October 2009); *referring also* to the report on the on-site mission to Sri Lanka carried out by the Committee in February 2008 (CL/183/12(b)-R.2),

Taking into account the police report forwarded by the Parliament of Sri Lanka on 18 March 2010 and of information provided by Dr. Jayawardena on 19 February 2010,

Considering the following information on file:

- In December 2007, relatives of Mr. Ariyanethran and Mr. Jayanandamoorthy and a member of Ms. Kathiraman's staff were abducted, reportedly by the paramilitary group Pillayan, and the parliamentarians were warned that the abducted persons would be killed should they vote against

the budget; the matter was raised in Parliament; the abducted persons were all released on 15 December 2007, after the vote on the budget; on 18 November 2007, Mr. Kanagasabai lodged a complaint with the police regarding the abduction of his son-in-law, who was released the next day; according to the police report of March 2010, no information has surfaced so far about the abductors in all these cases and the cases were laid-by with provision to reopen subsequent to the arrest of suspects;

- Mr. Kajendren's brother was abducted on 24 March 2009 by armed persons inside the high-security area in Madiwela/Colombo while he was returning to Mr. Kajendren's home; eyewitnesses reported that he was stopped by a police sentry for a routine check; a little later, a van and more police officers arrived at the scene and he was bundled into the vehicle before it sped off; this reportedly occurred barely 48 hours before the Tamil National Alliance (TNA) was to decide whether or not to accept an invitation for direct talks with President Rajapakse; Mr. Kajendren's brother reappeared in April 2009, but was warned by his abductors not to divulge any information; the police report conveyed by the Ministry for Disaster Management and Human Rights on 17 June 2009 states that Mr. Kajendren's brother "was unable to furnish any useful information to identify the abductors or to locate the place where he was kept". An inquiry was being conducted by Mirihana Police to identify the abductors; the police report of March 2010 contains no information on the relevant investigation;
- Mr. Kajendren's driver, Mr. Kones, was reportedly arrested on 10 May 2009 at Karunayake International Airport; he was on his way abroad in view of the death threats he had been receiving, reportedly from the Elam People's Democratic Party (EDPD) and army intelligence, ever since he started working for Mr. Kajendren in 2004; he was reportedly arrested by the Terrorism Investigation Division and detained at Pusa Prison in Galle; no charges have reportedly been brought against him and the source fears that charges may be fabricated; the authorities have provided no information on his situation;
- According to Mr. Chandraneheru, the person who attacked him during a visit to his constituency in June 2007 was Mr. Iniyabarathy, alias "Kumarasuwamy Pushpakumar"; that person, he reported, had been appointed coordinator for President Rajapakse in Ampara District and received his credentials from the President on 25 May 2008; Mr. Iniyabarathy and his group reportedly continued to threaten Mr. Chandraneheru's supporters and constituents in an attempt to have them break off contact with him; Mr. Chandraneheru could therefore no longer travel to his constituency for fear of his safety; he 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 report of August 2008, during an identification parade, a certain "Parathy" was identified as the likely culprit and the court ordered him to appear upon notice; according to the police report of April 2009, the Attorney General directed the police to apprehend "Parathy" and to have him produced at an identification parade; the case was taken up for trial on 16 September 2008 and referred back to the Attorney General; according to the progress reports of March 2010, the police questioned 20 persons without success; however, a person surrendered to Court admitting that he had assaulted Mr. Chandraneheru; the Attorney General has since filed an indictment against him and the court directed the prosecuting State counsel to obtain further evidence from the Attorney General; the case is to be called on 1 June 2010 before the High Court of Kalmunai;
- In October 2009, Dr. Jayawardena stated that he repeatedly sought permission to visit the internally displaced persons (IDP) camps set up following the defeat of the Liberation Tigers of Tamil Eelam (LTTE); however, permission was denied by the Defence Minister, although it had been granted to a group of British and Indian parliamentarians; likewise, permission for him and members of Parliament's human rights group, which he founded, to visit welfare centres and government hospitals in the districts of Mannar and Vavunya was denied; moreover, TNA parliamentarians were reportedly unable to visit their constituencies as permission had not been granted by the Defence Minister; according to Minister Samarasinghe, only two opposition members had applied for permission, which was given to one of them, who finally did not visit the camps; however, requests by MPs to visit the camps would be facilitated,

Recalling that Dr. Jayawardena was afforded a security detail of several police officers and house guards and, upon an order of the Appeal Court (10 June 2008), also a back-up vehicle and radio equipment; *noting* that the Inspector General of Police has reportedly withdrawn his entire security detail without any justification, thus increasing Dr. Jayawardena's security risk,

