



Work Programme for the  
OSCE PA Special Representative for Central Asia  
Mr. Kimmo Kiljunen, MP Finland

**The Special Representative for Central Asia**

Considering the need for active participation by national parliaments from Central Asia in the work of the OSCE PA, the President of the PA appointed Kimmo Kiljunen (Finland) as his Special Representative for Central Asia in May 2007.

**Mandate:**

- Encourage active participation by parliamentarians from Central Asia in the work of the OSCE Parliamentary Assembly;
- Promote meetings and exchanges with national parliaments of the Asian Partner's for Co-operation, including Afghanistan, and support their participation in Assembly events as observers;
- Report to the President of the Assembly on developments regarding enhanced parliamentary dialogue in the Central Asian region.

**Participation of parliamentarians from Central Asia in OSCE PA activities:**

In most cases, participation from the region in the OSCE can be described as sporadic. Not all national parliaments from Central Asia send regular delegations to OSCE PA meetings, and hardly any participate in other OSCE PA activities – such as election observation. The starting point for the Special Representative is to ensure regular participation of parliamentarians from Central Asia in the OSCE PA.

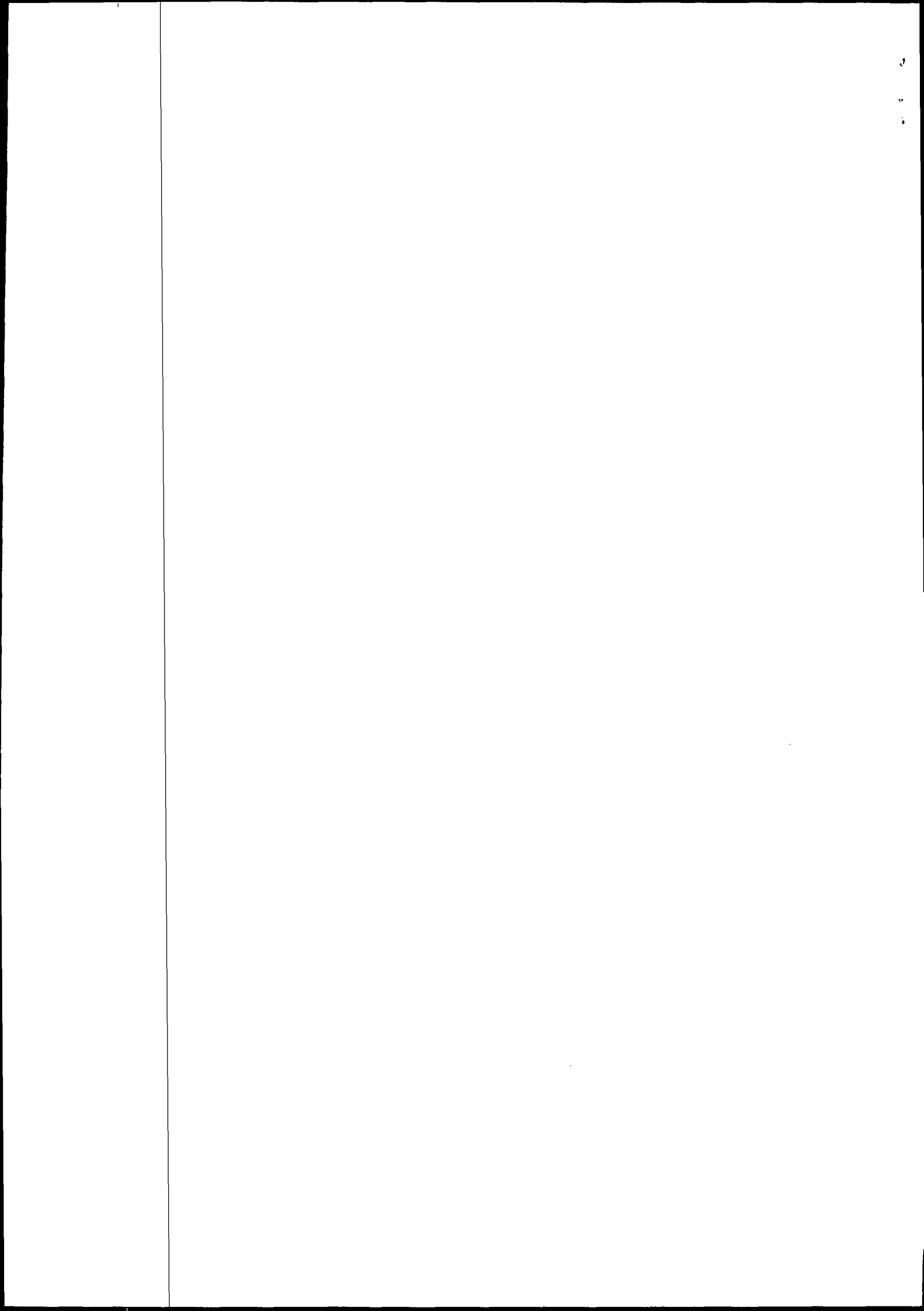
**Support parliamentary capacities:**

In cooperation with national parliaments in the OSCE area, as well as the OSCE field missions, the Special Representative will also facilitate activities to support parliamentary capacities in Central Asia. The Special Representative will work to promote parliamentary support programmes and regional networks in the OSCE area –

- facilitating more active visits by OSCE parliamentarians to the region;
- promoting a greater number of OSCE and OSCE PA events and meetings to be held in the region.

**Regional parliamentary cooperation:**

There is a need for greater regional parliamentary cooperation in Central Asia. The Special Representative aims to support regional cooperation through a series of seminars, and other initiatives. One such task is to facilitate exchange of parliamentary expertise across the OSCE area. In particular, the Special Representative aims to explore the possibility of a twinning exercise between the parliaments in the Nordic Council and the parliaments in the Central Asia region.



**Close cooperation and support to the OSCE field missions:**

The work of the Special Representative with national parliaments in the Central Asia region will be conducted in close cooperation with the OSCE field missions and the Conflict Prevention Centre in Vienna.

**Other international institutions:**

The Special Representative will coordinate activities with the EU, UN, CIS and other international institutions active in the region.

**Initial timeframe:**

- July 8, 2007: Side Event on Central Asia  
OSCE PA Annual Session, Kyiv
- Early Fall: Visit to the region by the Special Representative
- Late Fall: Seminar on regional parliamentary cooperation (date and venue to be confirmed)
- February 2008: Interim report of the Special Representative for Central Asia  
OSCE PA Winter Meeting, Vienna





Organization for Security and Co-operation in Europe  
PARLIAMENTARY ASSEMBLY

## Программа работы

Специального представителя ПА ОБСЕ по Центральной Азии

члена парламента Финляндии г-на Киммо Кильюнена

### **Специальный представитель по Центральной Азии**

Принимая во внимание необходимость активного участия национальных парламентов стран Центральной Азии в работе ПА ОБСЕ, Председатель ПА в мае 2007 года назначил Киммо Кильюнена (Финляндия) своим Специальным представителем по Центральной Азии.

#### **Мандат:**

- Поощрять активное участие парламентариев из стран Центральной Азии в работе Парламентской ассамблеи ОБСЕ;
- Содействовать проведению совещаний и обменов с национальными парламентами Азиатских партнеров по сотрудничеству, включая Афганистан, и поддерживать их участие в мероприятиях Ассамблеи в качестве наблюдателей;
- Информировать Председателя Ассамблеи о процессе совершенствования парламентского диалога в Центрально-азиатском регионе.

#### **Участие парламентариев из стран Центральной Азии в деятельности ПА ОБСЕ:**

В большинстве случаев участие региона в работе ОБСЕ можно охарактеризовать как несистематическое. Не все парламенты стран Центральной Азии регулярно направляют свои делегации на заседания ПА ОБСЕ, и практически ни один из них не принимает участия в других мероприятиях ПА ОБСЕ, в частности в наблюдении за выборами. Поэтому Специальному представителю следует начать свою работу с обеспечения участия парламентариев из стран Центральной Азии в работе ПА ОБСЕ на регулярной основе.

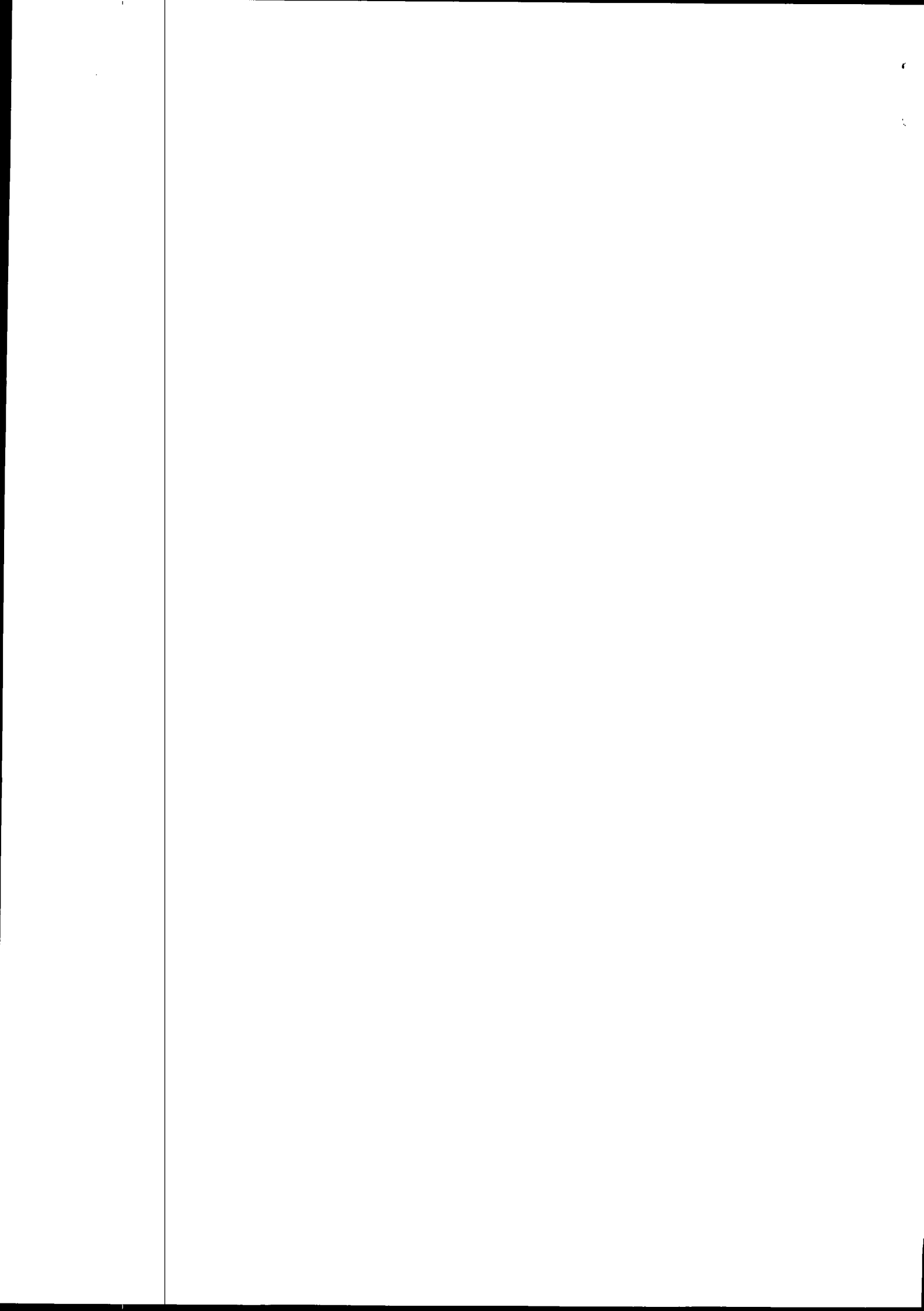
#### **Поддержка парламентской деятельности:**

В сотрудничестве с парламентами стран региона ОБСЕ и миссиями ОБСЕ на местах Специальный представитель будет также оказывать содействие мероприятиям по расширению возможностей для парламентской деятельности в Центральной Азии. Специальный представитель будет способствовать осуществлению программ парламентской поддержки и налаживанию региональных межпарламентских связей в регионе ОБСЕ путем:

- содействия более активному посещению региона парламентариями стран ОБСЕ;
- содействия проведению в регионе более значительного количества мероприятий и встреч по линии ОБСЕ и Парламентской ассамблеи ОБСЕ.

#### **Региональное межпарламентское сотрудничество:**

Существует необходимость в расширении регионального сотрудничества между парламентами стран Центральной Азии. Специальный представитель призван развивать региональное сотрудничество путем проведения серии семинаров и осуществления других



инициатив. Одной из задач является содействие обмену опытом между парламентариями во всем регионе ОБСЕ. В частности, Специальному представителю надлежит изучить возможность налаживания двусторонних связей между парламентами стран - членов Северного совета и парламентами стран Центрально-азиатского региона.

**Укрепление сотрудничества с миссиям ОБСЕ на местах и поддержка их работы:**

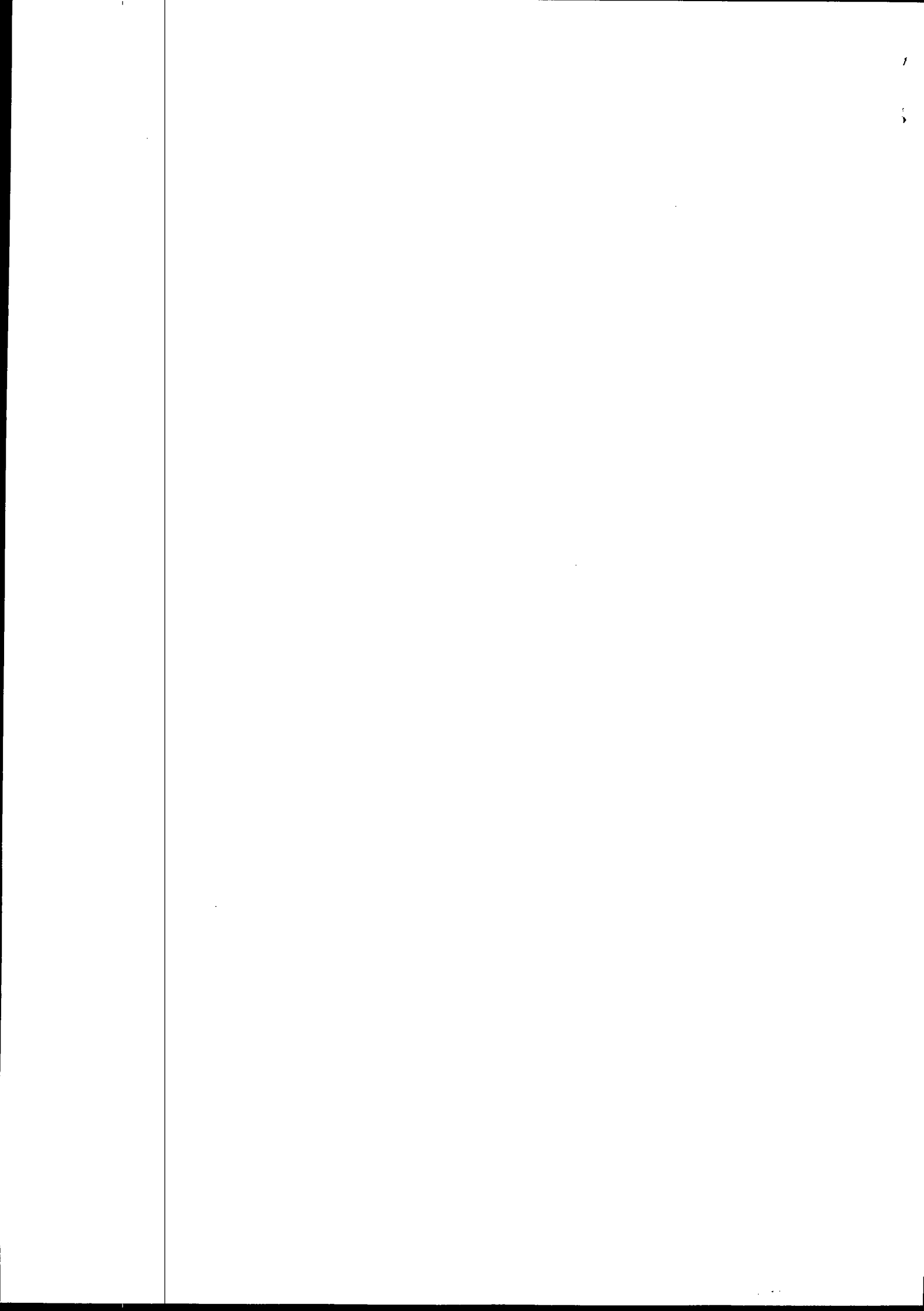
Специальный представитель будет строить свою работу с парламентами стран Центрально-азиатского региона в тесном сотрудничестве с миссиями ОБСЕ на местах и Центром по предотвращению конфликтов в Вене.

**Другие международные учреждения:**

Специальный представитель будет координировать свою работу с Европейским союзом, ООН, СНГ и другими действующими в регионе международными учреждениями.

**Первоначальный график работы:**

- 8 июля 2007 года: Мероприятие по вопросам Центральной Азии в рамках ежегодной сессии Парламентской ассамблеи ОБСЕ в Киеве
- Начало осени: Посещение региона Специальным представителем
- Конец осени: Семинар по региональному межпарламентскому сотрудничеству (сроки и место проведения уточняются)
- Февраль 2008 года: Промежуточный доклад Специального представителя по Центральной Азии на Зимнем заседании Парламентской ассамблеи ОБСЕ в Вене



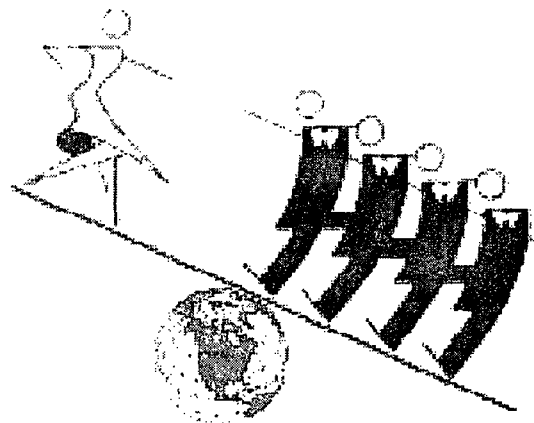




Organization for Security and Co-operation in Europe  
PARLIAMENTARY ASSEMBLY

# OSCE PA Gender Balance Report July 2007

Presented by Tone Tingsgard, Vice-President and Special  
Representative on Gender Issues of the OSCE PA



Prepared by Claire Devlin and Theite Otto  
Research Assistants at the  
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## TABLE OF CONTENTS

<b>1</b>	<b>EXECUTIVE SUMMARY .....</b>	<b>1</b>
<b>2</b>	<b>INTRODUCTION.....</b>	<b>2</b>
<b>3</b>	<b>SPECIAL ISSUE: UN SC RESOLUTION 1325 AND NATIONAL ACTION PLANS .....</b>	<b>3</b>
	3.1 GENERAL INFORMATION ON SECURITY COUNCIL RESOLUTION 1325 .....	3
	3.2 THE IMPLEMENTATION PROGRESS OF UN SC RESOLUTION 1325 .....	4
	3.3 NATIONAL POLICY AND LEGISLATION ON SCR 1325 .....	8
<b>4</b>	<b>GENDER IN OSCE INSTITUTIONS .....</b>	<b>9</b>
	4.1 OSCE SECRETARIAT .....	10
	4.2 OFFICE OF DEMOCRATIC INSTITUTIONS AND HUMAN RIGHTS (ODIHR).....	10
	4.3 OFFICE OF THE HIGH COMMISSIONER ON NATIONAL MINORITIES (HCNM).....	10
	4.4 OFFICE OF THE REPRESENTATIVE ON FREEDOM OF THE MEDIA.....	11
	4.5 FIELD MISSIONS.....	12
	4.6 SECONDED POSTS (SECRETARIAT, INSTITUTIONS, AND FIELD MISSIONS)* .....	15
<b>5</b>	<b>GENDER IN DOCUMENTS OF THE OSCE .....</b>	<b>16</b>
	5.1 THE OSCE GENDER ACTION PLAN 2004.....	16
	5.2 MINISTERIAL COUNCIL DOCUMENTS 2005 .....	17
	5.3 MINISTERIAL COUNCIL DOCUMENTS 2006 .....	17
<b>6</b>	<b>GENDER IN THE OSCE PA .....</b>	<b>18</b>
	6.1 GENDER IN DOCUMENTS OF THE OSCE PA.....	18
	6.2 GENDER IN THE ASSEMBLY BUREAU .....	18
	6.3 FEMALE PRESIDENTS AND VICE-PRESIDENTS IN THE OSCE PA .....	19
	6.4 OFFICERS OF THE OSCE PA GENERAL COMMITTEES .....	19
	6.5 PARTICIPATION IN OSCE PA MEETINGS .....	20
	6.6 PERMANENT STAFF OF THE OSCE PA INTERNATIONAL SECRETARIAT.....	21
	6.7 THE INTERNATIONAL RESEARCH-FELLOWSHIP PROGRAMME .....	21
	6.8 FEMALE REPRESENTATION IN NATIONAL PARLIAMENTS IN OSCE COUNTRIES.....	22
	6.9 CONCLUSION .....	22
	6.10 WOMEN IN PARLIAMENT WORLD-WIDE.....	23
<b>7</b>	<b>CONCLUSION .....</b>	<b>25</b>
	<b>APPENDIX A .....</b>	<b>26</b>

## **1 Executive Summary**

This report analyses the current implementation of gender mainstreaming within OSCE Institutions and the OSCE Parliamentary Assembly. The disaggregated statistics for the OSCE Governmental Institutions suggest an almost unchanged situation: women remain underrepresented in the most senior and upper management positions; however, the representation of women in the Organization increased slightly from 2005. The major gender imbalance lies within the top positions in Field Missions and Institutions such as the Office of Democratic Institutions and Human Rights (ODIHR) and the Office of the High Commissioner on National Minorities (HCNM). With reference to the Secretariat and Institutions, women represent 50% percent of the overall total staff. However, while they are overrepresented in the lower, general services posts, holding 69% of these positions, they hold only 32% percent of professional level posts. Concerning the Field Missions, statistics show that women represent 42% percent of the staff, but only 18% of the upper management positions. Almost all Heads of Missions are men – Ms. Paraschivu Badescu, Head of the new OSCE Mission to Montenegro, is the only woman in this category.