Recalling lastly that the persons concerned have all received death threats, in one case by a person who identified himself; that, however, the authors of none of these threats have ever been identified,

Bearing in mind that since the defeat of the LTTE, presidential elections were held in January 2010 and President Rajapakse was re-elected; that he dissolved parliament on 28 March 2010 and announced elections for 8 April and the convening of the new parliament for 22 April,

1. *Thanks* the parliamentary authorities and the police for the report on the current stage of some of the investigations in the cases in question; *regrets*, however, that many questions it had raised remain unanswered;
2. *Earnestly hopes* that the restriction of freedom of movement of members of parliament, in particular those belonging to the opposition, has now been entirely lifted so that they can all freely move and campaign in their constituencies for the forthcoming elections;
3. *Is concerned* at the withdrawal of Dr. Jayawardena's security detail, especially at this juncture, and *wishes* to ascertain the legal grounds for this decision, which may indeed jeopardize Dr. Jayawardena's security;
4. *Remains deeply concerned* at the abductions of family members and staff of TNA parliamentarians; *recalls once again* that there are clear leads as to the group behind the abductions in 2007 and its motives, which at the time even gave rise to a parliamentary debate; *urges* therefore the investigative authorities to take full account of the information revealed during the parliamentary debate; *furthermore reiterates* that sufficient eyewitness reports exist of the abduction of Mr. Kajendren's brother so that the police need not rely on testimony from him as he may have been threatened into not revealing any information;
5. *Reaffirms* that impunity is among the most serious human rights violations as it deprives the victims and their families of their right to justice and, in addition, encourages the repetition of crime; *considers* that fighting impunity and restoring the rule of law and respect for human rights in countries which, like Sri Lanka, have come out of a civil war should be among the priorities of the authorities;
6. *Remains further concerned* at the arrest and alleged detention without charge of Mr. Kajendren's driver, reportedly related to his work for Mr. Kajendren; and *reiterates its wish* to ascertain on what legal grounds he is being held; *recalls* that Sri Lanka, as a party to the International Covenant on Civil and Political Rights, which guarantees freedom from arbitrary arrest, must respect the right of arrested persons to be informed of the charges laid against them, to have access to a lawyer, to be brought promptly before a judge, and to challenge their detention;
7. *Notes with interest* that a person confessed to having attacked Dr. Chandranehru during a visit to his constituency after the police had earlier identified and released a possible suspect and Mr. Chandranehru had identified another person as the attacker; *would appreciate* receiving the observation of the authorities in this regard and being kept informed of the proceedings in this case;
8. *Requests* the Secretary General to convey this resolution to the new parliamentary authorities and the competent governmental authorities, inviting their comments;
9. *Requests* the Committee to continue examining this case and report to it at its next session, to be held on the occasion of the 123rd IPU Assembly (October 2010).

CASE No. SRI/49 - JOSEPH PARARAJASINGHAM - SRI LANKA***Resolution adopted unanimously by the IPU Governing Council at its 186th session
(Bangkok, 1st April 2010)***

The Governing Council of the Inter-Parliamentary Union,

Referring to the case of Mr. Joseph Pararajasingham of Sri Lanka, assassinated on 24 December 2005, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/186/12(b)-R.1), and to the resolution adopted at its 185th session (October 2009); *referring also* to the report on the on-site mission to Sri Lanka carried out by the Committee in February 2008 (CL/183/12(b)-R.2),

Taking into account the police report forwarded by the Parliament of Sri Lanka on 18 March 2010,

Recalling that Mr. Pararajasingham, a member of the Tamil National Alliance (TNA), was shot dead on 24 December 2005 during the Christmas Eve Mass at St. Mary's Church in Batticaloa by unidentified gunmen in the presence of some 300 persons; the investigation has remained at a virtual standstill despite the fact that St. Mary's Church was located in a high-security zone between two military checkpoints and that, at the time of the murder, additional security forces were on duty, so that the culprits could have escaped only with the complicity of the security forces; during the on-site mission, it transpired that there was no agreement on whether or not President Rajapakse had been given the name of a possible suspect, a certain Ravi; that, however, the delegation provided the name of the person in question to President Rajapakse and to the Minister for Disaster Management and Human Rights, Mr. Mahinda Samarasinghe,

Recalling that, according to the information provided by Minister Samarasinghe in October 2009, one of the main problems is the question of witnesses as the priest playing the organ had been unable to identify any suspects and that, in the absence of a witness protection law, witnesses were afraid of coming forward; that the police had been unable to establish the bona fide of the information suggesting that a certain "Ravi" was the killer as the TNA parliamentarians who had provided the name were unable to give an address; *recalling* in this connection that, according to the sources, Ravi was a member of the Karuna group and well known in the region; *noting* that, according to the police report of March 2010, the case corresponding to the investigation pending before Magistrate Court Batticaloa has been laid-by with the proviso to reopen it should fresh material be revealed, which so far has not happened,