The requirements of the 2004 Action Plan have given a strong impetus to the process of gender mainstreaming in the OSCE. However, the gender issue has not been tackled effectively yet, and the Secretary General's Annual Evaluation Report on the Implementation of the 2004 OSCE Action Plan for the Promotion of Gender Equality acknowledges the many challenges to the process.

Within the OSCE Parliamentary Assembly, the average percentage of women's participation in Assembly activities is around 17.9 percent. The average percentage of women's representation in the national parliaments (in both chambers, when existing) within the OSCE countries is 19.2 percent. Thus, women's representation during the Assembly's meetings lies only slightly below the range of their representation within national parliaments.

## 2 Introduction

Since 2001, the OSCE Parliamentary Assembly (OSCE PA) has issued an annual report on the gender balance situation in the OSCE region, considering the OSCE Gender Disaggregated Statistics and additionally compiling its own information and statistics on the activities of and situation in the OSCE PA.

This year, upon request of the Special Representative on Gender issues, the authors of this report have focused on a special issue: progress on the implementation of UN Resolution 1325 on 'Women, Peace and Security', specifically through National Action Plans. This chapter at the beginning of the report gives an overview of efforts by some of the OSCE's participating States to implement the landmark resolution. First, general efforts will be looked at. Next, specific attention will be paid to the National Action Plans for implementation devised by six of the OSCE's participating States. In order to allow for some in-depth analysis, we will focus particularly on the example of Sweden and its National Action Plan.

The second part of this report will be devoted to analyzing the gender balance situation in the different structures, institutions, and Field Missions of the OSCE by means of the Gender Disaggregated Statistics.

The third part examines gender mainstreaming in documents of the OSCE, particularly the documents of the 2006 Ministerial Council and the OSCE Gender Action Plan. The current Action Plan was formulated in 2004, after the 2000 Action Plan proved inadequate. The 2004 Plan outlines new strategies for advancing the implementation of gender equality within the OSCE and in the OSCE participating States – it also sets priorities, assigns specific responsibilities, and establishes a monitoring mechanism. Although the Action Plan represents a useful tool, it hasn't had any discernible successes in helping to increase the number of women in management positions. While the Action Plan has addressed the issue of recruitment, it neglects to seriously consider the possibility of altering the internal regulations to make the OSCE an organisation where women want to work. The Staff Rules have been amended a number of times in recent years, but the amendments did not contain any improvements with regard to gender issues. The relevance of this problem was underlined again at the recent meeting of the Gender Focal Points Meeting.<sup>1</sup>

The last section focuses on the gender balance within the OSCE PA. It examines the officers of the Assembly, the general participation in OSCE PA meetings and election observation activities, and also includes statistics on the Secretariat. Statistics on female representation in national parliaments in the OSCE region are attached as an appendix. Most of this year's information will be put in comparison to former years.

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<sup>1</sup> Report on the Meeting of Focal Points for Gender Issues, 27 to 28 March 2007, Vienna.

### 3 Special Issue: UN SC Resolution 1325 and National Action Plans

#### *3.1 General Information on Security Council Resolution 1325*

On 31 October 2000, Resolution 1325 was passed unanimously by the United Nations Security Council. The resolution, entitled 'Women, Peace and Security', is a landmark document. It represents the first time that the UN has formally recognised the disproportionate negative effects of war and conflict on women, as well as the central role that women can play in preventing or resolving conflict. The resolution contains 18 operative paragraphs in which the Security Council decides to, among other things: strengthen the UN's consideration of gender perspectives in conflict situations; urges parties to conflict to take special measures to protect women and girls against gender-based violence and to take into account women's needs in peace agreements; and encourages states to ensure increased representation of women at all decision-making levels in mechanisms for conflict prevention, management, and resolution.

The Resolution built on previous structures such as the 1979 Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), the Beijing Summit (which devoted a chapter to women and armed conflict in 1995), Beijing + 5 (2000), and Beijing + 10 (2005). Last year, the UN Commission on the Status of Women urged the full implementation of UN Security Council Resolution 1325 and expressed concern about the slow and uneven progress made towards the equal participation of women and men in decision-making processes at all levels.

The importance of Resolution 1325 for the OSCE's work is clear. As a regional organization mandated under Chapter VIII of the UN Charter and concerned specifically with conflict prevention, resolution, and post-conflict reconstruction, Resolution 1325 has immediate relevance for the OSCE. Indeed, at the end of 2005 the Ministerial Council referred to the resolution in the decision on 'Women in Conflict Prevention, Crisis Management and Post-Conflict Rehabilitation', asserting that "the knowledge, skills and experience of both women and men are essential to peace, sustainable democracy, economic development and therefore to security and stability in the OSCE region". It acknowledged "the need for concrete action by the OSCE to integrate women into conflict prevention, crisis management and post-conflict rehabilitation through its activities". However, while 1325 provides a valuable framework and advocacy tool for the substantive work of the OSCE and its Field Operations and Institutions, it also has serious implications for the gender balance of the organization. The first operative paragraph of the resolution "[u]rges Member States to ensure increased representation of women at all decision-making levels in national, regional and international institutions and mechanisms for the prevention, management, and resolution of conflict".<sup>2</sup>

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<sup>2</sup> MC.DEC/15/05, Preventing and Combating Violence against Women.

As a regional security organisation, this clearly calls on the OSCE to improve the gender balance in the organisation, especially concentrating on the presence of women in decision-making positions. Several initiatives to carry out this task have already been taken by the organization and its participating States in the past seven years; some of these are discussed in the following section. However, as last year's edition of this report recognised, when it comes to Resolution 1325 "much remains to be done."<sup>3</sup> The statistical pattern indicates that while the number of women in the organization overall is slowly increasing, they are still seriously underrepresented in management or decision-making positions.

### ***3.2 The Implementation Progress of UN SC Resolution 1325***

*"Resolution 1325 (2000) holds out a promise to women across the globe that their rights will be protected and that barriers to their equal participation and full involvement in the maintenance and promotion of sustainable peace will be removed. We must uphold this promise."*<sup>4</sup>

#### **Supporting national action plans**

Within the last seven years many Member States of the United Nations, as well as NGOs and interest groups, have been working on ways to push SCR 1325 further, to encourage gender awareness-raising and to promote equality in rights and full and equal participation of women and men in society.

Many of the States that have gone furthest in implementing SCR 1325 at the national level are members of the 'Friends of 1325 Group,' a voluntary, ad hoc group of UN Member States that meets on a regular basis and aims to promote the principles of SCR 1325 in the six General Assembly committees, the Economic and Social Council, and other inter-governmental bodies. The group meetings, which are hosted by the Canadian Mission, also sometimes include (by invitation) representatives from UNIFEM, OSAGI, and the NGO Working Group on Women, Peace and Security (NGOWG). The UK, Denmark, Sweden, Norway, Canada and Switzerland – all members of the Group – were the first to develop national action plans on women, peace and security.<sup>5</sup>

Many organizations committed to gender issues, like the United Nations Development Fund for Women (UNIFEM), offer support and information on gender issues in general and particularly on how to make SCR 1325 work.

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<sup>3</sup> OSCE PA Gender Balance Report, July 2006

<sup>4</sup> Secretary-General's report on women, peace and security. 2004

<sup>5</sup> Friends of 1325 are: Australia, Bangladesh, Cameroon, Canada, Chile, Colombia, Croatia, Finland, Germany, Guinea, Jamaica, Japan, Korea, Liechtenstein, Mexico, Namibia, Netherlands, New Zealand, Norway, Philippines, Singapore, South Africa, Sweden, Switzerland, Tanzania, United Kingdom, United States

UNIFEM provides financial and technical assistance to innovative programmes and strategies that promote women's rights, political participation and economic security.<sup>6</sup> UNIFEM's support to the mobilization of women in conflict zones was also essential for the formulation and adoption of Security Council Resolution 1325 under the leadership of the Government of Namibia as president of the Security Council in 2000.<sup>7</sup>

In 2006, the United Nations International Research and Training Institute for the Advancement of Women, called UN-INSTRAW, published a guide to policy and planning on women, peace and security in order to give useful advice on how to create national action plans and to successfully implement the SCR 1325.<sup>8</sup>

### **Good reasons for creating an action plan**

As national governments participate in peacekeeping and rebuilding efforts and conflict prevention, their commitment to women, peace and security makes the difference between either ensuring that women have agency in survival and reconstruction efforts, or leaving existing structures of discrimination, poverty or violence unchanged.

According to INSTRAW, Security Council Resolution 1325 is not being systematically or sustainably implemented. INSTRAW has outlined a number of arguments in favour of a national action plan:<sup>9</sup>

- Implementing an action plan not only increases the comprehensiveness of SCR 1325 through the process of discussing it, but brings together all the actors working on an action plan also ensures proper co-ordination which is crucial for effective gender work.
- Drafting a plan is also an important process of awareness-raising and capacity-building as it opens up space for discussions and exchange of information; creating an action plan is also a participatory process which emphasizes increased understanding of SCR 1325, and evokes an increased feeling of ownership and responsibility. As the plan of action lists the specific actors responsible for implementing each initiative and provides a clear timeframe, the accountability of actors attracts notice by the public.
- At a broader level, the act of creating a national action plan brings an official stamp of approval and holds the country accountable for the implementation of SCR 1325.

Another point that should be considered is that a national action plan allows a better integration of SCR 1325 into foreign policy. An action plan can bring attention to all of

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<sup>6</sup> UNIFEM: Woman, Peace and Security: UNIFEM supporting Implementation of Security Council resolution 1325, 2004

<sup>7</sup> For more information see: <http://www.womenwarpeace.org/unifem.htm>

<sup>8</sup> Statement by the President of the UN Security Council, October 2002

<sup>9</sup> United Nations International Research and Training Institute for the Advancement of Women (INSTRAW): Securing Equality, Engendering Peace: A guide to policy and planning on women, peace and security (UN SCR 1325)



the components of 1325 and therefore gender policy would finally be more than just 'counting heads'. Without an action plan, when the hard issues are talked about, such as issues pertaining to the police and military, 1325 and gender issues too often slip out of the back door.<sup>10</sup>

### **Steps on the way to a national action plan**

When deciding to create a national action plan on SCR 1325, it is important to consider that action plans must be adapted to specific contexts, for example the regional, national or community context and the available resources.

The following steps are considered fundamental in order to create an action plan:<sup>11</sup>

- 1) Build political will through advocacy and awareness-raising.
- 2) Get organized and gather diverse organizations into formal and information networks or umbrella organizations.
- 3) Explain the need for a national action plan and give clear and realistic objectives, develop a strategy in order to reach expected outputs within a given time period, and the framework of the adopted budget.
- 4) Complete an assessment or audit of the general context of women, peace and security issues (external) and the government or institution in question (internal) in order to help in the identification of priority areas.
- 5) Plan meetings and workshops that truly represent and address the needs and interests of all stakeholders while including actors from all different sectors of an institution or government to build a sense of collective ownership, teamwork and accountability.

### **Towards Implementation of national action plans**

Until now, unfortunately, only six countries have implemented a national action plan on SCR 1325. These are: Canada, Denmark, Norway, Sweden, Switzerland, and the United Kingdom. Their experiences, however, provide valuable lessons for implementing 1325. Their challenges and successes chart a path for other States to develop policies, institute changes in government machinery, and consult with civil society.

Implementing an action plan on 1325 is a clear commitment to promoting gender equality and women's empowerment. It is important to see that there is more beyond an action plan than gender quotas. Action plans also acknowledge the importance of the protection of the rights of women and girls during conflict, as well as the involvement of women in decision-making and in peace and reconstruction processes.<sup>12</sup>

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<sup>10</sup> Eva Zillén, *Kvinna till Kvinna*, personal interview with INSTRAW, July 2005 in: *Securing Equality, Engendering Peace: A guide to policy and planning on women, peace and security (UN SCR 1325)*

<sup>11</sup> United Nations International Research and Training Institute for the Advancement of Women (INSTRAW): *Securing Equality, Engendering Peace: A guide to policy and planning on women, peace and security (UN SCR 1325)*

<sup>12</sup> NGO Working Group on Women, Peace and Security: *Security Council Resolution 1325-Five years on Report, National Action Plans and Strategies on Women, Peace and Security*

### **Leading actors regarding national action plans on 1325 and lessons learned – the example of Sweden**

In creating and implementing its national action plan, Sweden made a conscious effort to learn from the experiences of some of the other countries that had already taken this step.

The Ministry of Foreign Affairs set up an inter-ministerial taskforce which included the Ministry of Justice, Ministry of Defense, Ministry of Industry, Employment and Communications, and the Prime Minister's Office. The armed forces, the police and the Swedish International Development Co-operation Agency (SIDA) were also included in the process of developing the action plan. Furthermore, Sweden involved different civil society organizations in drafting the plan: for example, Operation 1325, a network of six women's organizations.

An extensive assessment was carried out as part of the process of developing the SCR 1325 action plan, and the development of the action plan spanned circa eighteen months of intensive commitment. The Ministry of Foreign Affairs commissioned a study from the Collegium for Development Studies entitled *UN Security Council Resolution 1325 (2000) on Women, Peace and Security: Making It Work, Experiences in Canada, the Netherlands and the United Kingdom with Recommendations for Sweden's Implementation*. The seventeen-page plan includes a thorough analysis of SCR 1325, presents the process of developing the plan, and lists the actions Sweden has already taken to implement 1325. The Swedish national action plan outlines three priority areas:<sup>13</sup>

- 1) Full participation and equality of women in conflict areas at all levels of mechanisms and institutions for conflict prevention, crisis management, peace-building, humanitarian actions and other actions in conflict phase
- 2) Strengthening of the protection of women and girls in the context of conflict
- 3) Participation of more women in international peace and security initiatives within the UN, EU, OSCE, and other regional organizations

In order to address these priorities, the plan includes specific actions at the national, regional and global level. For example, it states that practical tools such as checklists, guidelines, instructions and frameworks for dialogue should be developed in order to practically and concretely integrate a 1325 perspective in the relevant departments' normal work in relation to actual or potential countries in conflict as well as post-conflict countries.

In total, circa sixty-one such mandates are included in the Swedish action plan. The plan covers the period of three years (until 2008), but it is at the same time designed to be a living document that can be changed to meet new challenges. Regular follow-up, including a mid-term evaluation of the plan's implementation and annual reporting, is explicitly stated in the plan. The Inter-Ministerial Taskforce on 1325 is responsible for co-ordination and monitoring.

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<sup>13</sup> The Swedish action plan on SCR 1325 can be found under:  
<http://www.peacewomen.org/national/Sweden.pdf>

Sweden was not the first country to implement an action plan, but it added a whole new dimension to the issue as it was the first country to thoroughly analyze the successes and shortcomings of previous action plans and to make its action plan a document that is meant to be changed regularly in order to meet new requirements. It is intended to ensure continuous pressure for the implementation of SCR 1325.

### *3.3 National Policy and Legislation on SCR 1325*

There is, however, also another way to make SCR 1325 work. Rather than create a separate national action plan, countries including Colombia, Serbia, Israel and Fiji are integrating the mandates of SCR 1325 into national policies and legislation.

One notable example is the adoption in July 2005 by Israel's Knesset of a new law mandating the inclusion of women in government teams appointed for peace negotiations and setting domestic, foreign or security policy. This ground-breaking law was included as an amendment to the Equal Representation of Women Law, which dates back to 1956. It was only possible because of the extensive lobbying by the Isha L'Isha, the Haifa Feminist Center, and its project called "Women Leading Peace." In addition, an ad hoc coalition of women's organizations and peace organizations was formed to participate in debates and meet with members of the Knesset. This experience once again points out the importance of bringing a variety of actors to the table when working towards effective implementation of SCR 1325.<sup>14</sup> Furthermore, it was agreed to carry out follow-up activities that include training women in negotiation skills, teaching conflict resolution, creating a directory of qualified female negotiators and monitoring the implementation of the law.<sup>15</sup>

Nonetheless, it should be noted that efforts to pass policies and laws on SCR 1325 have not always met with the same level of success in other countries as was the case in Israel. National action plans remain the best strategy to ensure that countries have a coherent cross-government approach to SCR 1325 and that a standard is provided against which government policies can be measured. Therefore, we should aim to identify and overcome ongoing barriers to the full implementation of SCR 1325.<sup>16</sup>

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<sup>14</sup> Isha L'Isha – Haifa Feminist Center, News Release, 21 July 2005

<sup>15</sup> United Nations International Research and Training Institute for the Advancement of Women (INSTRAW): Securing Equality, Engendering Peace: A guide to policy and planning on women, peace and security (UN SCR 1325)

<sup>16</sup> Emyr Jones Parry, Permanent Representative of the United Kingdom to the United Nations, "EU Presidency Statement on Women, Peace, Security" (New York, 27 October 2005) [http://europa-eu-un.org/articles/en/article\\_5204\\_en.htm](http://europa.eu-un.org/articles/en/article_5204_en.htm).

#### 4 Gender in OSCE Institutions

On 1 December 2006 the OSCE had a total staff of 3 257 people. The present numbers show that there is a slight increase in the overall representation of women in the Organization compared to 2005, yet gender equality is far from being reached. In particular, the lack of women in senior level positions, noted in previous years, remains. Women moved from representing 42% to 43% of staff overall, and slightly more women were nominated for seconded positions in the OSCE than in the last reporting period (37% of all nominations were women as compared to 35% in 2005). Also the representation of women increased slightly in professional posts (from 39% to 42%) as well as in management positions (from 13% to 17%).

The pattern of senior positions being overwhelmingly held by men can be seen throughout the Institutions and Field Missions. While 50% of the overall Staff of the Secretariat and Institutions are women, they hold only 14% of management posts. Similarly, in Field Missions, women make up 42% of the staff, but only 18% of the management positions.

The percentage of women staff in the Secretariat is down very slightly on 2006 (falling from 51% to 50%) while the percentage in the Field Missions is up from 41% to 42%.

OSCE Employment Grades*	
Head of Institution	(Not graded)
Directing Staff	D2
	D1
Professionally Qualified, P-Level (Substantive work)	P5
	P4
	P3
	P2
	P1
General Staff, G-Level (Administrative and technical work)	G7
	G6
	G5
	G4
	G3
	G2
	G1

\*This employment grading system, in descending order based on seniority, will be referred to throughout the analysis.

**4.1 OSCE Secretariat**

The statistics indicate that the OSCE Secretariat has a majority of women on its staff (51%). However, there is a clear predominance of men in P-staff positions and of women in G-staff positions.

	G1	G2	G3	G4	G5	G6	G7	P1	P2	P3	P4	P5	D1	D2	SG	G	In %	P+	In %	Total	In %
Women	7	1	11	37	32	26	4	1	5	20	6	4	0	0	0	118	66 %	36	29 %	154	51%
Men	0	3	6	7	17	23	6	3	8	27	31	12	1	5	1	62	34 %	88	71 %	150	49%
TOTAL	7	4	17	44	49	49	10	4	13	47	37	16	1	5	1	180	100 %	124	100 %	304	100 %

It is also noteworthy that, of the seven positions at Director-level or above, none are held by a woman.

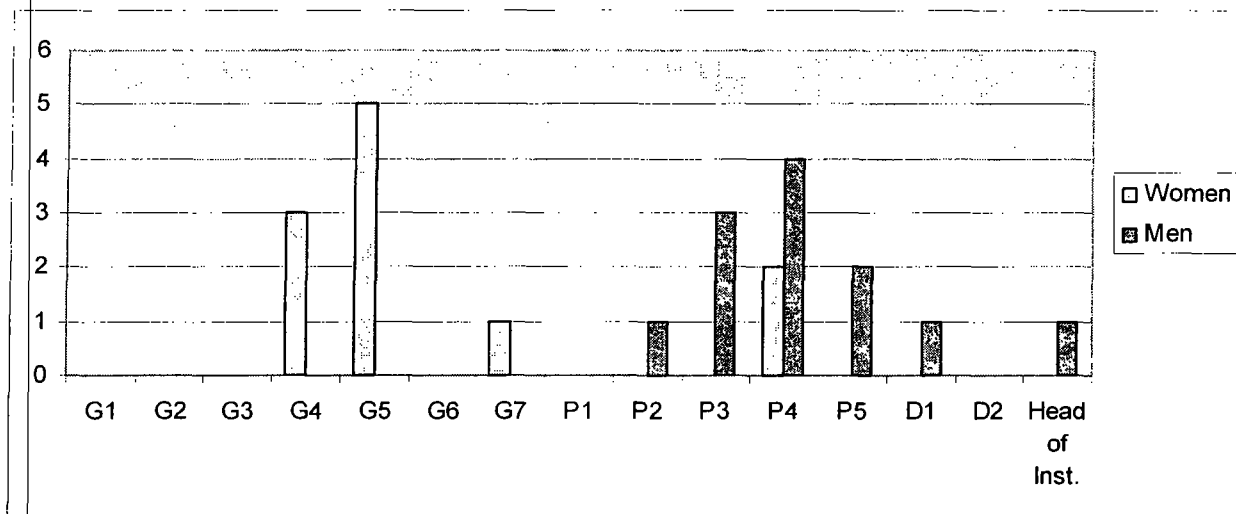
**4.2 Office of Democratic Institutions and Human Rights (ODIHR)**

The total staff of the ODIHR numbers 95 persons. In terms of leadership jobs, there is one woman at management level (P5 and above) out of six positions. In lower P-Level jobs, there is a reasonable gender balance amongst the professional staff. However, what is striking about the statistics for the ODIHR is the imbalance in the G-staff category: the Office employs almost 3 times more women than men at this level.

	G1	G2	G3	G4	G5	G6	G7	P1	P2	P3	P4	P5	D1	D2	H. Inst.	G	In %	P+	In %	Total	In %
Women	0	0	2	3	23	3	4	1	7	8	4	1	0	0	0	35	74%	21	44%	56	59%
Men	0	1	1	2	5	3	0	2	4	8	8	3	1	0	1	12	26%	27	56%	39	41%
TOTAL	0	1	3	5	28	6	4	3	11	16	12	4	1	0	1	47	100%	48	100%	95	100%

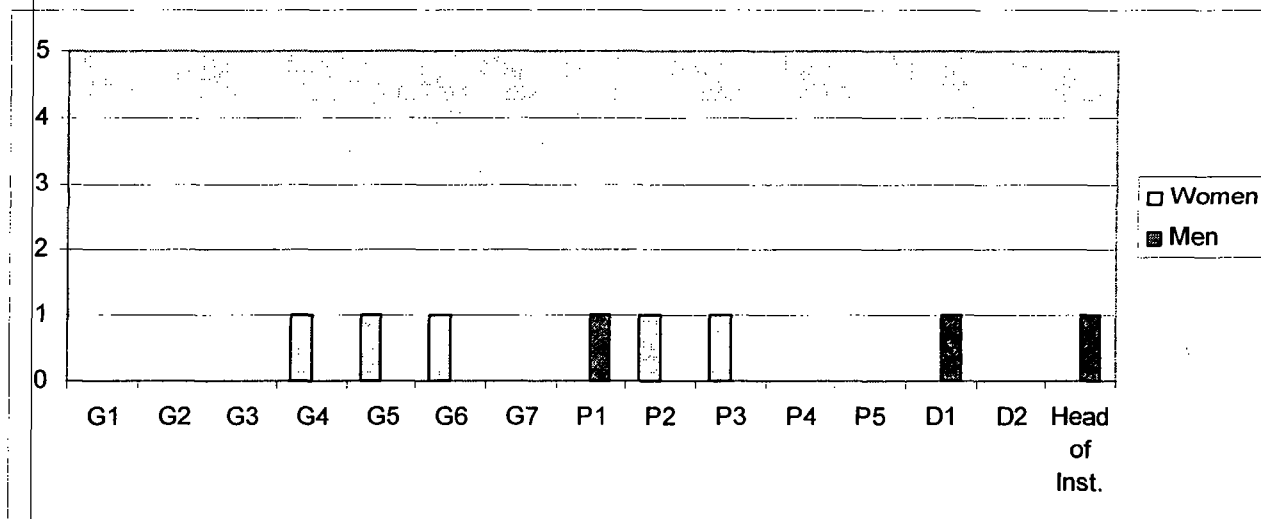
**4.3 Office of the High Commissioner on National Minorities (HCNM)**

At first glance, the Office of the High Commissioner on National Minorities (HCNM) seems to have achieved a perfect 50-50 gender balance among its staff of 22. However, very few of the P-level positions are held by women – in fact, out of 11 P-level positions, only two are held by women, leaving the HCNM far below the 35% average for the Secretariat and Institutions as a whole. Additionally both the Director and HCNM are male. The balanced overall figures derive from the fact that, against the low number of women in P+ positions, *all nine* G-level positions are held by women.



**4.4 Office of the Representative on Freedom of the Media**

The Office of the Representative on Freedom of the Media has a majority of five women on its staff of eight. While the three G-level positions are occupied by women, there is a majority of women in P-level positions also. That said, the Head of Institution and Director positions (D+ positions) are both held by men.



#### 4.5 Field Missions

The situation in the Field Missions is quite variable – the distribution ranges from 88% women on the staff in the smallest operation, the Office in Minsk, to only 33% in Kosovo, the OSCE's largest field operation.

Local Staff in Field Operations Field Operation	Percentage		Number		Total
	Men	Women	Men	Women	
OSCE Presence in Albania	52%	48%	40	37	77
OSCE Centre in Almaty	25%	75%	3	9	12
OSCE Centre in Ashgabad	50%	50%	8	8	16
OSCE Centre in Baku	50%	50%	6	6	12
OSCE Centre in Bishkek	55%	45%	22	18	40
OSCE Mission to Bosnia and Herzegovina	49%	51%	274	284	558
OSCE Mission to Croatia	38%	62%	51	83	134
OSCE Centre in Dushanbe	54%	46%	38	33	71
OSCE Representative to the Estonian Commission on Military Pensioners	0%	0%	0	0	0
OSCE Mission to Georgia	59%	41%	81	57	138
OSCE Mission to Kosovo	67%	33%	442	217	659
OSCE Office in Minsk	12%	88%	1	7	8
OSCE Mission to Moldova	41%	59%	9	13	22
OSCE Mission to Montenegro	41%	59%	12	17	29
OSCE Mission to Serbia	50%	50%	61	61	122
OSCE Spillover Monitor Mission to Skopje	61%	39%	117	76	193
OSCE Project Co-ordinator in Uzbekistan	58%	42%	7	5	12
OSCE Project Co-ordinator in Ukraine	33%	67%	3	6	9
OSCE Office in Yerevan	29%	71%	7	17	24
Pers. Representative of the CiO on the Conflict dealt with by the Minsk Conference	45%	55%	5	6	11
<b>Grand Total</b>	<b>55%</b>	<b>45%</b>	<b>1187</b>	<b>960</b>	<b>2147</b>

OSCE PA GENDER REPORT 2007

However, there is a repetition of the pattern noted in the Secretariat and Governmental Institutions in relation to women in leadership positions across the Field Missions. Women occupy only 18% of senior management positions, and as one moves up the chain of responsibility, the percentages continue to decrease.

Field Operations	Heads of Field Operations/Institutions		Deputy Heads of Field Operations		Other Senior Management*		Total	
	M	F	M	F	M	F	M	F
OSCE Presence in Albania	1		1		1	2	3	2
OSCE Centre in Almaty	1				1		2	0
OSCE Centre in Ashgabad	1				1		2	0
OSCE Office in Baku	1		1				2	0
OSCE Centre in Bishkek	1			1	1	1	2	2
OSCE Mission to Bosnia and Herzegovina	1		1		15	4	17	4
OSCE Mission to Croatia	1		1		4	5	6	5
OSCE Centre in Dushanbe			1		1		2	0
OSCE Representative to the Estonian Commission on Military Pensioners					1		1	0
OSCE Mission to Georgia	1		1		6		8	0
OSCE Mission in Kosovo	1		1		27	5	29	5
OSCE Office in Minsk	1		1				2	0
OSCE Mission to Moldova	1		1				2	0
OSCE Mission to Montenegro		1	1				1	1
OSCE Mission to Serbia	1		1				2	0
OSCE Spillover Monitor Mission to Skopje				1	11	2	11	3
OSCE Project Co-	1						1	0

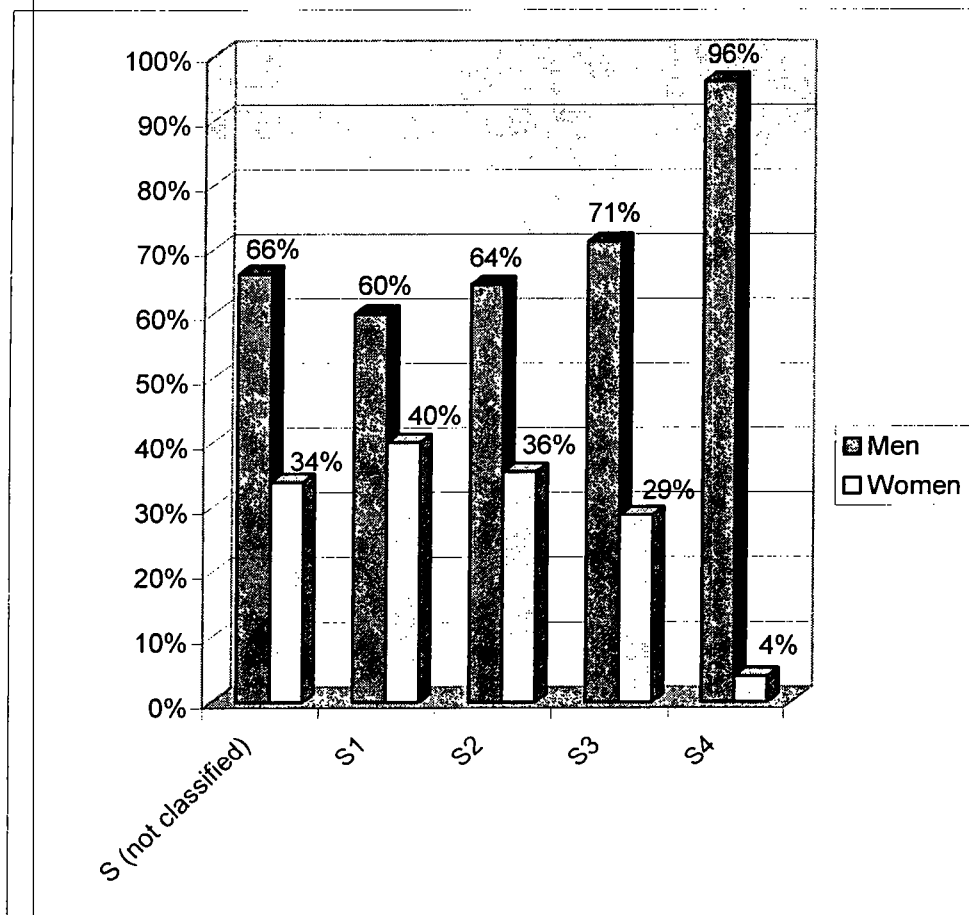


## OSCE PA GENDER REPORT 2007

ordinator in Uzbekistan								
OSCE Project Co-ordinator in Ukraine	1				1		2	0
Office in Yerevan	1		1				2	0
Personal Representative of the Chairman-in-Office on the Conflict dealt with by the Minsk Conference	1						1	0
Total	16	1	12	2	70	19	98	22
In Percent	94%	6%	86%	14%	79%	21%	82%	18%

#### 4.6 Seconded Posts (Secretariat, Institutions, and Field Missions) \*

The seconded posts across the organization show much the same distribution as the overall pattern, in that the higher the level of the post, the greater the percentage of the men employed in it. However, in the seconded posts the dominance of male staff is apparent from the most junior positions (S and S-1) right through to the most senior (S4).



\* Seconded posts are not classified, therefore not included in the standard system of grades.

## 5 Gender in Documents of the OSCE

Unfortunately, the issue of gender equality appears to be less and less prominent on the agenda of the OSCE participating States, most notably in the Permanent Council in Vienna. This decreasing consideration of gender issues is also reflected in the relative lack of attention paid to gender in the 2006 Ministerial Council Documents.

The 2004 OSCE Gender Action Plan has improved working conditions in the OSCE with regards to certain issues, but improvements in the Staff Rules are needed in order to make the OSCE an organization where women want to work.

### *5.1 The OSCE Gender Action Plan 2004*

The 2004 OSCE Action Plan for the Promotion of Gender Equality is the primary OSCE document guiding gender policy, and seeks to enable new strategies for advancing the implementation of gender equality within the OSCE and in OSCE participating States. For that purpose, it reinforces the concept of gender mainstreaming, understood as incorporating the gender perspective “in the Organization’s activities, projects and programmes.”<sup>17</sup> While the OSCE Gender Action Plan tackles the issue of recruitment, it neglects to acknowledge the importance of enabling the necessary internal regulations to make the OSCE an organization where women want to work.

The Staff Rules, which have been amended a number of times in recent years, are still lacking as regards gender. For example, an issue that affects women to a great extent is the non-family status of the Missions. Mission members have the full responsibility for their families. According to the staff regulations, however, they shall not be allowed to establish their families in a duty station which the Secretary General has declared as not secure to establish families. This kind of provision encourages only young people with no family obligations to apply for positions. As women still bear a greater burden within the family and the household, they are more negatively affected by this provision than men. The statistics clearly show that fewer women seek employment within the OSCE Field Missions.

Also regarding the staff rules for maternity/paternity leave, improvements are needed. Female OSCE officials are entitled to maternity leave of sixteen consecutive weeks. If the OSCE wants to set an example, it should consider extending maternity leave for a longer period and also a full paid paternity leave of at least three months (minimum under European Law) in order to eliminate stereotyped roles for men and women. Currently, special leave of paternity is only possible for four days and parental leave can only extend beyond the four days when both parents are OSCE officials.

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<sup>17</sup> Available at [http://www.osce.org/documents/mcs/2004/12/3917\\_en.pdf](http://www.osce.org/documents/mcs/2004/12/3917_en.pdf)

### *5.2 Ministerial Council Documents 2005*

In July 2005, the OSCE Parliamentary Assembly passed a resolution on 'Improving Gender Equality in the OSCE', and presented a number of recommendations aimed at the OSCE Governmental Institutions.<sup>18</sup>

The December 2005 Ministerial Council, held in Ljubljana, subsequently tasked the Permanent Council to report to the next year's Ministerial meeting on "ways of further improving the professionalism of OSCE personnel and the management of its human resources, with due regard to the gender and geographical balance".<sup>19</sup> Reflecting some of the recommendations put forward by the OSCE Parliamentary Assembly in its Washington Declaration of July 2005, the 2005 Ljubljana Ministerial Council committed to implement the 2004 Gender Action Plan, to encourage women to apply especially for senior management positions and field management positions, and to raise awareness concerning the importance of their involvement in political processes. It also called on participating States to nominate more women as heads of institutions and senior positions in the OSCE.<sup>20</sup>

### *5.3 Ministerial Council Documents 2006*

At the 2006 Ministerial Council meeting held in Brussels, the Permanent Council duly referred to the gender balance in the OSCE – however, the issue was treated rather summarily.

It was acknowledged that "there is a perceived need to ensure [...] a better gender balance at the various levels of staff serving the OSCE"; the idea of taking gradual steps towards increasing the number of contracted positions in the organization (taking into account cost restraints) was suggested as a possible way of tackling the gender imbalance.<sup>21</sup> Despite the fact that in 2005 the Ministerial Council declared a determination "to make an effective gender mainstreaming an integral part of all policies, activities and programmes in the OSCE",<sup>22</sup> the 2006 meeting of the Ministers did not devote a lot of time to following up on gender mainstreaming within the OSCE. In the relevant decision, 'Strengthening the Effectiveness of the OSCE', gender is treated in one phrase where "the need to promote gender balance of personnel...at the various levels" is merely acknowledged.<sup>23</sup>

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<sup>18</sup> For further discussion of this resolution, please see Chapter 6, below.

<sup>19</sup> MC.DEC/17/05, Strengthening the Effectiveness of the OSCE, Par. 1.

<sup>20</sup> MC.DEC/14/05, Women in Conflict Prevention, Crisis Management and Post-Conflict Rehabilitation.

<sup>21</sup> Report on the Implementation of the First Operative Paragraph of Ljubljana Ministerial Council Decision No. 17/05, Chapter Three: Administration

<sup>22</sup> MC.DEC/17/05, Strengthening the Effectiveness of the OSCE.

<sup>23</sup> MC.DEC/19/06, Strengthening the Effectiveness of the OSCE, Section 1, para. 4

## **6 Gender in the OSCE PA**

### ***6.1 Gender in Documents of the OSCE PA***

#### **Washington Declaration 2005**

In the final Declaration of the 2005 Annual Session in Washington, the OSCE PA pointed out that gender equality must be reflected at all stages of decision-making processes.<sup>24</sup> It welcomed the Gender Action Plan adopted at the 2004 Ministerial Council and called upon participating States and the OSCE Secretary General to promote the recruitment of women candidates within the OSCE, especially at higher levels.<sup>25</sup> The Declaration urges parliaments to obtain gender balance in the national delegations to the OSCE PA.<sup>26</sup>

Furthermore, the Washington Declaration calls upon the OSCE participating States to combat the causes of trafficking in human beings and to ensure that International Peacekeeping Forces do not engage in or facilitate trafficking in human beings, sexual exploitation or abuse.<sup>27</sup>

The OSCE PA urged the Ministerial Council to adopt a decision on guidelines and codes of conduct that forbid these crimes and which can be enforced on mission members who violate them. The association between prostitution and trafficking in women and children was recognized, and therefore, a Code of Conduct for OSCE mission members should prohibit the purchase of sexual services, the Assembly stated.<sup>28</sup>

### ***6.2 Gender in the Assembly Bureau***

After a change of the Rules of Procedure in 2007, the Bureau no longer only includes the President, Vice-Presidents, Treasurer and President Emeritus, but also the Officers of the General Committees. This means that the presentation of the statistics for the Bureau members is slightly different from previous years. For 2007, the statistics for all Bureau members is as follows: the Bureau has a total Membership of 21, out of which six are women. This is a percentage of 28.6 percent.

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<sup>24</sup> OSCE PA Washington Declaration, Chapter III, Par. 54

<sup>25</sup> [http://www.osce.org/documents/mcs/2004/12/3917\\_en.pdf](http://www.osce.org/documents/mcs/2004/12/3917_en.pdf). For further discussion of these recommendations and OSCE response, please see Chapter 5, above.