Recalling also that, according to Mr. Samarasinghe, a witness protection bill, providing inter alia for video-conferencing of witnesses living abroad, has been prepared in a long consultative process and is pending before parliament and that, before its consideration in parliament, the party leaders would have to fix a date,

Bearing in mind finally that, since the defeat of the Tigers of Tamil Eelam (LTTE), presidential elections were held in January 2010 and President Rajapakse was re-elected; that he dissolved parliament on 28 March 2010 and announced elections for 8 April and the convening of the new parliament for 22 April,

1. *Thanks* the parliamentary authorities and the police for the report on the current stage of the investigation;
2. *Deplores* the fact that in the five years since the murder of Mr. Pararajasingham in a church among about 300 persons in a high-security area at the time, the investigative authorities have made no progress in this high-profile case, although their work should have been facilitated since the end of the conflict in Batticaloa and the holding of elections in that province in March 2008; *deeply regrets* also that no effort has been made to take serious account of information that a widely known person in the region, "Ravi", was behind the murder, the authorities failing to interrogate him on the grounds that the TNA parliamentarians had not provided his address;

3. *Recalls* that the Sri Lankan authorities have a duty to elucidate the murder of Mr. Pararajasingham and that an investigation in a case such as this one can only be successful if the authorities follow every lead, make every effort and take the necessary initiatives to discover the truth; *considers* that the assistance of foreign investigative authorities, as in the case of Mr. Raviraj (SRI/53), might help the Sri Lankan investigative authorities to fulfil this duty;
4. *Earnestly hopes* that the new parliament will take up the debate on the witness protection bill as one of its priorities and will, in addition, monitor the investigation into the murder of Mr. Pararajasingham;
5. *Requests* the Secretary General to inform the new parliamentary authorities as well as the competent governmental authorities 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 123rd IPU Assembly (October 2010).

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

Resolution adopted unanimously by the IPU Governing Council at its 186th session (Bangkok, 1st April 2010)

The Governing Council of the Inter-Parliamentary Union,

Referring to the case of Mr. Nadarajah Raviraj, a member of the Parliament of Sri Lanka who was assassinated on 10 November 2006, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/186/12(b)-R.1), and to the resolution adopted at its 185th session (October 2009); *referring also* to the report on the on-site mission to Sri Lanka carried out by the Committee in February 2008 (CL/183/12(b)-R.2),

Taking into account the police report forwarded by the Parliament of Sri Lanka on 18 March 2010,

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

Recalling the following information provided by the authorities about the investigation into the murder: investigations revealed that the motorcycle was sold by two brokers named Nalaka Matagaweere and Ravindra to one Arul, who at the time was living at S.K.T. Jayasuriya's house; the latter was taken into custody together with Nalaka; Jayasuriya revealed that Arul was a former Liberation Tigers of Tamil Eelam (LTTE) member; Nalaka and Jayasuriya were later released on bail as inquiries revealed that they were not in Colombo when Mr. Raviraj was shot dead; arrest warrants were issued for Arul and Ravindra, who, according to the police progress report forwarded in April 2009, were strongly suspected of having gone to the areas then controlled by the LTTE,

Recalling further that a team from Scotland Yard arrived in Sri Lanka on 4 January 2007, that it conducted investigations and recommended that further tests be carried out; *noting* that, according to the police report of March 2010, no real breakthrough was possible and investigations are continuing; the case is due to be called on 26 May 2010 before the Colombo Chief Magistrate Court,

Bearing in mind that, since the defeat of the LTTE, President Rajapakse was re-elected in January 2010; that he dissolved parliament on 28 March 2010 and announced elections for 8 April and the convening of the new parliament for 22 April 2010,

1. *Thanks* the parliamentary authorities and the police for the progress report on the investigation;
2. *Deeply regrets* that, instead of advancing now that the entire country is under the control of the Government of Sri Lanka, the investigation has remained at a standstill;
3. *Reiterates its wish to ascertain* whether the tests recommended by Scotland Yard were indeed conducted and whether Scotland Yard's assistance might again be sought with a view to assisting the investigative authorities; *also reiterates its wish* to know whether the investigative authorities have ever taken account of the information and evidence gathered by non-governmental organizations, in particular University Teachers for Human Rights, regarding the murder of Mr. Raviraj;
4. *Reaffirms* that there can be no better deterrent for violence targeting members of parliament, and indeed the public at large, than combating impunity and ensuring that those responsible for assassinations and other crimes are identified, apprehended and brought to justice, and *urges* the authorities once again to take firm action to this end;
5. *Earnestly hopes* that the new parliament will monitor the investigation into the murder of Mr. Raviraja and of his security officer;
6. *Requests* the Secretary General to convey this resolution to the new parliamentary authorities and to the competent governmental authorities, inviting them to provide the requested information and to keep it informed of the proceedings;
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 123rd IPU Assembly (October 2010).