<sup>26</sup> OSCE PA Resolution on Improving Gender Equality in the OSCE, Washington Declaration, Par.6-11

<sup>27</sup> OSCE PA Resolution on Combating Trafficking in Human Beings, Washington Declaration and OSCE PA Resolution on Combating Involvement in Trafficking in Human Beings and Sexual Exploitation and Abuse by International Peacekeeping Forces, Washington Declaration, Par. 11.

<sup>28</sup> OSCE PA Resolution on the Need to Strengthen the Code of Conduct for OSCE Mission Members, Washington Declaration, Par. 10

### ***6.3 Female Presidents and Vice-Presidents in the OSCE PA***

Since 1992, only one out of seven presidents of the OSCE PA has been female: Helle Degn from 1998-2000.

From 1992-2007 the Assembly had 44 Vice-Presidents, of which 11 have been female, which makes 25 percent. Of the current Vice-Presidents four are female, which equals 44.4 percent.

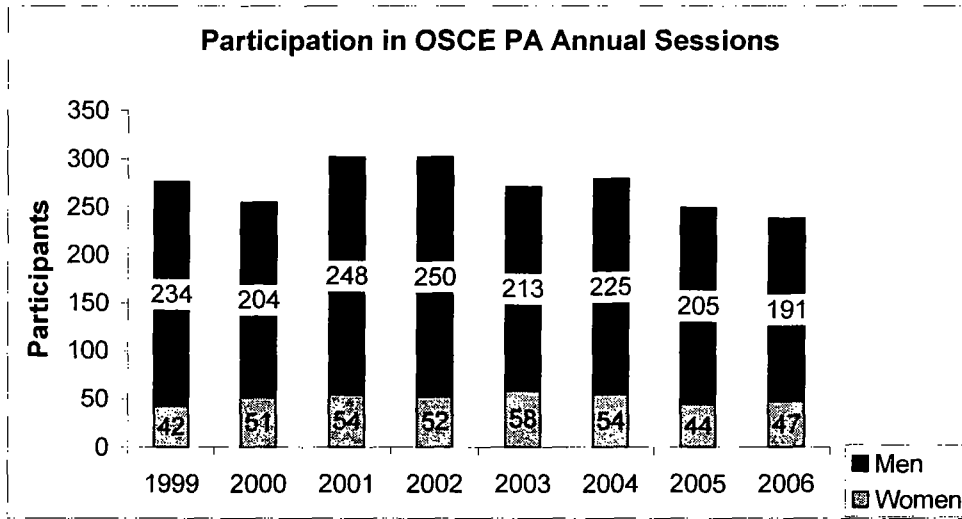
### ***6.4 Officers of the OSCE PA General Committees***

In 2007, two out of nine Committee Officers were women, or 22.2 percent – this is one less Member than the previous year. The difference in composition of the Committees is notable in that women are strongly underrepresented in the General Committee on Political Affairs and Security. Since 1992 there has been only one female Officer in the first Committee, Tarja Halonen in 1994. Currently, only the Third General Committee has women Officers.

**6.5 Participation in OSCE PA Meetings**

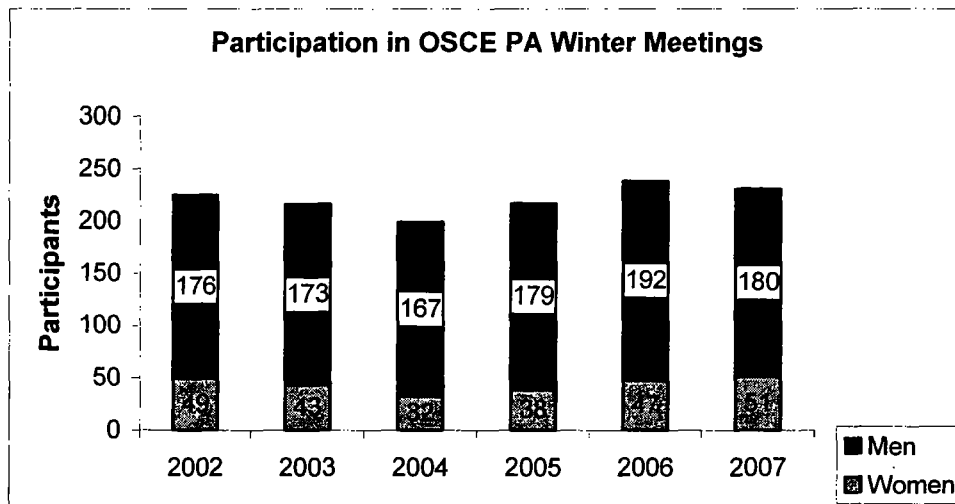
The following charts show the general attendance at the OSCE PA's Meetings and the ratio between male and female parliamentary participants.

**6.5.1 Annual Sessions**



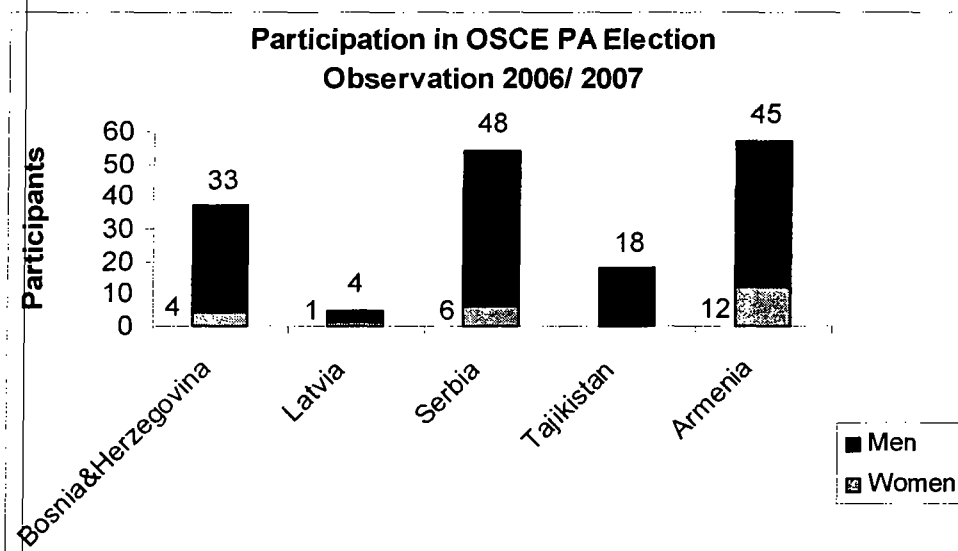
The chart above shows a slight increase in the proportion of female parliamentarians at the OSCE PA Annual Session in 2006. The percentage of women attending was 19.7 percent, slightly more than the average female attendance rate of 18.36 percent.

**6.5.2 Winter Meetings**



The gender statistics on the Assembly's Winter Meetings show that the 2007 Winter Meeting witnessed the highest number of female participants within six years with an attendance rate of 22 percent. This is three percent above the average attendance rate of 19.2 percent.

### 6.5.3 Participation in OSCE PA Election Observation 2006/2007



Data concerning female participation in OSCE PA election observation shows that in 2006/2007 the number of female parliamentarians taking part remains low with an average of only 12.6 percent.

### 6.6 Permanent Staff of the OSCE PA International Secretariat

Six out of fifteen staff members (40 percent) are women. The Secretary General and one of the Deputy Secretaries General are male, the other Deputy Secretary General is a woman.

### 6.7 The International Research-Fellowship Programme

The International Secretariat of the OSCE Parliamentary Assembly has a Research Fellowship programme in which it engages graduate students for a period of six-months each to gain practical experience in the field of international affairs. The Assembly, in turn, benefits from an increased language capacity as well as a strong research capability. This programme, run by the International Secretariat, is an excellent example of gender balance.



There are six research fellows working at the International Secretariat in Copenhagen, and two in the Vienna Liaison Office. During the last twelve years 75 male and 79 female research fellows have participated in the programme, which totals 51 percent female representation. The International Secretariat has managed a nearly equal gender balance within the programme over twelve years, which is a great success.

### *6.8 Female Representation in National Parliaments in OSCE Countries*

The female representation at the OSCE PA Meetings has to be seen in the light of the general representation of women in national parliaments within OSCE countries. The table in the Appendix A shows the disaggregated data for each OSCE participating State.<sup>29</sup>

Two OSCE countries show a remarkable improvement regarding the numbers of women in parliament. After the last elections, the number of female parliamentarians rose from 23 to 34 in the Former Yugoslav Republic of Macedonia, and from 7 to 12 in Armenia.

Female representation in the national parliaments within the OSCE region, 19.2 percent, is slightly above the world-wide average of 17.1 percent.

### *6.9 Conclusion*

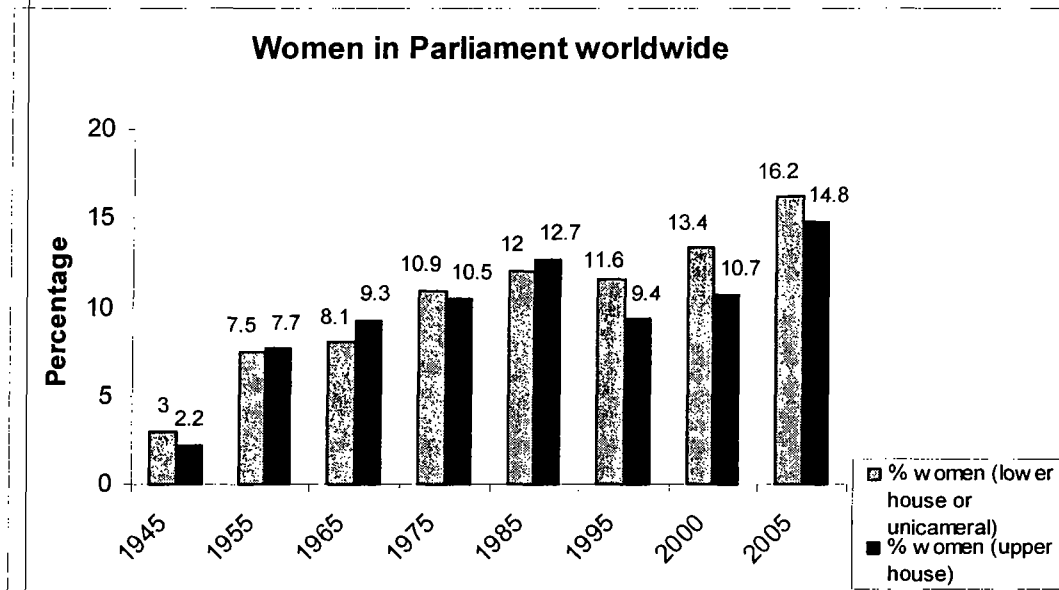
Comparing the overall female representation in the OSCE PA in percentage over the last few years, participation hovers around 17.9 percent. The average percentage of women's representation in the national parliaments (in both chambers, when existing) within the OSCE countries is 19.1 percent.

In conclusion, there is still room for improvement when it comes to women's participation in OSCE PA meetings, but an increase of women's participation on a higher scale is of course closely linked to the representation of women within the national parliaments in OSCE participating States and would require improvements also at the national level.

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<sup>29</sup> See Appendix A, Women in Parliament in OSCE Countries

### 6.10 Women in Parliament World-wide



Women's representation in parliaments has been steadily growing over the last decades. In 1975, the First World Conference on Women took place in Mexico City. At that time, women accounted for only 10.9 percent of parliamentarians world-wide. Ten years later, this number had only increased by 1 percent. In 1995, women's representation had increased to 11.6 percent. In the same year the Fourth World Conference on Women was held in Beijing, where the Beijing Platform for Action was adopted. Five years later, in 2000, the percentage had increased to 13.4 percent of women parliamentarians in the lower Houses of Parliament and unicameral parliaments. Last year, in April 2006, this number had increased to 16.7 percent, and as of May 2007, 17.3 percent was reached in the lower or unicameral houses. In May 2007, eight countries worldwide had no women in their parliaments: Kyrgyzstan, the Federated States of Micronesia, Nauru, Qatar, Saint Kitts and Nevis, Saudi Arabia, the Solomon Islands, Tuvalu and the United Arab Emirates. Although Bahrain has no women in its lower house, six women have been appointed to the upper house.

#### More women make it to the top

The world-wide statistics show that the number of female parliamentarians in 2006 reached 16.7 percent – an all time high. In 23 countries gender quotas were used to bolster women's participation. In those countries with gender quotas, women took 21.7 percent of seats as opposed to 11.8 per cent in countries without.

In January 2007, the number of women speakers of parliament was higher than ever before. Women head parliaments in 35 countries. Still women speakers make up only 13.4 percent worldwide.

By 2006, 19 parliaments had reached the critical-mass target established in the Beijing Platform for Action, of 30 percent women. Sweden elected the highest number of women ever to its parliament. Women now hold 47.3 percent of parliamentary seats there – the second highest percentage in the world after Rwanda, where women occupy 48.8 percent of seats in the Lower House. Challenging Nordic dominance is Costa Rica, which elected a parliament of 38.6 percent women. Costa Rica is the only Latin American country ranked among the top five nations in electing women to parliament. Close behind is the Netherlands, which has maintained a rate of female representation of over 33 percent over the last ten years, and Austria, which, although registering a slight decrease, elected more than 32 percent women.<sup>30</sup>

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<sup>30</sup> IPU: World Classification of Women in National Parliaments

## 7 Conclusion

This report must conclude an almost unchanged situation with regard to gender representation within the OSCE, compared with last year. With reference to the OSCE Institutions and Field Missions, slight improvements have occurred, but gender equality is far from being reached. Women generally do not hold senior level positions, even though they represent half of the staff of OSCE Institutions overall. The major gender imbalance lies within the top positions in OSCE Institutions as well as Field Missions, where women are significantly underrepresented.

The way in which the 2006 Ministerial Council referred to gender mainstreaming and gender balance within the OSCE was disappointing. In the relevant decision, 'Strengthening the Effectiveness of the OSCE', gender remained a rather generalized side issue.

Concerning the OSCE Parliamentary Assembly activities, there is a stable and low participation of women. An increase in women's participation on a higher scale can only be achieved by increasing the participation of women within national parliaments of OSCE participating States.

## Appendix A

Women in Parliament in OSCE Countries							
Rank	Country	Lower or single House			Upper House or Senate		
		Seats*	Women	%W	Seats*	Women	%W
1	Sweden	349	165	47,3	---	---	---
2	Norway	169	64	37,9	---	---	---
3	Denmark	179	66	36,9	---	---	---
4	Netherlands	150	55	36,7	75,0	?	?
5	Spain	350	126	36,0	259,0	60	23,2
6	Belgium	150	52	34,7	71,0	27	38,0
7	Austria	183	59	32,2	62,0	17	27,4
8	Iceland	63	20	31,7	---	---	---
9	Germany	614	194	31,6	69,0	15	21,7
10	Belarus	110	32	29,1	58,0	18	31,0
11	Andorra	28	8	28,6	---	---	---
12	The F.Y.R. of Macedonia <sup>i</sup>	120	34	28,3	---	---	---
13	Switzerland	200	50	25,0	46,0	11	23,9
14	Lithuania	141	35	24,8	---	---	---
15	Liechtenstein	25	6	24,0	---	---	---
16	Luxembourg	60	14	23,3	---	---	---
17	Bulgaria	240	53	22,1	---	---	---
18	Estonia	101	22	21,8	---	---	---
19	Republic of Moldova	101	22	21,8	---	---	---
20	Croatia	152	33	21,7	---	---	---
21	Portugal	230	49	21,3	---	---	---
22	Canada	308	64	20,8	100,0	35	35,0
23	Monaco	24	5	20,8	---	---	---
24	Poland	460	94	20,4	100,0	13	13,0
25	Serbia	250	51	20,4	---	---	---
26	United Kingdom	646	127	19,7	751,0	142	18,9
27	Slovakia	150	29	19,3	---	---	---
28	Latvia	100	19	19,0	---	---	---
29	Tajikistan	63	11	17,5	34,0	8	23,5
30	Uzbekistan	120	21	17,5	100,0	15	15,0
31	Italy	630	109	17,3	322,0	44	13,7
32	United States of America	435	71	16,3	100,0	16	16,0
33	Turkmenistan	50	8	16,0	---	---	---

<sup>i</sup> Number of women in parliament risen from 23 to 34

OSCE PA GENDER REPORT 2007

34	Czech Republic	200	31	15,5	81,0	12	14,8
35	Bosnia and Herzegovina	42	6	14,3	15,0	2	13,3
36	Cyprus	56	8	14,3	---	---	---
37	Ireland	166	22	13,3	60,0	10	16,7
38	Greece	300	39	13,0	---	---	---
39	France	574	70	12,2	331,0	56	16,9
40	Slovenia	90	11	12,2	40,0	3	7,5
41	Azerbaijan	124	14	11,3	---	---	---
42	Romania	331	37	11,2	137,0	13	9,5
43	Hungary	386	40	10,4	---	---	---
44	Kazakhstan	77	8	10,4	39,0	2	5,1
45	Russian Federation	447	44	9,8	178,0	6	3,4
46	Georgia	235	22	9,4	---	---	---
47	Armenia <sup>ii</sup>	131	12	9,2	---	---	---
48	Malta	65	6	9,2	---	---	---
49	Ukraine	450	39	8,7	---	---	---
50	Montenegro	81	7	8,6	---	---	---
51	Albania	140	10	7,1	---	---	---
52	Turkey	550	24	4,4	---	---	---
53	Kyrgyzstan	72	0	0,0	---	---	---
				19,74			18,45

The overall average of women's representation (both houses) is 19.1%.

\*Figures correspond to the number of seats currently filled in Parliament

<sup>ii</sup> Number of women in parliament risen from 6 to 12

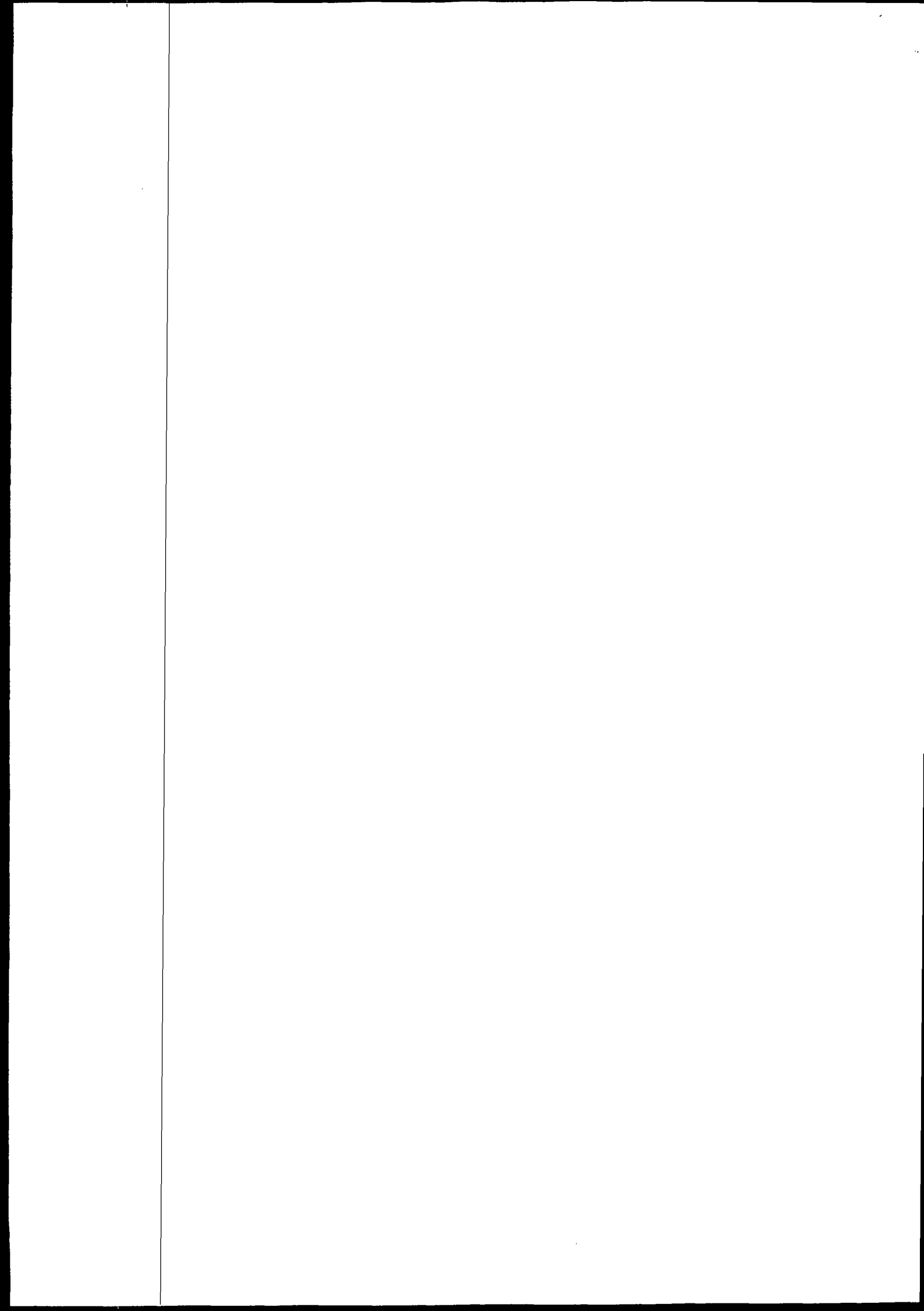


# **REPORT**

**OSCE PA ad hoc Working Group on Belarus**

**Annual Session**

**Kyiv, Ukraine  
July 2007**





## **REPORT**

### **OSCE PA ad hoc Working Group on Belarus**

**Annual Session  
Kyiv, Ukraine  
July 2007**

The OSCE Parliamentary Assembly maintains a firm commitment to work for the normalisation of the relationship between Belarus and the international community and for the complete reintegration of Belarus into the European democratic family to which it belongs.<sup>1</sup>

The OSCE Parliamentary Assembly's Ad Hoc Working Group on Belarus was appointed in October 1998 in order to assist with the development of democracy in Belarus and facilitate national reconciliation. The main aim of the Working Group has been to facilitate dialogue between the Government and opposition of Belarus in an attempt to promote free and fair election processes and aid in the development of democracy. In all of its meetings, the Group has stressed the importance of participation in the OSCE process and the need to find peaceful, inclusive solutions to the country's various political problems.