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

***Resolution adopted unanimously by the IPU Governing Council at its 186th session
(Bangkok, 1st April 2010)***

The Governing Council of the Inter-Parliamentary Union,

Referring to the case of Mr. Thiyagarajah Maheswaran, a member of the Parliament of Sri Lanka who was assassinated on 1 January 2008, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/186/12(b)-R.1), and to the resolution adopted at its 185th session (October 2009); *referring also* to the report on the mission to Sri Lanka it carried out in February 2008 (CL/183/12(b)-R.2),

Taking into account the police report forwarded by the Parliament of Sri Lanka on 18 March 2010,

Recalling that Mr. Maheswaran voted against the budget on 14 December 2007 and soon after the vote the number of security guards assigned to him was cut from 18 to two; he had openly made several statements to the effect that the reduction of his security detail put his life seriously at risk and had made repeated requests to the Government to enhance his security, to no avail; on 1 January 2008, while attending a religious ceremony in a Hindu temple in Colombo, he was shot and later died in a Colombo hospital; the attack came after he had stated in a television interview that, at the resumption of parliamentary sittings on 8 January 2008, he would describe in detail the terror campaign that the Government was pursuing in Jaffna, particularly how abductions and killings were managed,

Recalling that the authorities arrested Johnson Colin Valentirio alias "Wasantha", from Jaffna, who had been identified as the gunman on the strength of a DNA analysis; the investigators concluded that the assailant was a Liberation Tigers of Tamil Eelam (LTTE) activist who had been specifically sent to Colombo to kill

Mr. Maheswaran; according to the police progress report forwarded in August 2008, the Attorney General filed an indictment and the case was to be called on 19 August 2008; according to the police report of October 2009, the case was to be called on 16 October 2009 for serving of the indictment and listing of the case for hearing; *considering* that, according to the police report of March 2010, the case is now proceeding and evidence of some of the witnesses was heard in court, and the case was fixed for further trial on 22 March 2010,

Bearing in mind that, since the defeat of the LTTE, President Rajapakse was re-elected in January 2010; that he dissolved parliament on 28 March 2010 and announced elections for 8 April and the convening of the new parliament for 22 April 2010,

1. *Thanks* the parliamentary authorities and the police for the information provided;
2. *Notes with satisfaction* that the indictment was filed and that the trial is now under way; *earnestly hopes* that the proceedings will fully elucidate the murder of Mr. Maheswaran, in particular the identity of the instigators and the motives for the crime; *wishes* to be kept informed of the proceedings;
3. *Requests* the Secretary General to convey this resolution to the new parliamentary authorities, inviting them to monitor the proceedings in this case; *requests* him further to convey the resolution to the competent governmental authorities, inviting them to keep it informed of the proceedings;
4. *Requests* the Committee to continue examining this case and report to it at its next session, to be held on the occasion of the 123rd IPU Assembly (October 2010).

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

***Resolution adopted unanimously by the IPU Governing Council at its 186th session
(Bangkok, 1st April 2010)***

The Governing Council of the Inter-Parliamentary Union,

Referring to the case of Mr. D.M. Dassanayake, Minister of Nation-Building and a member of the Parliament of Sri Lanka, who was assassinated on 8 January 2008, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/182/12(b)-R.1), and to the resolution adopted at its 185th session (October 2009); *referring also* to the report on the mission carried out by the Committee in February 2008 (CL/183/12(b)-R.2),

Taking into account the police report forwarded by the Parliament of Sri Lanka on 18 March 2010,

Recalling that, according to the information provided by the Minister for Disaster Management and Human Rights on the occasion of the 121st Assembly (October 2009), the arrest of a key Liberation Tigers of Tamil Eelam (LTTE) suspect operating in Colombo had led to the arrest of other suspects, whose revelations resulted in the recovery of the remote control device used to detonate the explosive device triggering the explosion which killed Mr. Dassanayake; that the investigation has since been completed and that the relevant file was to be forwarded to the Attorney General for filing of an indictment and the case was to be called in court on 14 October 2009,

Considering that the police report of March 2010 reiterates this information, adding the name of the three suspects (Malcom Tyrone, Sundara Sathies, W.D. Hyacinth) and stating that the case was to be called on 17 March 2010,

Bearing in mind that since the defeat of the LTTE, President Rajapakse was re-elected in January 2010; that he dissolved parliament on 28 March 2010 and announced elections for 8 April and the convening of the new parliament for 22 April 2010,