Since its creation, the Ad Hoc Working Group on Belarus has been very active in promoting democracy and maintaining the dialogue with the Belarusian authorities. Chaired by Ms. Uta Zapf, the Group has visited Belarus regularly over the years, meeting with parliamentarians, government officials, political opposition groups and representatives of civil society in the country. The visits to Minsk have been organized with the support of the Belarusian National Assembly and the OSCE Office in Minsk.

The Working Group has also organized several side events at OSCE PA meetings, allowing for an exchange of views on the current situation among OSCE PA parliamentarians and representatives of Belarusian political opposition. The last such meeting organized by the Working Group took place on the sidelines of the OSCE PA Annual Session in Brussels in July 2006. Members of the Belarusian delegation to the OSCE met and discussed with representatives from the opposition.

During the course of the OSCE PA's Annual Session in Edinburgh in July 2004, the OSCE PA Working Group on Belarus signed a joint declaration. In this declaration, parliamentarians from the Working Group on Belarus and the Belarusian Delegation to the OSCE PA declared their commitment to OSCE standards, and to strengthening cooperation between the Working Group and the Belarusian Delegation to the OSCE PA. Much to the disappointment of the members of

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<sup>1</sup> Resolution on Belarus, Bucharest Declaration, 10 July 2000,  
<http://www.oscepa.org/admin/getbinary.asp?FileID=116>

the Working Group, the first Seminar could only take place in Minsk in March 2007. The Seminar focused on "Exploring the Opportunities for Belarus within the European Neighbourhood Policy," and included parliamentarians, European Commission representatives, civil society and government officials. As agreed upon in the Edinburgh declaration, this Seminar is part of series of joint events to be carried out in Minsk, with the participation of a wide variety of political forces. The next such seminar is planned for Autumn 2007 in Minsk, after consultations between the Belarusian Delegation and the Working Group on the sidelines of the OSCE Annual Session in Kyiv in July 2007.

**Members of the Working Group:**

Ms. Uta Zapf (Germany), Chair  
Lord Fred Ponsonby (United Kingdom)  
Mr. Kristian Pihl Lorentzen (Denmark)  
Mr. Morten Hoeglund (Norway)  
Mr. Vahan Hovhannisyan (Armenia)

**Annexes:**

- Annex 1: Joint Declaration of the OSCE PA Working Group on Belarus and the Belarusian Delegation to the OSCE PA, Edinburgh, July 2004 (Russia and English)
- Annex 2: Press Release: OSCE Parliamentary Assembly holds a joint Seminar with the Belarusian National Assembly on European Neighbourhood Policy
- Annex 3: Programme for the Joint Seminar on "Exploring the Opportunities for Belarus within the European Neighbourhood Policy" (English and Russian)
- Annex 4: List of invitees for the Joint Seminar on "Exploring the Opportunities for Belarus within the European Neighbourhood Policy" (English and Russian)

## Joint Declaration

of

### The OSCE PA Working Group on Belarus The Belarusian Delegation to the OSCE PA

We, as parliamentarians, declare that we will contribute to making the forthcoming parliamentary elections in the Republic of Belarus meet OSCE standards for free and fair elections. We want for the newly elected Parliament to be both acknowledged and respected following such elections.

We refer to the recommendations of the Needs Assessment Mission report of the OSCE Office for Democratic Institutions and Human Rights following the visit of 14-16 June 2004 and expect the Central Election Commission and Belarusian authorities to observe these recommendations.

Among OSCE standards for elections are fair access to the media for all candidates, balanced coverage of the election campaign in State-run media, and assurance of political diversity in election commissions at all levels. All candidates should be able to engage in their election campaign freely.

We welcome the presence of international observers, including from the OSCE.

We want to strengthen the cooperation between the Belarusian Delegation to the OSCE PA and the Working Group on Belarus by intensifying our work. In this connection, we have agreed to organise a series of seminars, to be carried out in Minsk, with the participation of a wide variety of political forces, on the following topics:

- Further improving the climate of foreign direct investment in Belarus.
- Exploring the opportunities for Belarus within the European Neighborhood Policy.
- Developing the independent media in the OSCE participating States and in Belarus.

In this way, we are showing our willingness to engage in and develop a fruitful cooperation.

Ms. Uta Zapf  
Chair  
OSCE PA Working Group on Belarus

Mr. Mikhail Orda  
Head of the Belarusian Delegation  
to the OSCE PA

*M. Zapf*

*Mikhail Orda*

## Совместное заявление

### Рабочей группы ПА ОБСЕ по Беларуси и Белорусской делегации в ПА ОБСЕ

Мы как парламентарии заявляем, что будем способствовать тому, чтобы предстоящие парламентские выборы в Республике Беларусь соответствовали стандартам ОБСЕ по свободным и справедливым выборам. Мы хотим, чтобы вновь избранный Парламент после таких выборов был признанным и уважаемым.

Мы ссылаемся на рекомендации, содержащиеся в докладе Миссии по определению потребностей Бюро по демократическим институтам и правам человека ОБСЕ, который был составлен по итогам визита от 14-16 июня 2004 года, и ожидаем, что Центральная избирательная комиссия и белорусские власти будут придерживаться этих рекомендаций.

Среди стандартов ОБСЕ по выборам есть справедливый доступ к СМИ для всех кандидатов, сбалансированное освещение избирательной кампании в государственных СМИ, а также обеспечение политического разнообразия в избирательных комиссиях всех уровней. Все кандидаты должны иметь возможность свободно проводить свою избирательную кампанию.

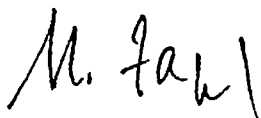
Мы приветствуем присутствие международных наблюдателей, включая наблюдателей от ОБСЕ.

Мы хотим укрепить сотрудничество между белорусской делегацией в ПА ОБСЕ и рабочей группой по Беларуси посредством интенсификации нашей работы. В этой связи мы договорились об организации серии семинаров в Минске с участием представителей широкого спектра политических сил по следующим вопросам:

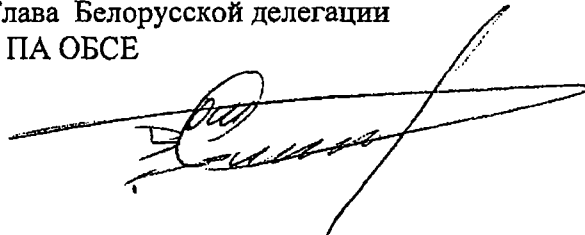
- Дальнейшее улучшение климата прямых иностранных инвестиций в Беларусь.
- Изучение возможностей для Республики Беларусь в рамках Политики Европейского Соседства.
- Развитие независимых СМИ в странах – участницах ОБСЕ и Беларуси.

Таким образом мы демонстрируем нашу готовность развивать плодотворное сотрудничество.

Г-жа Ута Цапф  
Председатель  
Рабочая группа по Беларуси ПА ОБСЕ



Г-н Михаил Орда  
Глава Белорусской делегации  
в ПА ОБСЕ



**PRESS RELEASE**

**OSCE Parliamentary Assembly holds a joint Seminar with the Belarusian National Assembly on European Neighborhood Policy**



Minsk, 15 March 2007 - The parliamentary Seminar, a joint venture between the OSCE PA and the Belarusian National Assembly, was a one-day event in Minsk, held at the Belarusian National Library in Minsk. The Seminar drew attention to a variety of views from within the European Union, including new EU Member States and neighboring countries, as well as a variety of views from within Belarus.

"The topic of our joint Seminar represents an issue of vital interest to Belarus and all its citizens. We hope this to be the first of a series of steps to be taken by Belarus to

review its relationship to European standards and its own OSCE commitments" - commented Ms. Zapf, Chair of the OSCE PA Working Group on Belarus.

The Working Group and the Belarusian Delegation each invited participants to this event. Participants included parliamentarians, European Commission representatives in the region, civil society representatives and government officials from Belarus.

"It is regrettable that some civil society representatives, invited by the Working Group, chose not to participate today and share their point of view," commented the Chair of the Group.

While the Seminar was open to media, accredited to the Belarusian National Assembly, the Working Group was made aware of access difficulties for some media outlets.

The framework for this and other joint seminars of this kind was established in 2004, at the OSCE PA Annual Session where the Belarusian National Assembly's Delegation and the OSCE PA Working Group committed to a Joint Declaration. Members of the OSCE PA Working Group, Ms. Uta Zapf (Chair of the Group, Germany) and Mr. Kristian Pihl Lorentzen (MP Denmark) participated in the Seminar, organized in close consultation with the OSCE Office in Minsk.

The Working Group is looking forward to organizing the next event, within this framework, in the coming months in Minsk.

During this week's visit to Belarus, the OSCE PA Working Group Members also met with political party representatives, media and civil society representatives, and families of the prosecuted and the disappeared politicians

**“Exploring the Opportunities for Belarus  
within the European Neighborhood Policy”**

Organised by the OSCE PA Working Group on Belarus together with  
the Belarusian Delegation to the OSCE PA

15 March 2007

Belarusian National Library (Summits Hall), Minsk

**Draft Programme**

**10:00 Opening Session: Welcoming remarks**

10:00-10:15 Mr. S.M. Zabolotets, Head of the Belarusian Delegation to the OSCE PA

10:15-10:30 Ms. Uta Zapf, Chair of the OSCE PA Working Group on Belarus

**10:30 Session 1: The European Neighborhood Policy: the view from within the EU and Belarus**

**Co-chairs:** *Mr. Kristian Pihl Lorentzen, Member of the OSCE PA Working Group on Belarus*

**Co-chair:** *Mr. Mikhail Orda, Member of the Belarusian Delegation to the OSCE PA*

10:30-10:45 Mr. Jean-Eric Holzapfel, Coordinator of the Relations with the Republic of  
Belarus, Delegation of the European Commission

10:45-11:00 Mr. Vladimir Serpikov, Deputy Head of Europe Department, Ministry of  
Foreign Affairs of Belarus

11:00-11:15 Mr. Martin Hecker, Ambassador of the Federal Republic of Germany to the Republic of Belarus,  
on behalf of the German EU Presidency

11:15-11:30 Mr. Anatoly Krasutsky, Member of the House of Representatives, National Assembly  
of Belarus

11:30-12:00 Discussion (not more than 4 minutes, 3 participants from each side)

**12:00 Coffee Break**

**12:15 Session 2: The European Neighborhood Policy: a “neighbourhood concept” on the regional and  
sub-regional level – views of neighboring States**

**Co-chairs:** *Mr. Kristian Pihl Lorentzen, Member of the OSCE PA Working Group on Belarus*

**Co-chair:** *Ms. Natalia Andreichik, Member of the Belarusian Delegation to the OSCE PA*

12:15-12:30 Mr. Nikolai Kruglov, Member of the Ukrainian Parliament

12:30-12:45 Mr. Krzysztof Sikora, Member of the Polish Parliament

12:45-13:00 Mr. Konstantin Sumar, Member of the Council of the Federation, National  
Assembly, Belarus

13:00-13:30 Discussion (not more than 4 minutes each, 3 participants from each side)

**13:30 Lunch (offered by the Belarusian Delegation to the OSCE PA)**

**14:30 Session 3: The European Neighborhood Policy: prospects for Belarus**

**Co-chair:** *Ms. Uta Zapf, Chair of the OSCE PA Working Group on Belarus*

**Co-chair:** *Mr. Sergei Zabolotets, Head of the Belarusian Delegation to the OSCE PA*

14:30-14:45 Mr. Vladimir Ulakhovich, Director of International Research Centre under the  
Belarusian State University

14:45-15:00 Mr. Jean-Eric Holzapfel, Coordinator of the Relations with the Republic of  
Belarus, Delegation of the European Commission

15:00-15:15 Professor Leonid Zaiko, Head of Analytical Centre Strategia

15:15-15:30 Mr. Vladimir Shimov, Dean of the Belarusian State Economics University

15:30-16:00 Discussion(not more than 4 minutes each, 3 participants from each side)

**16:00 Closing Session: Next steps**

**Co-chair:** *Ms. Uta Zapf, Chair of the OSCE PA Working Group on Belarus*

**Co-chair:** *Mr. Sergei Zabolotets, Head of the Belarusian Delegation to the OSCE PA*

16:00-17:00 Concluding remarks by seminar participants (not more than 3 minutes each)

17:00-17:15 Concluding remarks by Ms. Zapf, Chair of the Working Group on Belarus

17:15-17:30 Concluding remarks of Mr. S.M. Zabolotets, Head of the Belarusian Delegation to the OSCE PA

**17:30 Reception for seminar guests (offered by the Belarusian Delegation to the OSCE PA)**

**”Изучение возможностей для Республики Беларусь в рамках Европейской политики соседства“**  
Семинар организован делегацией Национального собрания Республики Беларусь в ПА ОБСЕ совместно с  
Рабочей группой ПА ОБСЕ по Беларуси

15 марта 2007 года

Национальная библиотека Республики Беларусь (Зал саммитов), Минск

**ПРОГРАММА**

- 10.00 Сессия открытия: приветствия**  
10.00 — 10.15 Выступление руководителя делегации Национального собрания Республики Беларусь в ПА ОБСЕ Заболотца С.М.  
10.15 — 10.30 Выступление руководителя Рабочей группы ПА ОБСЕ по Беларуси У.Цапф
- 10.30 Сессия № 1: Европейская политика соседства: представления взглядов из ЕС и Беларуси**  
Сопредседатель: Кристиан Пихл Лоренцен, член Рабочей группы ПА ОБСЕ по Беларуси  
Сопредседатель: М.С.Орда, член делегации Национального собрания Республики Беларусь в ПА ОБСЕ  
10.30 — 10.45 Выступление Жан-Эрик Хольцапфель, координатор по связям с Беларусью Представительства Еврокомиссии в Украине и Беларуси  
10.45 — 11.00 Выступление Серпикова В.М., начальника Управления общеевропейского сотрудничества Главного управления Европы Министерства иностранных дел Республики Беларусь  
11.00 — 11.15 Посол Мартин Хекер, Посол Федеративной Республики Германии в Республике Беларусь  
11.15 — 11.30 Выступление депутата Палаты представителей Национального собрания Республики Беларусь Красуцкого А.В.  
11.30 — 12.00 Дискуссия
- 12.15 Сессия № 2: Европейская политика соседства —реализация ”соседской концепции“ в региональном и субрегиональном форматах: точка зрения стран-соседей**  
Сопредседатель: Кристиан Пихл Лоренцен, член Рабочей группы ПА ОБСЕ по Беларуси  
Сопредседатель: Н.И.Андрейчик, член делегации Национального собрания Республики Беларусь в ПА ОБСЕ  
12.15 — 12.30 Выступление Круглова Н.П., народного депутата Украины  
12.30 — 12.45 Выступление депутата – члена Парламента Польши, Кшиштоф Сикора  
12.45 — 13.00 Выступление члена Совета Республики Национального собрания Республики Беларусь Сумара К.А.  
13.00 — 13.30 Дискуссия
- 12.00 Перерыв на кофе**
- 14.30 Сессия № 3: Европейская политика соседства: перспективы для Беларуси**  
Сопредседатель: У.Цапф, руководитель Рабочей группы ПА ОБСЕ по Беларуси  
Сопредседатель: С.М.Заболотец, руководитель делегации Национального собрания Республики Беларусь в ПА ОБСЕ  
14.30 — 14.45 Выступление Улаховича В.Е., директора Центра международных исследований Белорусского государственного университета  
14.45 — 15.00 Выступление Жан-Эрик Хольцапфель, координатор по связям с Беларусью Представительства Еврокомиссии в Украине и Беларуси  
15.00 — 15.15 Выступление профессора Леонида Заико, руководителя республиканского общественного объединения ”Аналитический центр ”Стратегия“  
15.15 — 15.30 Выступление ректора Белорусского государственного экономического университета Шимова В.Н.  
15.30 — 16.00 Дискуссия
- 16.00 Заключительная сессия: следующие шаги**  
Сопредседатель: У.Цапф, руководитель Рабочей группы ПА ОБСЕ по Беларуси  
Сопредседатель: С.М.Заболотец, руководитель делегации Национального собрания Республики Беларусь в ПА ОБСЕ  
16.00 — 17.00 Заключительные комментарии участников семинара (не более 3 минут каждый)  
17.00 — 17.15 Заключительные комментарии У.Цапф, руководителя Рабочей группы ПА ОБСЕ по Беларуси  
17.15 — 17.30 Заключительные комментарии С.М.Заболотца, руководителя делегации Национального собрания Республики Беларусь в ПА ОБСЕ
- 17.30 Прием для гостей семинара (организован делегацией Национального собрания Республики Беларусь в ПА ОБСЕ)**

**List of**  
**Invitees for the Joint Seminar of the Belarus National Assembly and the OSCEPA Working**  
**Group on Belarus on**  
**“Exploring the Opportunities for Belarus within the European Neighborhood Policy”**  
**15.03.2007**

**Participants on behalf of the Belarusian Delegation to the OSCE PA:**

1. **Zabolotets, S.M.** – Deputy Chairman House of Representatives, Head of Belarusian Delegation to the OSCEPA
2. **Abramova, O.M.** – Member of the Permanent Committee on State Development, Local Self-Government and Protocol, House of Representatives
3. **Andreichik, N.I.** – Chair of the Permanent Committee of the Council of the Republic on Legislative Issues and State Development, Deputy Head of the Belarusian Delegation to the OSCEPA.
4. **Glukhovski, L.V.** – Member of the Permanent Committee on Legislative Issues and Judicial/Legal Issues, House of Representatives; Member of the Belarusian Delegation to the OSCEPA.
5. **Kariagin, V.N.** – Chairman of the Minsk Municipal Union of Entrepreneurs and Employers; Deputy Chairman of the Belarusian Confederation of Industry and Entrepreneurship.
6. **Kozik, L.P.** – Member of the Permanent Committee on Labour, Social Security, Veteran's Affairs and the Disabled, House of Representatives; Chairman of the Federation of Labor Unions of Belarus.
7. **Krasutskii A.V.** – Deputy Chairman of the Permanent Committee on International Affairs and CIS relations, House of Representatives; Member of the Belarusian Delegation on contacts with the PACE.
8. **Kulakovskii, Iu.A.** – Chairman of the Permanent Committee on Human Rights, National Relations and Mass Media, House of Representatives.
9. **Malofeev, A.A.** – Chairman of the Permanent Committee on Regional Policies and Local Self-Government, Council of the Republic; Member of the Belarusian Delegation to the OSCEPA.
10. **Orda, M.S.** – Deputy Chairman of the Permanent Committee on State Development, Local Self-Government and Protocol, House of Representatives; Member of the Belarusian Delegation to the OSCE PA.
11. **Popov, V.A.** – Chairman of the Permanent Committee on Foreign Affairs and CIS Relations.
12. **Semenenia, I.G.** – Deputy Chairman of the Permanent Committee on State Development, Local Self-Government and Protocol, House of Representatives; Member of the Belarusian Delegation to the OSCE PA.
13. **Serpikov, V.M.** – Deputy Head of Europe Department, Ministry of Foreign Affairs, Belarus.
14. **Sumar, K.A.** – Chairman of the Brest Regional Executive Committee.
15. **Ulakhovich, V.E.** – Director of International Research Centre under the Belarusian State University.
16. **Shimov, V.N.** – Dean, Belarusian State Economics University
17. **Krzysztof Sikora**, Member of the Polish Parliament
18. **Tadzeius Slavetskii** – Member of the Polish Parliament
19. **Oleg Denisov**, Member of the *Sejm* Latvian Parliament
20. **Nikolai Kruglov**, Member of the *Rada*, Ukrainian Parliament