1. *Thanks* the parliamentary authorities and the police for their cooperation;
2. *Notes* that the indictment has not yet been filed; *wishes to ascertain* the outcome of the court hearing of 17 March 2010 and whether or not the indictment has now been served and, if so, to receive a copy of it;
3. *Requests* the Secretary General to convey this resolution to the new parliamentary authorities, inviting them to monitor the proceedings in this case; *requests* him further to convey the resolution to the competent governmental authorities, inviting them to keep it informed of the proceedings;
4. *Requests* the Committee to continue examining this case and report to it at its next session, to be held on the occasion of the 123rd IPU Assembly (October 2010).

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

Resolution adopted unanimously by the IPU Governing Council at its 186th session (Bangkok, 1st April 2010)

The Governing Council of the Inter-Parliamentary Union,

Referring to the case of Mr. Kiddinan Sivanesan, a member of parliament for Jaffna belonging to the Tamil National Alliance (TNA), killed in a Claymore mine attack on 6 March 2008, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/186/12(b)-R.1), and to the resolution adopted at its 185th session (October 2009); *referring also* to the report on the mission carried out by the Committee in February 2008 (CL/183/12(b)-R.2),

Taking into account the police report forwarded by the Parliament of Sri Lanka on 18 March 2010,

Recalling the following: at the parliamentary session of 21 February 2008, which the Committee's delegation to Colombo attended, Mr. Sivanesan raised a privilege issue regarding the fact that he had been intimidated by the "threatening deployment of dogs" by the security personnel who checked his vehicle at Madawachi while he was on his way to Colombo on Monday that week; he was killed some two weeks later, on 6 March 2008, in a Claymore mine attack shortly after he had crossed into the Vanni region; his vehicle was targeted when he was returning to his residence in Mallawi after attending parliamentary sessions in Colombo; the attackers reportedly detonated four mines in a row; Mr. Sivanesan's driver was killed instantly and Mr. Sivanesan died of his injuries while being rushed to hospital; the Liberation Tigers of Tamil Eelam (LTTE) claimed that the killing was the work of deep penetration units of the Sri Lankan military, an allegation denied by the military, who have blamed it on the LTTE,

Considering that the police report of March 2010 reiterates the position of the police authorities, namely that the area where the attack occurred was controlled by the LTTE at the time and the police had no access to conduct investigations, and that no complaint has been lodged with the police, possibly out of fear of reprisal by the LTTE,

Bearing in mind that, since the defeat of the LTTE, President Rajapakse was re-elected in January 2010; that he dissolved Parliament on 28 March 2010 and announced elections for 8 April and the convening of the new parliament for 22 April 2010,

1. *Thanks* the parliamentary authorities and the police for their cooperation;

2. *Reiterates its view that, since the war is now over and the area where Mr. Sivanesan was killed is under government control, there is nothing to prevent the authorities from opening an investigation into Mr. Sivanesan's killing; earnestly hopes that the authorities will indeed do so;*
3. *Recalls that impunity is among the most serious human rights violations as it deprives the victims and their families of their right to justice and, in addition, encourages the repetition of crime; considers that fighting impunity and restoring the rule of law and respect for human rights in countries which, like Sri Lanka, have come out of a civil war should be among the priorities of the authorities;*
4. *Requests the Secretary General to convey this resolution to the new parliamentary authorities, calling on them to insist on the necessity of opening an investigation into the killing of Mr. Sivanesan in order to prevent impunity in this case; requests him further to convey the resolution to the competent governmental authorities;*
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 123rd IPU Assembly (October 2010).*

CASE No. TK/55 - MEHMET SINÇAR - TURKEY

Resolution adopted unanimously by the IPU Governing Council at its 186th session (Bangkok, 1st April 2010)

The Governing Council of the Inter-Parliamentary Union,

Referring to the case of Mr. Mehmet Sinçar, a former member of the Grand National Assembly of Turkey, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/186/12(b)-R.1), and to the resolution adopted at its 185th session (October 2009),

Recalling that Mr. Sinçar, of Kurdish origin, was a member of the Turkish Parliament elected in 1991, representing the south-eastern region of Turkey; he was shot dead at close range in September 1993 in Batman, where he had gone to attend the funeral of a member of the Democracy Party Bureau who had been assassinated in August 1993; in October 2006 the Turkish authorities reported that the persons initially suspected of the murder - members of a terrorist group - had all been acquitted for want of evidence, except two persons who were at large,

Recalling that in January 2008 the Turkish IPU Group reported that a criminal case regarding Mr. Sinçar's murder was pending before the 6th Assize Court of Diyarbakir; however Mr. Sinçar's family was unaware of any such proceedings and had never been contacted by the Court; in April 2009, the Turkish IPU Group reported that the Diyarbakir 6th Assize Court had ordered the Court of Kiziltepe, where Mr. Sinçar's family resides, to hear its members,

Considering that, according to the President of the Group, two persons are being prosecuted in this case, one of the three initial suspects having died during the trial and Mrs. Sinçar has brought criminal indemnification proceedings,

1. *Thanks the Turkish Inter-Parliamentary Group for its consistent cooperation;*
2. *Is pleased to note that this case is proceeding and sincerely hopes that justice will finally prevail in it;*
3. *Would appreciate receiving information on the stage of the proceedings, the possible motives for the crime, whether the suspects are being tried for having perpetrated or masterminded the crime and the prospects of a swift conclusion of the trial;*
4. *Requests the Secretary General to seek this information from the authorities and from Mr. Sinçar's family;*
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 123rd IPU Assembly (October 2010), when it hopes to be able to close it owing to its satisfactory settlement.*

CASE No. ZBW/19 - ROY BENNETT) ZIMBABWE
 CASE No. ZBW/20 - JOB SIKHALA)
 CASE No. ZBW/25 - TENDAI BITI)
 CASE No. ZBW/27 - PAUL MADZORE)
 CASE No. ZBW/44 - NELSON CHAMISA)

***Resolution adopted unanimously by the IPU Governing Council at its 186th session
 (Bangkok, 1st April 2010)***

The Governing Council of the Inter-Parliamentary Union,

Referring to the case of Mr. Roy Bennett, Mr. Job Sikhala, Mr. Tendai Biti, Mr. Paul Madzore 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/186/12(b)-R.1), and to the resolution adopted at its 185th session (October 2009),

Noting that, at the session it held during the 122nd Assembly, the Committee met with the Speaker of the House of Assembly of Zimbabwe,

Recalling the following: the persons in question were members of parliament in the 2000-2005 period; while Job Sikhala did not stand in the 2005 elections and Roy Bennett was prevented from standing, Mr. Madzore, Mr. Biti and Mr. Chamisa were re-elected; Mr. Biti was rearrested on 12 June 2008 and charged with treason; the charge was dropped after he was appointed Minister of Finance in the Government of National Unity formed in February 2009; Mr. Chamisa was appointed Minister of Telecommunications and Information Technology in the Unity Government; as to Roy Bennett, he was nominated for the position of Deputy Minister of Agriculture,

Recalling that Mr. Sikhala and Mr. Madzore were tortured in January 2003 and March 2007 respectively; their torturers, although their identity is known or would be easy to establish, have to date not been brought to justice; both have lodged complaints upon which no action has been taken; *noting* that meanwhile Mr. Madzore lodged a lawsuit claiming compensation for the prejudice he suffered, which has remained unavailing so far and that, according to the information provided by the Speaker, Mr. Sikhala made an application to the High Court with a view to compelling the police to investigate his complaint properly; the High Court has yet to rule on the matter; *considering* further that, according to the Speaker, Mr. Madzore was charged with six public violence offences and that all those cases were withdrawn before plea for want of evidence; however, the police recently called Mr. Madzore telling him to come to the police station for further investigation, which Mr. Madzore refused to do as the police are supposed to proceed by way of summons,

Recalling that Mr. Biti and Mr. Chamisa, together with many others who were attending a prayer meeting, were severely beaten by the police on 11 March 2007; *noting* that, as a gesture of reconciliation, both have decided to overlook the incident; Mr. Chamisa was badly injured in an attack on him a few days later, on 18 March at Harare International Airport; the police took no action, arguing that Mr. Chamisa had not lodged a complaint; however, the attack occurred in the presence of police who did nothing to stop and arrest the attackers,

Recalling finally that Mr. Bennett and his family were the target of persistent harassment between 2002 and 2006; in October 2004, parliament sentenced him to one year in prison for having, in May 2004, pushed a Minister during a parliamentary debate and he served the sentence until his release in June 2005; Mr. Bennett was finally led to leave the country in 2006 for fear of his life and he was therefore unable to participate in the 2008 elections; upon his return to Zimbabwe, he was arrested on 13 February 2009 and first charged under the Immigration Act and, when the charge was dropped, a charge of treason was brought against him, which was also dismissed; he was finally charged under the Public Order and Security Act for allegedly possessing weaponry with the intention of using it for acts of banditry, sabotage or terrorism to overthrow the Government; Mr. Bennett, who was released on bail, is currently standing trial;

the key prosecution witness denied ever having met Mr. Bennett or stashed weapons for him and accused the police of hatching a conspiracy; *noting* that, according to the information provided by the Speaker, the State closed its case and Mr. Bennett has applied for acquittal; on 31 March 2010 the judge in the case will rule on whether or not Mr. Bennett has a case to answer,