**Participants on behalf of the OSCE PA Working Group on Belarus:**

- 1 **Ms. Uta Zapf**, Chair of the Working Group on Belarus n/a
- 2 **Mr. Kristian Pihl Lorentzen**, Member of the Working Group on Belarus
- 3 **Ambassador Ake Peterson**, Head of the OSCE Office in Minsk n/a



- 4 **Mr. Jean-Eric Holzapfel**, Coordinator of the Relations with the Republic of Belarus,  
Delegation of the European Commission
- 5 **Mr. Janis Aizsalnieks**, Head of the TACIS Branch Office of the Delegation of the  
European Commission to Belarus
- 6 **Professor Alexandr Voitovich**, former Chairman of the Council of the Republic,  
7 **Mr. Valery Frolov**, former Deputy of the National Assembly,
- 8 **Mr. Alexandr Yaroshuk**, Chairman of the Association of Trade Unions "Belarusian  
Congress of Democratic Trade Unions",
- 9 **Professor Vladimir Kolas**, Chairman of the Council of the Belarusian Intelligentsia,  
10 **Ms Irina Tachitskaya**, Institute of Privatisation and Management
- 11 **Professor Leonid Zaiko**, Head of the analytical centre Strategia
- 12 **Ms. Tatiana Protko**, Chairperson of the Belarus Helsinki Committee,
- 13 **Ms. Zhanna Litvina**, Chairperson of the Belarusian Association of Journalists,
14. **Mr. Martin Hecker**, Ambassador of the Federal Republic of Germany to the Republic of Belarus

**Список участников семинара  
«Изучение возможностей для Республики Беларусь в рамках Европейской политики  
соседства»:**

Организован делегацией Национального собрания Республики Беларусь в ПА ОБСЕ совместно  
с Рабочей группой ПА ОБСЕ по Беларуси

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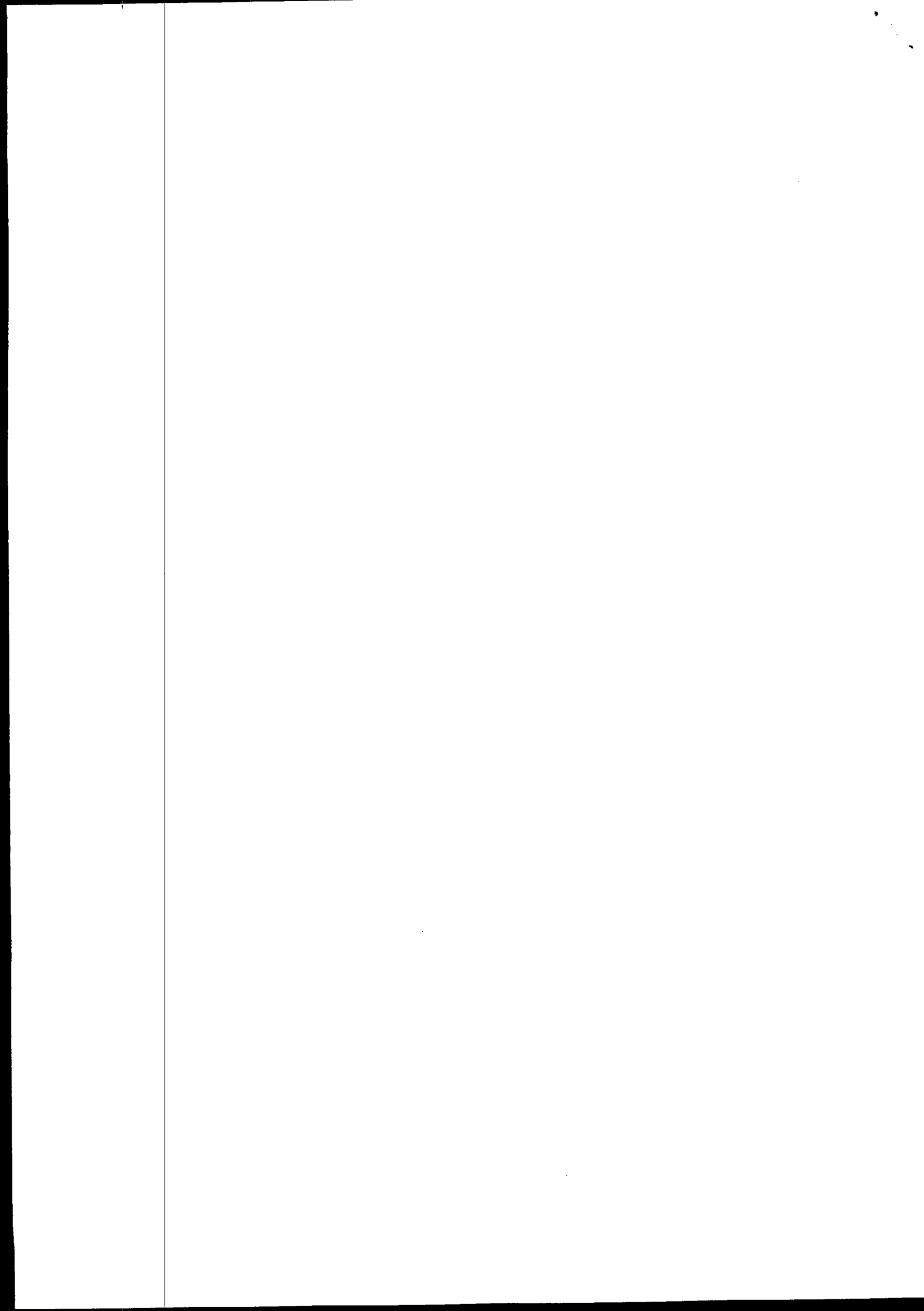
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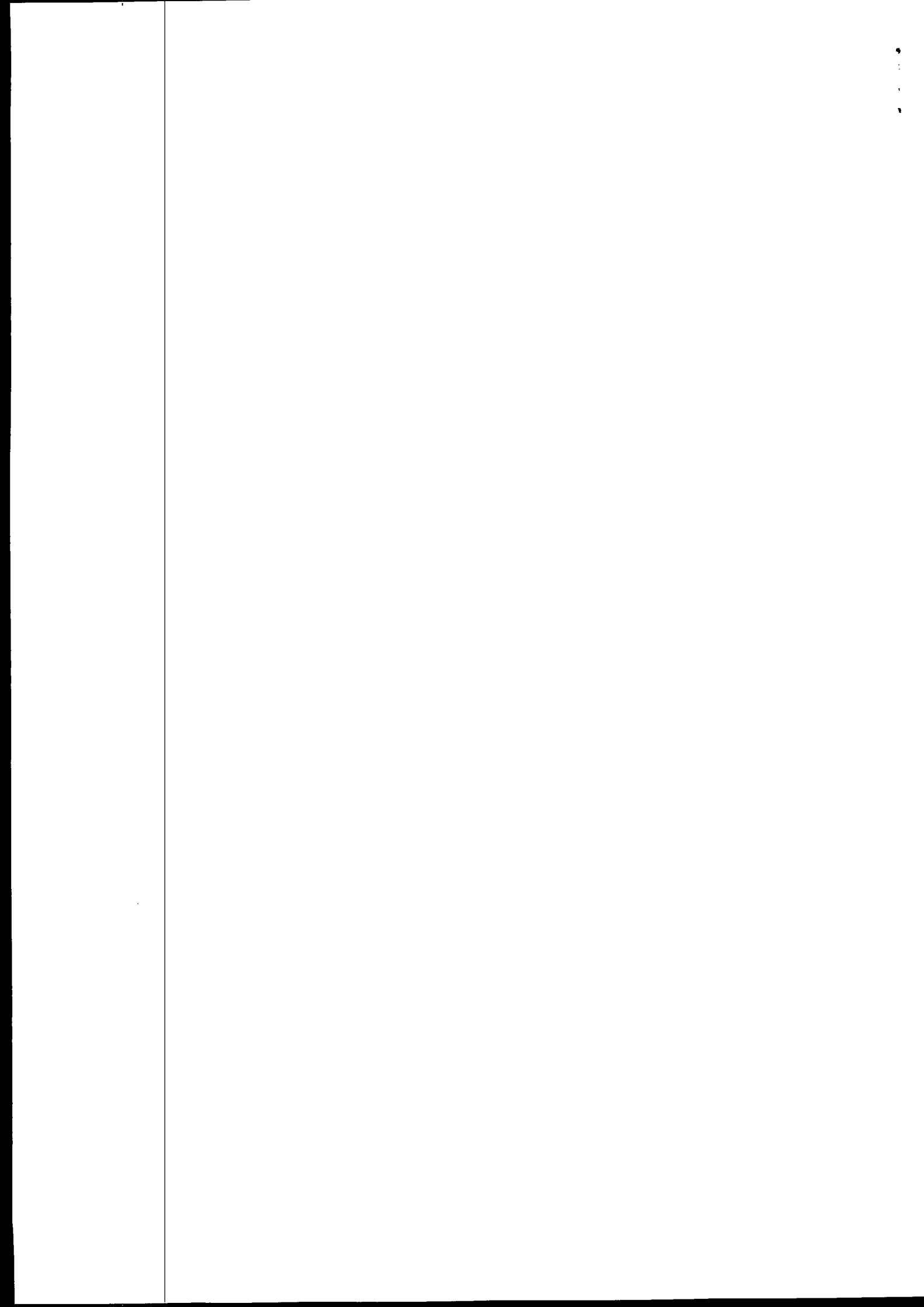
Organization for Security and Co-operation in Europe  
PARLIAMENTARY ASSEMBLY

**REPORT**

**OF THE SPECIAL REPRESENTATIVE ON  
ANTITERRORISM ISSUES**

**Mr. Panos Kammenos**  
**(Greece)**

**KYIV, 5-9 JULY 2007**



**OSCE PA – 16<sup>TH</sup> Annual Session**

**Kyiv, 5-9 July 2007**

**Report by  
The Special Representative of the President of the OSCE PA  
on Antiterrorism Issues,**

**Mr. Panos KAMMENOS**

**INTRODUCTION**

Terrorism constitutes one of the most serious challenges concerning international security. The unequivocal and strong condemnation of terrorism in all its forms and manifestations as criminal and unjustifiable is an obligation for the international community. Since 9/11 2001 terrorism has become the most eminent threat against humanity.

The terrorist attacks clarified that terrorism is not a static phenomenon but an ever-changing one as it constitutes a global challenge. The fight against it requires a coordinated world action. Although governments and the international community have accelerated means and methods to confront the evolving threats, much needs to be done in order to effectively challenge them. A wide spectrum of counter-terrorism action is currently undertaken by the international community in the global fight against terrorism. Therefore OSCE has to coordinate its counter terrorism activities with all international and regional organisations in order to limit existing gaps and to avoid unnecessary duplication.

Following the high-level OSCE meetings that produced key documents that shape how the OSCE prevents and combats terrorism the Special Representative on Anti-Terrorism will base his efforts for the immediate mobilisation of all involved actors in order to prevent and combat all forms and manifestations of terrorism.

These will include:

- **The implementation of UN Security Council Resolutions for the obliteration of international terrorism, in particular 1267,1373,1540,1566,1617 and 1624, with parallel respect to the obligations under international law for human rights and fundamental freedoms.**
- **The ratification and implementation of the 12/13 international Protocols and Conventions relating to terrorism.**
- **Emphasis to provide technical and economic support to states that are unable to form institutional bodies for the fighting against terrorism.**

Moreover, in order for the international community to effectively confront terrorism it is necessary to face a series of conditions in which terrorism finds suitable opportunities for its spread and growth.

Within this framework the OSCE and hence the Special Representative could acquire more active role through the creation of specialised institutions, which will function under the principles of:

- **Prevention and administration of conflicts.** A lot of terrorist groups resulted from local or regional violent conflicts. Some of these conflicts turn into a magnetic pole for terrorists from distant regions. The extended and suspended conflicts often constitute a fertile ground for the growth of terrorism.
- **Inter-cultural and Inter-religious communication and dialogue** aiming to promote mutual understanding and respect between nations, nationalities and religions. The role of the religious leaders is considered as particularly essential, as the promotion of equality of all different kinds of believers relies in their domain.
- **Elimination of Social and Economic Exclusions.** Exclusions and discriminations based on national origins or religious believes, as well as the failure of many countries to incorporate minorities and immigrants, generate feelings of marginalisation and an increasing tendency of incorporation into extremist groups. Consequently all the above contribute in the recruitment for



terrorist groups. This appears to be in effect particularly for young people, and more specifically for second generation immigrants, who, in some developed countries, are deprived of equal opportunities. The exclusion based on nationality or religion is often composed by the political, as well as the economic and the social ones. Also, particular attention should be given to the youth's unemployment. These types of exclusion are able to compose an explosive mixture.

- **International development and developmental collaboration** in economic, political, social, and environmental level based on the objectives and definitions of the United Nations and of other International Organisations so that inequalities, that function as prime reasons for terrorism, could be faced in international level.
- **Support of International and Human Rights Law.** It is observed that terrorism mostly grows within environments that are characterized by:
  - Lack of good governance
  - Absence of civil rights and freedoms
  - Violation of human rights

Moreover it is proved that certain regimes during their efforts against terrorism make an excessive use of force and repression without discrimination which as a consequence strengthen the support base of terrorists among their population. In accordance with the United Nations' Development Program and also with the programs of other international economic organisation, OSCE can further develop its policy by supporting the state of law, good governance, human rights law and judicial systems.

## **I. MEASURES TO PREVENT AND COMBAT TERRORISM**

Following the decisions of the United Nations, the Council of Europe, the OSCE, other international organizations and UN Agencies, the Special Representative believes that a series of concrete measures, aiming at the prevention of terrorism, is essential to include:

➤ **Penal prosecution of any person, group or organization, who facilitates, participates or tries to participate in the financing, planning, preparation or perpetration of terrorist acts, including cyber terrorism & cyber crime, with parallel assurance for human rights, the protection of the refugees and the international humanitarian laws.**

➤ **Implementation of the Principle of Extradition of any person who facilitates, participates, or tries to participate in the financing, planning, preparation or participation of terrorist acts, with respect to the engagements that result from the international law.**

➤ **Assurance of mutual understanding for the extradition of perpetrators, in accordance to the relative provisions of international and national law and the obligations under human rights law, refugee law and international humanitarian law.**

➤ **Assurance of collaboration for the exchange of precious and well timed information.**

➤ **Intensification of inter-state collaboration which is essential in the sector of fighting crimes that potentially is related to terrorist activities, such as:**

- Drug trafficking and money laundering, following the UN Political Declaration against Money Laundering, the Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, and the Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing of Terrorism
- Illicit arms trade, in particular small arms, light weapons, and especially Man Portable Air Defence System, Following the Small Arms and Light Weapons Document which is central to the OSCE's efforts to prevent and combat terrorism.
- Smuggling of nuclear, chemical, biological, radiological and other materials that are able to cause death, following the International Convention for the Suppression of Acts of Nuclear Terrorism and the

Convention on the Physical Protection of Nuclear Material and its Amendments.

- Confronting and countering the growth of the severe problem of the abuse of internet technology for the purpose of terrorism.

Finally in institutional level, the encouragement of states to become parties to the United Nations Convention against Trans-national Organised Crime and of the three protocols supplementing it, and implementing them could constitute an important contribution. The progressive configuration of a common policy on the terms of issuing asylum must be always in accordance with the obligations under the human rights law.

## **II. MEASURES TO STRENGTHEN OSCE'S ROLE AND TO BUILT STATES' CAPACITY TO PREVENT AND COMBAT TERRORISM**

According to the decisions of the United Nations and relevant international practices the establishment of a common and reliable data-base concerning bioterrorism and the distribution of hazardous materials is considered essential. The data-base will function under the monitoring of experts and special scientists in association with institutional security organizations, the private sector and academic NGOs. Moreover, is considered particularly important the encouragement in regional and subregional level of bilateral agreements, between state agencies and institutions that deal with the fighting against terrorism, cyber terror, organised crime, cybercrime, and distribution of arms and hazardous materials. Also, capacity building, concerning the combat of terrorism, in all the OSCE participating states is a core element of the counter terrorism efforts both in national and international level.

A series of measures could effectively contribute to this direction:

- **Provision of legal and technical assistance for the creation of institutions and bodies specialising in the fight against terrorism, organised crime and the distribution of narcotics.**
- **Encouragement of OSCE participating states for a more active participation in the United Nations efforts against terrorism, with parallel respect for human rights law and fundamental freedoms law.**
- **Diffusion among the OSCE participating states of the “know-how” with regard to the confrontation of terrorism, and formation of a “best practices” list.**
- **Exchange of information that emanates from international organisations, such as the Atomic Energy Agency, the World Health Organisation, the World Bank, the International Maritime Organisation, the International Civil Aviation Organisation, aiming at the building of a direct correspondence capacity in case of crisis, and at the strengthening of government security agencies.**

### **III. THE MANDATE OF THE SPECIAL REPRESENTATION ON ANTI-TERRORISM**

The new threats or the evolution of the older ones require new ways of thinking and more innovative and effective responses. Even more, the responses need to be more comprehensive and integrated in means, methods and scope. For instance, the anti-terrorism community need to attempt to forecast which terror group, organization or network will develop laboratories of CBRN. As terror activity is not limited on land only, maritime safety is becoming a major part of interest. Sinking a commercial ship or an oil tanker or blocking a sea route could produce immense problems to trade and subsequently to economy. The same implies to aviation security. At the same time, is widely known that illicit traffic of weapons, explosives or other illicit materials are smuggled through sea and air routes. Moreover the availability of the Internet,

satellite news channels etc. allow terrorists to communicate and demonstrate their terror abilities to a wider audience.

According to the above, the Mandate of the Special Representative on Anti-Terrorism will offer his services within the framework of the OSCE rules, promoting the collaboration of the organisation's participating states for the combat of terrorism, in accordance with the obligations under International Law, Human Rights Law and Good Governance.

The Special Representative's mandate will include:

- **Following the international situation regarding the fight against terrorism and Reporting to the President of the OSCE Parliamentary Assembly,**
- **Maintaining close contact with and serve as a focal point for the participation in the events organised by the OSCE Anti-Terrorism Unit in Vienna,**
- **Communicating with relevant actors within the OSCE and other international bodies who work on issues related to the fight against terrorism,**
- **Promoting discussions on anti-terrorism issues within the OSCE Parliamentary Assembly.**

The Special Representative on Anti-Terrorism intends to:

- Examine in-depth the political confrontations that give rise to the terrorist activity and work towards the formation of a common language and more extensively of a common policy.

- Examine the role and effectiveness of national anti-terrorism legislations towards recording and registration of them as *successful*, *less successful*, and *unsuccessful*. Under the auspices of OSCE, participating states will enhance their capability to review existing legislation or propose new.
- Urge the governments and security agencies of OSCE participating states, to act according to International Conventions, Laws and Regulations for the protection of democratic values and of Human Rights Law which are necessary for the essential legitimacy of the actions against terrorism.
- Propose and support the emergency laws, which in a given moment are considered essential for the confrontation of terrorism although they should be temporary and subjected to each legislative body.
- Ensure the exchange of information among the national intelligence agencies as a “key point” for the confrontation of terrorism, in collaboration with other OSCE bodies. Furthermore strengthen the cooperation between secret intelligence services by eliminating any obstacles during this process.
- In case that a participating state considers the use of its national army as essential for the fight against terrorism, this must remain supportive to the role of the police and to last for a short period of time. A total military attack and the imposition of military law in the place of the civil one put at risk non belligerent population and also intensify violence.
- Promote the exchange of the capacity assistance between the police’s counter-terrorism units of the OSCE participating states. The knowledge of the terrorist methods and of counter terrorist capacities constitutes major tools for these units. The Special Representating in cooperation with ATU, will provide technical assistance to enhance the capabilities of the participating states on this issue.