Considering that the Speaker stated Parliament's firm commitment to protecting the human rights of its members and to taking action to this end within the limits imposed by the doctrine of the separation of powers,

1. *Thanks* the Speaker for his cooperation and for the information he provided;
2. *Remains deeply concerned* at the continuing impunity of the State officials responsible for the attacks on Mr. Biti and Mr. Chamisa, and the torture of Mr. Sikhala and Mr. Madzore; *can but reaffirm* that such impunity is highly detrimental to the rule of law and respect for human rights in the country and is bound to encourage the repetition of crime, which is all the more serious in the case of State officials being responsible for such crimes, and may well undermine the reconciliation efforts under way in the country;
3. *Further expresses deep concern* that Mr. Madzore's compensation lawsuit is not advancing; *urges* the authorities to proceed with his lawsuit and Mr. Sikhala's application forthwith in order that these serious matters may finally be addressed;
4. *Notes* that the information on file regarding the situation of Mr. Bennett can only reinforce its belief that the charges against him are part of an ongoing effort to harass him and prevent him from engaging in political activity in Zimbabwe, and that they should be dropped without further delay;
5. *Acknowledges* the commitment of the Parliament of Zimbabwe to protecting the rights of its members and *recalls* that the parliament has the competence, as part of its oversight function, to take action to this end; *is therefore confident* that the House of Assembly will make every effort to ensure that the perpetrators of these crimes are identified and brought to justice and that the victims are paid due compensation;
6. *Notes* finally that Mr. Biti has decided not to pursue the incident of 11 March 2007 and that the treason charges against him were dropped; consequently *decides* to close his case while deeply regretting that the authorities have taken no action to hold to account the police personnel responsible for the beating of Mr. Biti and many others on 11 March 2007;
7. *Requests* the Secretary General to convey this resolution to the competent authorities and to the source, inviting them to provide the requested information;
8. *Requests* the Committee to continue examining this case and report to it at its next session, to be held on the occasion of the 123rd IPU Assembly (October 2010).

Meetings of the Association of Secretaries General of Parliaments

Introduction

Ms Claressa Surtees, 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 122nd IPU Assembly in Bangkok. The meetings of the ASGP were held from 28 March to 1 April 2010. Ms Surtees participated in the proceedings of the ASGP as the substitute of Mr Bernard Wright, Clerk of the House, and played a full role in relation to meetings, discussions and deliberations.

Relations between the ASGP and the IPU

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 to strengthen parliaments and democracy. He referred to various IPU initiatives and noted the engagement with other international organisations in providing support for emerging parliamentary institutions around the world.

Mr Chungong referred to the importance of setting and satisfying standards in administration and noted that the Australian Parliament had undertaken a self assessment in 2009.

Mr Chungong spoke at length about the IPU reforms being proposed to address problems associated with the view of some countries that the IPU is not an international organisation because it is established by agreement rather than by treaty. He stressed that discussions were preliminary and that the IPU was not seeking to be the parliamentary assembly of the United Nations. Mr Chungong said that the proposal for the IPU to have a treaty could help to overcome difficulties experienced in arranging for visas for members to attend meetings of the IPU, to enhance cooperation between the IPU and the UN and to ensure that the privileges of IPU secretariat staff are recognised. He suggested that the ASGP might seek to have its Executive Committee included in future discussions about IPU reform proposals.

Mr Chungong concluded by reminding members of the 3rd World Conference of Speakers scheduled for July 2010, and encouraging members to consider proposing a theme for the annual conference day at the Autumn 2010 sessions in Geneva, sponsored jointly by the ASGP and the IPU.

Consideration of parliamentary matters

General debates

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

- committee work beyond the precincts of parliament;
- demonstrations of members (and visitors) during sessions and the rules of order; and
- petitioning the parliament.

Communications

There were also presentations and discussions on specific parliamentary topics:

- the parliamentary system of Thailand;
- the new think tanks of the National Assembly of the Republic of Korea: NABO (National Assembly Budget Office) and NARS (National Assembly Research Service);
- a hemicycle for the 21st century – the General Assembly of the Republic of Portugal;
- statements by ministers on the floor of the House – Rajya Sabha of India;
- the process of parliamentary self reflection in the House of Representatives of the States General of the Netherlands;
- the role of officers of parliament – House of Commons of Canada;
- independence of parliament secretariat – Lok Sabha of India;
- appraisal of professional potential as a tool for personnel rating – Council of Federation of the Federal Assembly of Russia;
- recent developments in the Iraqi Parliament;
- e-democracy and e-parliament in Afghanistan: achievements, plans and suggestions; and
- the corridors of parliament: a record of parliamentary history or a reflection of its people – National Assembly of South Africa.