- Create an Observation Post for Borders Security, in order to enhance control, responsibility and the ability of states to secure their borders. This will be helpful for promoting preventive measures of financial and technical support, but more important for facilitating discipline measures to states which are inconsistent to their international engagements.

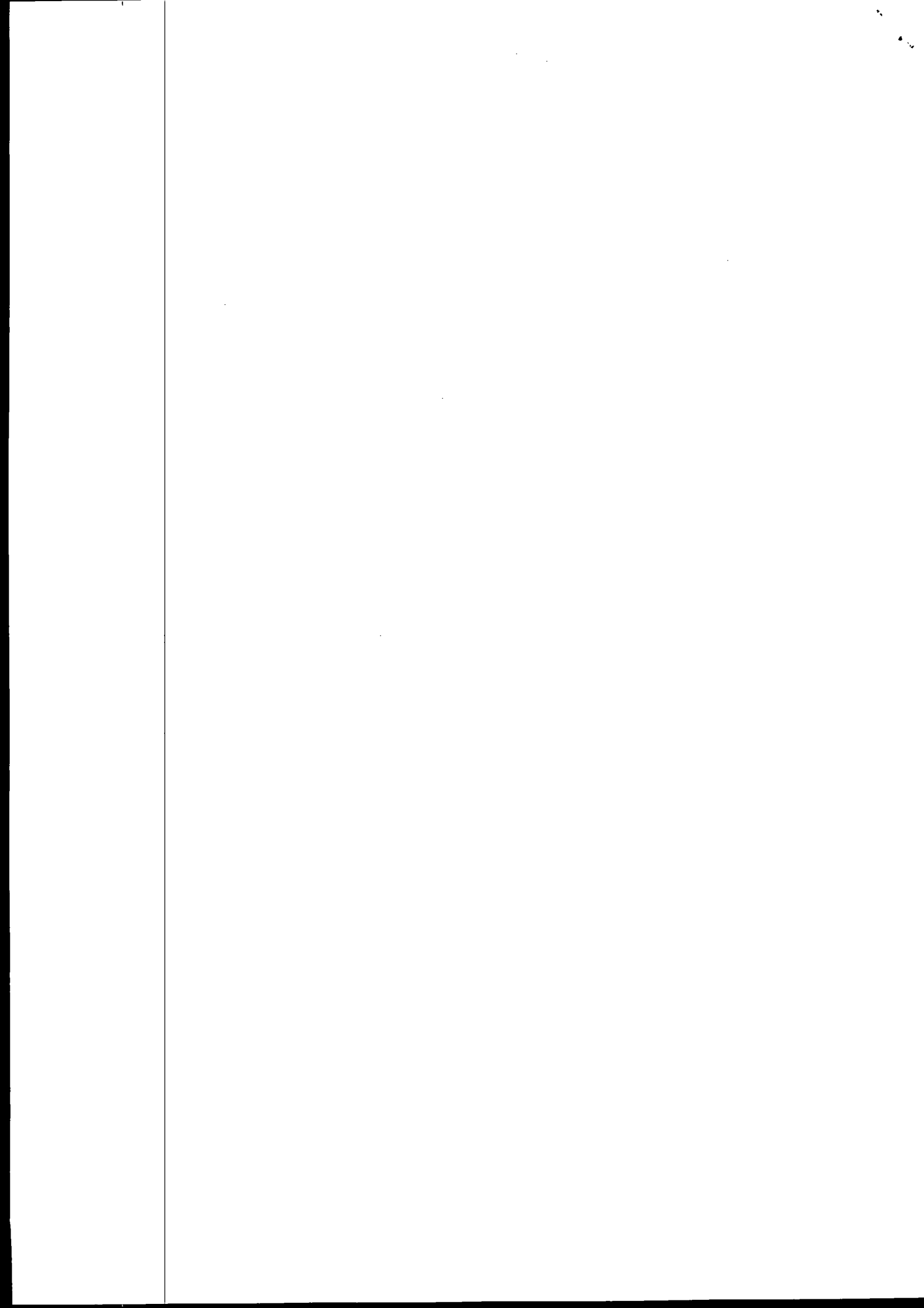
The Special Representative on Anti-Terrorism will follow the international situation of both terrorism and the anti-terrorism measures taken by the member states. On the first he will inform the OSCE of any trends that terror groups initiate, and on the second he will report to the OSCE and propose new methods to deal with them in cooperation with the other members. As the field of terrorism is wide and the threat is growing, the Special Representative will employ all the legal methods and means to deal with it.





Overview of written reports on activities  
to combat anti-Semitism, racism and  
discrimination against muslims

Follow-up to the OSCE Parliamentary Assembly  
2006 Brussels Declaration



## ***Introduction***

The OSCE Parliamentary Assembly's 2006 Brussels Declaration builds upon previous work by the Assembly in combating anti-Semitism and other forms of intolerance. Specifically, the Brussels Declaration of 2006 urged participating States to "present written reports, at the 2007 Annual Session on their activities to combat anti-Semitism, racism and discrimination against Muslims".

A number of comprehensive reports have been presented by participating States detailing their work in the fields in which the Assembly has called for action.<sup>1</sup> This summary introduction will not attempt to provide detailed analysis of all these reports, but will instead give a general overview of some of the initiatives being undertaken in countries across the OSCE region. The individual reports by participating States are available for viewing, and can be obtained electronically from the OSCE PA International Secretariat for more detailed analysis.

Based on the contribution from 12 participating States, five main common policy features can be highlighted. In noting specific actions undertaken by States on the themes addressed, this report aims only to highlight initiatives as a snapshot of potential work in combating discrimination and intolerance. This is *not* an exhaustive list, and all interested parties are urged to consult the attached detailed reports by participating States for further details.

## ***Legal framework / law enforcement***

All responding participating States described legal frameworks designed to tackle anti-Semitism and other forms intolerance.

The relevant legislation general takes effect on two main levels: 1) protection against discrimination; and 2) criminalization of discriminatory acts. It is noteworthy that legislation in this field is under regular review: for example, relevant legislation was amended in Russia as recently as April 2007, with the intensification of liability for hate-based crimes. In addition to their domestic legislation, it is worth underlining that participating States are party to numerous international conventions aimed at fighting intolerance and discrimination in various forms.

Some participating States have taken into account the rising challenges posed by racist messages disseminated through the internet – an area specifically raised by the OSCE PA's 2006 Brussels Declaration. In June 2004 France passed Act no. 2004-204 which legally requires Internet providers to contribute to the prevention of the dissemination of revisionist and racist data.

Fighting discrimination has also been given a special focus by law enforcement agencies in their training in some countries. Among other examples is Monaco, where a code of conduct emphasizing non-discrimination practices is being used by the Police. Similar ongoing training takes place in Andorra, Georgia and Poland.

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<sup>1</sup> In response to a letter by Cecilia Wigstrom, the Vice-Chair of the General Committee on Democracy, Human Rights and Humanitarian Questions, reminding Members of the OSCE Parliamentary Assembly of the request for written reports, the OSCE PA International Secretariat received responses from Andorra, Belgium, Bulgaria, France, the Former Yugoslav Republic of Macedonia, Georgia, Germany, Monaco, Poland, Romania, the Russian Federation, and Sweden.

## *Awareness raising campaigns and information dissemination*

In line with OSCE PA recommendations calling for raising awareness of the need to combat intolerance, participating States have actively implemented a series of awareness raising actions. Some of these have been in conjunction with OSCE work.

On 7 and 8 June 2007, Romania, in conjunction with the OSCE, hosted a High-Level Conference on Combating Discrimination and Promoting Mutual Respect and Understanding in Bucharest. This conference built upon previous work in the field by the OSCE, including the 2005 Cordoba Conference, and aimed to contribute to an evaluation of commitments made by the participating States.

In November 2006, at the invitation of Gert Weisskirchen, Member of the German Delegation to the OSCE PA and Personal Representative of the OSCE Chairman-in-Office on Combating Anti-Semitism, an international conference was held to consider intelligence gathering, hate crimes and education. The contribution submitted by the Germany Bundestag also outlines public outreach work in this field, and intentions to set up a working group composed by German OSCE PA members and other MPs of the Bundestag to consider problems associated with anti-Semitism. Many participating States including, for example, Romania and Russia, hold official commemorations of the Holocaust to raise public awareness of the issue.

The OSCE Parliamentary Assembly has previously stressed the importance of data collection and information-sharing with regard to hate crimes. Several of the reports presented by participating States, including Andorra, Bulgaria, Romania, Russia, and Sweden indicate increasing attention is being paid to gathering of such information. In Belgium, the "Centre for equal opportunities and opposition to racism" is in charge of collecting data and disseminating information to the public on all forms on discrimination.

## *Education*

In its Declarations, the OSCE PA has underlined the importance of education in fostering a tolerant society; the actions by participating States reflect this conviction.

Many OSCE members have offered training programmes on combating all forms of discriminations to school teachers and civil servants. One notable example is the Swedish National Agency for Education, which has issued guidelines as support for schools in their work to counteract and prevent all forms of discrimination and harassment. Furthermore, the "Living History Forum" (a government agency) provides continuing education on intolerance expressed e.g. as Islamophobia and anti-Semitism to teachers and other professionals who work with children and youth. Research on intolerance has also led to improvements in education: in Romania, the final report of "The International Committee for the Study of Holocaust in Romania" has led to changes in school history programmes.

Practical exchanges aimed at fostering cross-cultural understanding were also highlighted by participating States. For example, Andorra has brought light to a specific initiative through which a group of young people from Andorra were given the opportunity to discover another life reality by taking part in a UNICEF project in Mauritania.

## *Specialised bodies and programmes for combating intolerance*

Many of the reports submitted in accordance with the 2006 Brussels Declaration indicate the existence of specialised programmes and government bodies mandated to combat intolerance. The effort and work put into such national action plans and the work by Ombudsman institutions indicate that combating intolerance and discrimination is high on the agendas of many OSCE participating states.

Examples include: Poland's "Programme of Counteracting Racial Discrimination, Xenophobia and Related Intolerance", Sweden's "Action plan for Human rights", the Former Yugoslav Republic of Macedonia's "Strategy on equitable representation of members of ethnic communities" and "National Strategy on Roma", Georgia's "National Minorities Development Programme" and Bulgaria's "National Action Plan for Protection Against Discrimination".

All these initiatives illustrate what can be done in that field. Permanent specialized bodies have sometimes been created to specifically tackle the issue. The Former Yugoslav Republic of Macedonia provides an enriching example in this regard: the "Committee for Inter-Community Relations" is composed of members of different ethnic communities and the National Assembly is obliged to take into consideration the appraisals and proposals of the Committee on matters related to inter-community relations. Parallel to this, a commission for inter-community relations must be established in municipalities with at least 20% of members of a certain community.

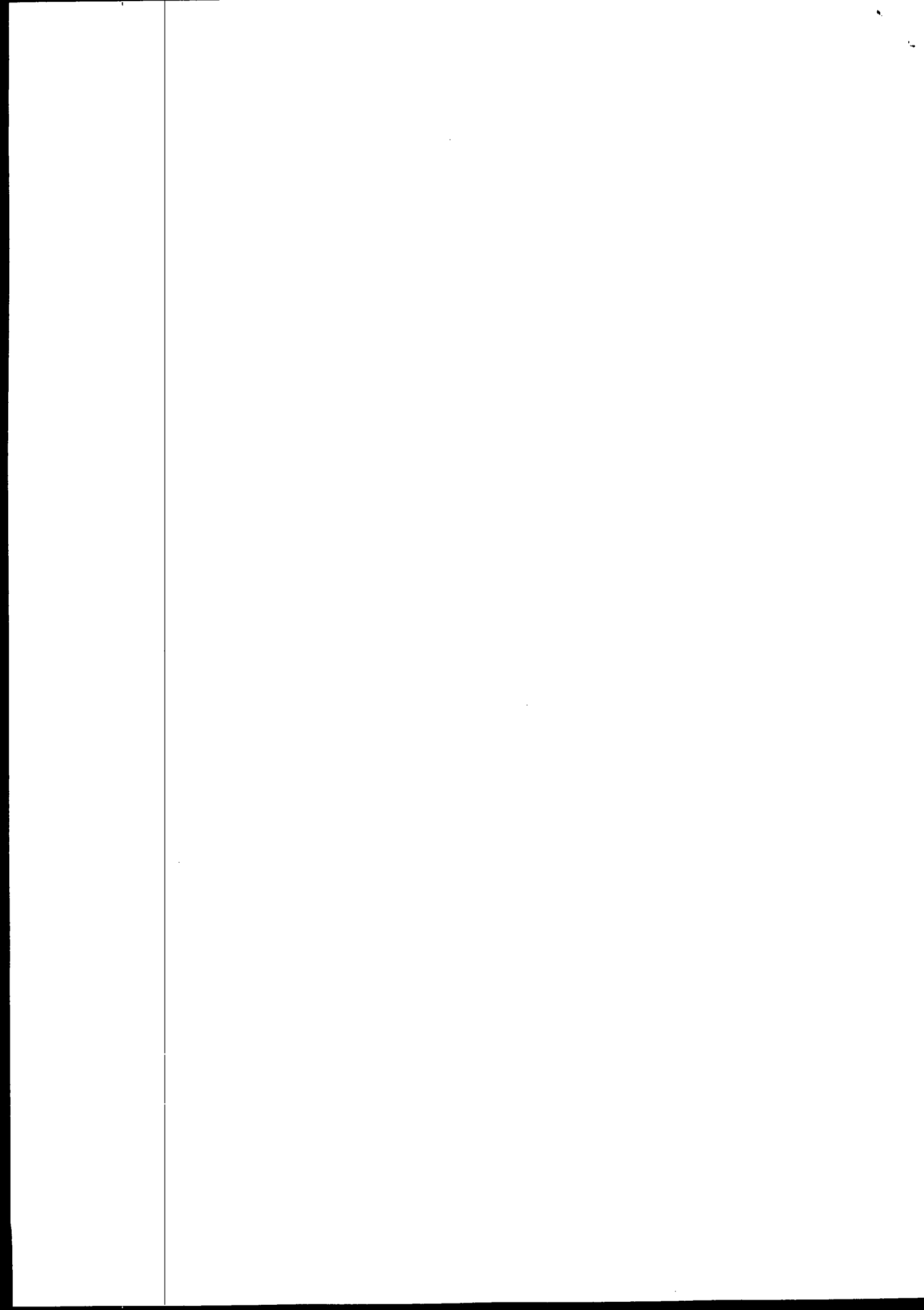
Another example is Bulgaria's "Commission for Protection against Discrimination" set up in 2005, which is an independent specialized body in charge of the enforcement of the law in all cases of discrimination. All persons, public or private, are compelled to assist it, and it has the power to summon and question witnesses. The Commission also organizes training and awareness-raising seminars in towns throughout the country with regard to intolerance issues, and provides assistance to victims of discrimination in lodging their complaints.

## *Public dialogue*

Participating States also report that State authorities are engaged in an on-going dialogue with civil society organizations and religious leaders representing minority groups.

At the parliamentary level, the German Bundestag will be holding meetings later in 2007 with NGO representatives and journalists on current problems associated with anti-Semitism, and plans a Plenary Debate on the issue. In Russia, the Ministry of Justice registered some 17 federal national cultural autonomies (NCA). These NCAs aim at protecting the interest and cultures of national minorities and liaise with the civil society.

In Georgia, the "Religions Council," supported by the Public Defender of Georgia, brings together representatives of 19 confessions on a voluntary basis. The main goal of the Council is to facilitate the integration of members of religious minorities into Georgian civil society by finding common ways of addressing issues related to religions.





Organization for Security and Co-operation in Europe  
PARLIAMENTARY ASSEMBLY

**REPORT**  
**ON**  
**GUANTANAMO BAY**

**by Mrs Anne-Marie LIZIN**  
**Special Representative of the President of the OSCE Parliamentary Assembly**

**KYIV, 5 TO 9 JULY 2007**





ORIGINAL: FRENCH  
8 July 2007

**REPORT ON GUANTANAMO BAY**  
**by Mrs Anne-Marie LIZIN, Special Representative of the President of the**  
**OSCE Parliamentary Assembly, Mr Göran Lenmarker**

**Introduction**

This report is proposing, as a continuation of the reports presented respectively in Washington in July 2005 and in Brussels in July 2006, during sessions of the OSCE Parliamentary Assembly, to take stock of the situation of the detainees of the US Guantanamo Bay base. Like the earlier reports, it has been established from critical examination coming from many sources: official reports from the US Administration; information coming from the media; reports from intergovernmental organisations; reports from non-governmental organisations; information provided by lawyers acting for certain detainees, and so on. It is also based on official talks, both at the State Department (DoS) and at the Defence Department (DoD) before and after the visit to the Guantanamo Bay Detention Facility on 20 June 2007, and on the information collected at the time of the visit. It should be remembered that a first visit to the facility had been authorised and carried out in March 2006. As at the time of the previous visit, no private conversations with the detainees were allowed.

An initial observation is required: since July 2006, the situation has developed significantly both at the political level (the Democrats currently have a majority in the House of Representatives and in the Senate) and at the legal level. If calls for the closure of the Guantanamo Bay camp have multiplied in recent years, emanating from Heads of States, Heads of Governments, and many international and non-governmental organisations, the closure debate is now widespread within the United States, including at the highest level.

One will remember that President George W. Bush, facing international and internal pressure, stated on several occasions in 2006 that he wanted to close the camp and to bring the detainees to court. At the time, he asserted that he was ceaselessly asking countries whose nationals were in the camp to repatriate those who were not to be tried by "*Military Commissions*". He also put on record that many countries were refusing to repatriate their nationals, and that others were not providing sufficient insurance guaranteeing that these people would be well-treated, maintained in detention or at least strictly controlled, or that they would take no further part in terrorist activities.

Today, the candidates for his succession are raising the problem and have stated their positions. Thus, Hillary Rodham Clinton, Barack Obama, John Edwards and Christopher J. Dodd, candidates for the Democrat Party nomination, have unequivocally come down in favour of closure. Diane Feinstein, a Democrat Senator, brought a bill before the Senate on April 30<sup>th</sup> last year asking for the centre to be closed. This bill was sponsored by the Democrat candidates referred to above, and by the Democrat Senators Edward M. Kennedy and Sheldon Whitehouse. On the Republican side, the unanimity in favour of keeping the

centre has crumbled. Thus, Senator John McCain, candidate for the Republican Party nomination, has decided in favour of closure and the transfer of certain detainees to Fort Leavenworth (Kansas) in the United States. On the other hand, Rudolph W. Giuliani, the former Mayor of New York, has come to no conclusion on the question, while Mitt Romney has declared himself to be in favour of extending the Guantanamo Bay Detention Facility.

Robert Gates, the current Defence Secretary, asked in March 2007 for the closure of the camp and the transfer of the detainees to United States territory while specifying that certain detainees should never be released. More recently, the ex-Secretary of State, Colin Powell, who in 2004 was still defending the treatment in force in Guantanamo Bay, has called for the closure of the prison as soon as possible, believing that it had become "*a major problem for the US in the eyes of the world*". In fact, as we mentioned in our previous reports, Guantanamo Bay remains a focal point for anti-US grievances in the world and is tarnishing the United States' image, in friendly countries as well.

This observation seems to fail to convince a number of Republican leaders, who believe that the facility should remain operational for as long as the "war against terrorism" has not been won. They especially emphasise the fact that it would be dangerous for the security of US citizens to transfer "the United States' worst enemies" on to their territory, into high-security military prisons, such as for example, Fort Leavenworth (Kansas), Kentucky's Fort Knox, Marine Body Bases Camp Lejeune (North Carolina) or Lackland Air Force Bases (Texas). On the one hand, because they could avail themselves there of the US laws and the rights that would be conferred on them, *habeas corpus* in particular. And on the other, because, in the event of release, they would be immediately on the spot for indulging in new terrorist activities. This thesis is widely contested by the Democrats who, on the contrary, believe that such transfer is the only solution for bringing about, in the short run, the closure of the Guantanamo Bay Detention Facility, which remains the butt of ceaseless international criticism.