Related meetings and activities

There was a meeting of members representing assemblies from post conflict situations making the transition to democratic institutions and practice, and members explored means of future cooperation with one another.

There was a meeting of the Steering Committee of the Secretaries General Forum of Asia-Pacific Parliaments, which Ms Surtees attended. Members explored means of future cooperation with one another, in response to the changing legislative environment, particularly for e-parliament issues.

In addition to the formal meetings, the members were able to visit the parliamentary buildings of the Thai National Assembly and to inspect the Assembly Hall.

Administrative matters

New members

A number of new members were admitted to the ASGP. Most were replacing existing members who had retired or moved to other employment. A new member from each of the Parliaments of the Republic of Moldova and Saint Lucia was admitted because the country was joining the ASGP for the first time. A new member from the House of Councillors of Morocco was admitted because the chamber was joining the ASGP for the first time, and a new member from the Parliamentary Assembly of the Turkic Countries was admitted because the parliamentary assembly was joining the ASGP for the first time.

Amendments to working methods and rules

Dr Hafnaoui Amrani (Algeria), President of the ASGP, brought forward the proposals of the Executive Committee, which had been circulated to members following the Executive Committee's review of the working methods and rules of the Association during previous sessions. There was debate on the proposals and on an amendment moved by members representing international parliamentary assemblies (to maintain their existing entitlement to membership, rather than the proposed associate membership, of the ASGP). The amendment was not agreed to and the proposed changes were made to the membership and other rules and working methods.

Next meetings

A draft agenda for the next session, in the northern hemisphere autumn of 2010 in Geneva, was circulated. When further developed it will be placed on the ASGP website < www.asgp.info/en >.

Program in the People's Republic of China

Friday, 2 April 2010

Arrive in Hong Kong

Saturday, 3 April 2010

Travel to Macau

Briefing on the economic development of the Macau Special Administrative Region

Visit to Macao Museum

Briefing and working lunch at City of Dreams with Mr Greg Hawkins, President, City of Dreams and Mr Marc Brugger, General Manager, Crown Towers

Inspection of City of Dreams

Return to Hong Kong

Sunday, 4 April 2010

Travel to Guangzhou, Guangdong

Tour of Guangdong Folk Arts Museum (Chen Clan Academy)

Working lunch with Australian business and government representatives

Inspection of Huade Company (air-conditioner manufacturer)

Meeting with Mr Ou Guangyuan, Chairman of the Standing Committee of the Guangdong Provincial People's Congress

Official banquet hosted by Mr Ou Guangyuan

Monday, 5 April 2010

Tour of Guangzhou Museum

Travel to Yinchuan, Ningxia Hui Autonomous Region

Meeting with Mr Chen Jianguo, Party Secretary and Chairman of the Ningxia Hui Autonomous Region

Official banquet hosted by Mr Chen Jianguo

Tuesday, 6 April 2010

Briefing by the Australian Ambassador to China, Dr Geoff Raby

Roundtable at Ningxia Islamic Scripture College

Visit to Najiahu Mosque

Visit to Chinese Hui Culture Park in Yongning County

Visit to Xinghai Town in Dawukou District, including inspection of poverty alleviation project

Inspection of the Helan Horticulture Park

Travel to Beijing

Wednesday, 7 April 2010

Tour of Great Wall

Working lunch with Australian business and government representatives

Meeting with His Excellency Xi Jinping, Vice President of the People's Republic of China

Meeting with His Excellency Wu Bangguo, Chairman of the Standing Committee of the National People's Congress

Official banquet hosted by Chairman Wu Bangguo

Thursday, 8 April 2010

Tour of Forbidden City

Roundtable meeting with His Excellency Zha Peixin, Vice Chairman of the Foreign Affairs Committee of the National People's Congress and Chairman of the China-Australia Parliamentary Friendship Group, together with representatives of the National People's Congress

Meeting with His Excellency Sang Guowei, Vice Chairman, Standing Committee of the National People's Congress

Official luncheon hosted by Vice Chairman Sang Guowei

Travel to Shanghai

Friday, 9 April 2010

Inspection of Baosteel Corporation

Reception with Australian business and government representatives

Inspection of World Expo 2010 site

Meeting with Mr Liu Yungeng, Chairman of the Standing Committee of the Shanghai Municipal People's Congress

Official banquet hosted by Mr Liu Yungeng

Saturday, 10 April 2010

Inspection of Yangshan Free Trade Port Area

Depart for Australia

Sunday, 11 April 2010

Arrive in Australia