During a hearing devoted to Guantanamo Bay, organised by the U.S. Helsinki Commission (one of the rare House of Representatives/Senate Joint Commissions) on June 21<sup>st</sup> last year, its presidents, Congressman Alcee L. Hastings and Benjamin L. Cardin, as well as the leader of the Democrat Group in the House of Representatives, Steny H. Hoyer, all voted in favour of closure. Your Rapporteuse was invited to testify before this Commission.

This report incorporates all of these elements. It consists of four sections. Section I is devoted to the trend of the Guantanamo Bay detainee numbers. Section II will evoke, without going into detail, the file's current legal complexities. Section III will analyse the data collected at the time of the visit of 20 June 2007 relating to the development of the detention conditions and the interrogation techniques. Lastly, Section IV will be devoted to the follow-up of the conclusions and recommendations made in our previous report.

## **Section I. Detainee Numbers Trend**

1. Compared to our last visit, the number of detainees has considerably diminished. There currently remain, according to the information given by the detention centre's authorities, roughly 380 detainees.

Many detainees have, indeed, already been released or transferred to their countries of origin or to other destinations. In July 2006, Chinese detainees belonging to the Turkish-speaking and Moslem minority of Ouïgours, coming from the Xinjiang Province, were released and transferred to Albania, where they obtained political asylum, rather than to China. About fifteen Ouïgours are probably still being held in Guantanamo Bay. Some Bahrainis have also been released. In August 2006, a detainee of Turkish extraction was released and transferred to Germany, where he was born. In September 2006, eight Kuwaiti detainees were released and transferred to their country. According to the Pentagon, in September 2006, a total of 320 detainees had been released and transferred to 26 different countries. In October 2006, a Bahraini, an Iranian and two Pakistanis were transferred to their respective countries. At the same time, the US Authorities returned ten or so detainees of Moroccan nationality to Morocco. Five detained Moroccans had already been released in August 2004. This transfer movement accelerated in 2007. Thus in February 2007, seven detainees were transferred to Saudi Arabia. At the time of our visit, 25 detainees were waiting to be transferred. Shortly thereafter, two Tunisian detainees were transferred to their country of origin where they would stand trial.

2. According to the US Authorities, some 385 detainees have thus been released or transferred to their countries of origin or to other countries since the opening of the detention centre at the beginning of 2002. Some of these transfers were the subject of long and tough negotiations with the countries of origin or reception. Some of these negotiations are still ongoing, in particular with Mauritania, Yemen, Saudi Arabia and Afghanistan, these last two countries being engaged in a "political reconciliation process" which should, at least theoretically, facilitate the transfer of their nationals who are still being held at Guantanamo Bay. Our US contacts emphasised the fact that all transfers were the subject of meticulous examination on a case-by-case basis.

As we have already indicated, the US Authorities are reaffirming their concern of not transferring detainees to countries that do not respect basic human rights or that practise inhuman or degrading treatment. Such was the case, mentioned above, of the Ouïgours detainees transferred to Albania rather than China, which, however claimed their extradition, asserting that they were terrorists of Chinese extraction. The US Authorities also emphasise the fact that they demand guarantees from the receiving countries so that the detainees suspected of belonging to a terrorist organisation are subjected to legal measures. The fear remains, indeed, of their being released for want of tangible evidence and of seeing them rejoining the *Jihad* to fight against the United States and their allies, in Iraq, in Afghanistan or elsewhere. According to our contacts in the Pentagon, 29 released and transferred detainees have indeed returned to the fight. The detention centre's second-in-command confirmed this situation to us during a briefing.

3. Whilst the transfers pose many problems, a new element has however arisen since September 2006.

Indeed, in September 2006, 14 detainees held by the CIA in places kept secret were transferred to Guantanamo Bay awaiting trial by "*Military Commissions*". According to the Pentagon, these are particularly dangerous individuals for the security of the United States. Identified by the CIA, their names have been made public. It is a question of:

- Khalid Cheikh Mohammed: born in Kuwait into a family of Pakistani extraction, he was arrested in Pakistan on 01 March 2003. The Al-Qaeda Number Three, he is regarded as the supposed "brain" behind the attacks of September 11. He is also suspected of being at the origin of the planned "Bojinka" terrorist attack in Asia in the Nineties and was on the FBI's most wanted terrorists list;
- Riduan Isamuddin, called Hambali: arrested on 14 August 2003 in Thailand, this Indonesian is suspected of being the Al-Qaeda representative in Southeast Asia and the "brain" of the regional terrorist network, *Jamaah Islamyah*. He was wanted by the Indonesian security forces in connection with the Bali attack of 12 October 2002, and with the one against the Djakarta Marriott Hotel on 05 August 2003;
- Abou Zoubeida: arrested on 28 March 2002 in Pakistan, this Palestinian, who grew up in Saudi Arabia, was a close accomplice of Bin Laden. According to the US Authorities, he ran one of the training camps in Afghanistan;
- Ramzi ben al-Shaiba: arrested on 11 September 2002 in Pakistan, this Yemeni was a member of the Hamburg (Germany) cell and is regarded as one of the supposed co-ordinators of the attacks of September 11. He is thought to have been involved in thwarted attacks against US airline companies;
- Moustapha Ahmae al-Hawsawi: suspected of having played a key part in the financing of the attacks of September 11 and in the transmission of information to Khalid Sheik Mohammed and to the other participants;
- Lillie, alias Mohammed Nazir Ben Lep: this Malaysian was one of Hambali's assistants and is thought to have been involved in the attack on the Djakarta Marriott Hotel in 2003;
- Walid ben Attash, alias Khallad: arrested in 2003, this Yemeni is thought to have taken part in the attack on the US naval vessel USS Cole in October 2000 (17 dead). He is also suspected of having taken part in the attacks of September 11 and of having planned an attack against the US Consulate in Karachi, Pakistan;
- Majid Khan: this Pakistani who had lived with his family in Baltimore in the United States before returning to his country of origin in 2002, is suspected of having prepared attacks against US service stations;

- Abdel Rahim al-Nachiri: arrested at the end of October 2002 in the United Arab Emirates, this Saudi is suspected of being responsible for the Al-Qaeda operations in the Gulf. He is in particular thought to have organised attacks against the US embassies in Kenya and in Tanzania in August 1998 (224 dead) and the one against the USS Cole in October 2000;
- Abou Faraj al-Libi: arrested in 2005, he is suspected of being an agent of Bin Laden in Libya;
- Zubair: this Malaysian is suspected of being member of the terrorist network *Jamaah Islamiyah* and of having acted alongside Hambali. He is thought to be the author of a planned attack in Los Angeles, which did not in fact come about;
- Ahmed Khalfan Ghailani: arrested on 25 July 2004 in Pakistan, this Tanzanian is suspected of having taken an active part in anti-US attacks in Kenya and Tanzania;
- Gouled Hassan Dourad: this Somali was a member of a network based in Mogadishu and linked to Al-Qaeda;
- Ali Abd al-Aziz Ali: nephew of Khaled Sheik Mohammed and cousin of Ramzi Youssef, one of the "brains" of the attacks on the World Trade Centre in 1993, he was suspected of preparing an attack against the US consulate in Karachi at the time of his arrest.

These 14 detainees have been brought before a *Combatant Status Review Tribunal* (CSRT) that has examined their "*Enemy Combatant*" status. The hearings proceeded in camera and the Pentagon published their findings after blue-pencilling them for security reasons.

More recently, in April 2007, the Pentagon has announced the transfer to the Guantanamo Bay Detention Facility of an Iraqi member of Al-Qaeda, Abd al Hadi Al-Iraqi, a close accomplice of Usama Bin Laden, who spent about fifteen years in Afghanistan and who is thought to have been in direct liaison with the principal leaders of the terrorist organisation, such as Ayman al-Zawahiri, Khalid Sheik Mohammed, Abu Faraj al-Libi, Hamza Rabi'a and Abd al-Rahman al-Mujair. The party in question is thought to be one of the most senior Al-Qaeda terrorists, a member of its military Commission, who would have supervised many actions and the paramilitary training of militants, before 11 September 2001. The circumstances of his arrest are not known.

Shortly after our visit, it was confirmed to us that a Somali and a Kenyan, both suspected of being Al-Qaeda members, had been transferred to Guantanamo Bay.

4. These transfers to Guantanamo Bay of incontestably dangerous individuals demonstrate the Executive's manifest will to congregate there the terrorists responsible for the most significant actions against the security of the United States and captured in various theatres of operation. Under these conditions, we note that the profile and the average dangerousness of the detainees are changing. The transfers of detainees of less importance

and the arrival of these new profiles clearly demonstrate the underlying will to confirm the utility of one or more detention centres of this kind.

5. When announcing these transfers, President Bush recognised for the first time that certain suspects had been lengthily held and interrogated by the CIA abroad. According to him, the interrogation of detainees in secret by the CIA has enabled the lives of many people in the United States and throughout the world to be saved. He also mentioned that the Pentagon had published a new manual (*Army Field Manual 2-22.3*) in September 2006, which defines the methods of treating and interrogating detainees. He furthermore declared that the CIA's interrogation programme constituted an "*essential tool in the war against terrorism*". Indeed, the captured terrorists know the workings of the networks. They are, in theory, aware of the places where the *jihadists* are to be found as well as their attack plans. According to President Bush, this intelligence could not be found anywhere else, and the security of the United States depends on its being obtained. Those people are purported to provide a better idea of Al-Qaeda's structure, funding, communications and logistics.

6. One can wonder about the way in which the confessions were obtained by the CIA's interrogators. On this subject, many human rights organisations, lawyers (mostly US) of certain detainees, and US personalities have denounced methods that are connected with torture, such as the exposure to extreme temperatures, "*water-boarding*" (simulated drowning), forced positions and nudity, etc.

It should also be remembered that the US Authorities have always denied that the interrogation techniques, including those described as "aggressive", were comparable to torture. They have asserted that these techniques had been subject of considerable questioning for five years because of their "inappropriate" nature or, even more so, because of the abuses and exactions identified at Abou Graib for which US soldiers have been prosecuted and convicted.

Thus, for the first time since the opening of the detention camp in 2002, it contains dangerous or alleged *jihadists* such as those who have been just transferred to it. It has been the consistent view of the United States Administration that there were very dangerous people at Guantanamo Bay before 2006. This situation had been denounced by many human rights organisations and by the lawyers of certain detainees. It should be remembered that the "*Combatant Status Review Tribunals*" ("CSRTs") had however confirmed the "*Enemy Combatant*" status of 393 detainees who seem not to have had access to the documents (mostly "classified") justifying the continuation of that status.

7. The number of releases or transfers since 2002 indeed demonstrates that many individuals were sent to Guantanamo Bay under, to say the least, debatable conditions. Very recently, Professor Mark Denbeaux, of Seton University Hall, confirmed that which many observers had already pointed out, namely that 5% of the detainees had been captured by the US forces in Afghanistan and that the majority of the other detainees had been captured or delivered by the Northern Alliance in Afghanistan or by the Pakistani Secret Service in return for "*bounties*"<sup>1</sup>. On this subject, it should be noted that the NGO *Amnesty International* is currently conducting a very active campaign in Europe in favour of the release of a Sudanese cameraman of Qatari Al Jazira television channel, arrested by the Pakistanis security forces at

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<sup>1</sup> Capitol Hill Hearing, Panel I of a hearing of the Senate Committee on Armed Forces, 26 April 2007.

the Afghan border in December 2001 and handed over to the American army in January 2002. The interested party was transferred to Guantanamo Bay forthwith. We would recall that at the time of our previous visit in March 2006, General Jay Hood, at the time the commander of the detention centre, had declared that the number of particularly dangerous detainees did not exceed 80. It is furthermore today a figure of the same order that is quoted for detainees likely to stand trial before the new "*Military Commissions*" set up after Congress had passed the "*2006 Military Commissions Act*".

## **Section II. The "2006 Military Commissions Act" And Its Consequences**

1. In the legal field, the situation seems clearer today but in fact, the imbroglio remains. The tug-of-war between the Supreme Court of the United States and the Executive, which is persisting in its will to have a number of detainees tried by "*Military Commissions*" while asserting its will to transfer other detainees to their countries of origin or to other destinations as soon as possible, is far from over. The extra-judicial logic introduced by the Bush Administration for trying terrorism suspects continues to be called into question on all sides. We should remember on this point that we are in the logic of military rather than a civil court. Moreover, as the political situation has changed as a result of the latest legislative elections, the relations between the Administration and Congress are complicated. Although Iraq still has top priority in the political debate today, the question of Guantanamo Bay continues, as we have underlined above, to be the subject of frequent new developments and to be the talk of the town.

2. We would recall that on 30 December 2005, the US President had signed the "*Detainee Treatment Act*", which was adopted by the Senate and by the House of Representatives. This Act, because of an amendment put forward by the Republican Senator Graham, removed all jurisdiction from the Federal Courts for reviewing the situation of the detainees of Guantanamo Bay, contrary to the decision of the Supreme Court, which had found in June 2004 in the *Rasul v Bush* case that it was recognised that detainees had the right to ask the US Courts to rule on the legality of their detention (right of recourse known as *habeas corpus*). By this amendment, the United States Government had given itself the right to hold the detainees of Guantanamo Bay indefinitely. In fact, the *habeas* review was replaced with review in the DC Circuit of CSRT determinations. At the time, the "*Detainee Treatment Act*" had been adopted in the parliamentary committees on the nod.

At the beginning of January 2006, on the basis of this new Act, the US Administration addressed a motion to the courts seized of the *habeas corpus* cases in progress, requiring of them that any recourse tabled in favour of the detainees be definitively rejected. The *Centre for Constitutional Rights and Justice* (C3RJ), organisation member of the *International Human Rights Federation* (FIDH), which represents many detainees, asserted forthwith that any hope of justice was, under these conditions, denied and that this situation constituted a flagrant violation of the United States Constitution.

At the time, President Bush had also asked Congress to adopt a bill intended to clarify the rules applicable to members of the US personnel specialising in the war against terrorism by drawing up "*a list of the precise, recognizable acts that would be regarded as crimes in terms of the War Crimes Act*". It should specify that those who applied these rules were fulfilling the obligations of the United States in accordance with the common Article 3 of the

Geneva Conventions, which prohibits “outrages upon personal dignity”, in particular *humiliating and degrading treatment*<sup>2</sup>. Moreover, he had asked Congress indeed to specify that captured terrorists could not use the Geneva Conventions as legal grounds for prosecuting US personnel before the US Courts.

3. In its decision returned on 29 June 2006 on the subject of the action brought by a detainee, Salim Ahmed Hamdan, the Supreme Court held that Article 3 of the Geneva Conventions applied to “*Enemy Combatants*”. In the same decision, the Court invalidated the system of “*Military Commissions*” set up by the Defence Department (DoD) under President Bush’s “*Executive Order*” of 13 November 2001<sup>3</sup>. The Court held that these commissions were unconstitutional for want of authorisation by Congress and for lack of conformity with the military Code of Justice that regulates in particular the organisation of the courts martial on US territory.

Following that decision, President Bush submitted a bill to Congress in September 2006 that would authorise “*Military Commissions*” to try people suspected of being terrorists and which would clarify the rules governing the methods used by US interrogators for the purpose of obtaining intelligence from detainees on terrorist groups. It should be remembered that in 2002, President Bush had declared that the members of Al-Qaeda and the other detainees suspected of terrorism captured at the time of the war in Afghanistan were “*Enemy Combatants*” who could not benefit from the protection of the Geneva Conventions.

On 06 September 2006, the Pentagon issued a directive that the US army was to respect Article 3 of the Geneva Conventions, which prohibits torture. The directive in question was to apply to detainees placed under the responsibility of the Pentagon and therefore did not cover detainees interrogated by CIA agents in secret prisons abroad.

4. On 29 September 2006, the Senate of the United States thus adopted, by 65 votes to 34, the bill laying down the rules for the interrogation and trial of foreigners suspected of terrorism. The legislative enactment, which the House of Representatives had passed on the previous day by 253 votes to 168, was promulgated by the President on October 17<sup>th</sup>. This “*Act on military commissions and the treatment of detainees*” (“*2006 Military Commissions Act*”) is, as we have mentioned earlier, the consequence of the invalidation by the Supreme Court of a previous mechanism for trying detainees.

The detractors of this Act assert that it legalises a barely watered-down version of the methods used by the United States after the terrorist attacks of 11 September 2001. It allows, indeed, the indefinite detention of any person described this time as an “*Unlawful Enemy Combatant*”. This designation, registered for the first time in a piece of legislation, includes any person of foreign nationality who “*materially and intentionally*” supports “*terrorist groups*” with arms, money or other forms of assistance. Once detained, these people will have

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<sup>2</sup> Article 3 stipulates clearly that which is and remains prohibited, in any time and place:

- (a) Violence to life and person, in particular murder of all kinds, mutilation, cruel treatment and torture;
- (c) Outrages upon personal dignity, in particular, humiliating and degrading treatment;
- (d) The passing of sentences and the carrying out of executions without previous judgment pronounced by a regularly constituted court affording all the judicial guarantees which are recognized as indispensable by civilized peoples.

<sup>3</sup> The Presidential Directive was enshrined in the 2001 Patriot Act.



no legal remedy based on the legislation applicable to the United States for appealing the validity of their detention, even if they have not been charged.

It creates military tribunals called "*Military Commissions*" for the purpose of trying foreign "*Unlawful Enemy Combatants*" suspected of being terrorists, detained to date at Guantanamo Bay beyond any legal framework. The composition of the military tribunals is detailed in the piece of legislation. A military lawyer is assigned to the defence of any person accused of criminal acts, and the latter will also have the right to call upon the services of a civil lawyer.

The Act stipulates that military prosecutors will have the right to use, in certain circumstances, evidence obtained under constraint or by hearsay in order to convict foreigners. US terrorist suspects, on the other hand, will continue to appear before federal courts, where all the rights of defence are guaranteed. But the Act also stipulates that if the defendant claims that a statement has been made under constraint, it could not be allowed as evidence unless the judge determines that it "would be in the interest of justice and equity this information to be introduced". The legislation prohibits the "*Military Commissions*" from using testimonies obtained by interrogation techniques comprising "*cruel, unusual or inhuman treatment or punishment*". But its retroactivity is set at 30 December 2005, and "confessions" obtained before that date can therefore be used in evidence. This clause thus juridically protects CIA agents who had used methods comparable to torture before that date, and consequently, the managers who had approved them. 30 December 2005 is the date on which President Bush promulgated a budgetary extension for the DoD that included a provision, known under the name of the McCain Amendment, concerning the rules to be followed with regard to the treatment of detainees.

Whilst the Act prohibits in future "*cruel or inhuman treatment*", defined as "*torture*", and techniques inflicting "*serious physical or mental pain*", it however allows the use of confessions obtained by a certain form of coercion. In fact, it leaves the President room for manoeuvre for deciding the techniques that US investigators can legally use in their interrogations<sup>4</sup>. Provisions that seem manifestly intended to protect CIA investigators from prosecution for war crimes.

Furthermore, the piece of legislation also prohibits the detainees from appealing their detention, a clause considered to be contrary to the Constitution by the Democrats and by certain Republicans. A limited appeal against the judgement remains however possible, to the special group set up to scrutinise the judgements of the "*Military Commissions*", then to a Federal Civil Court in Washington D.C., and finally to the Supreme Court, but it can relate only to the conformity of the procedure followed. The only concession granted to detainees in exchange: they would have the right to have access to certain documents retained against them in so far as those documents present no national security risk.

All the Republican Senators, with a single exception, voted for this Act, as did 12 of the 44 Democrat Senators. Several of those who voted for, however, expressed the wish that the Supreme Court should invalidate the more contestable clauses of this piece of legislation at a later date.

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<sup>4</sup> The piece of legislation authorises the President to give an interpretation to the provisions of the Geneva Conventions authorising the use of interrogation techniques described as "*lesser*", namely those ranging between "*cruelty*" and "*minor abuses*".

It should be remembered that the latter rejected, on 02 April 2007, the appeal of dozens of detainees who were demanding the right to seize a federal court in order to contest their detention without charge. Whereas a majority of four judges was necessary for the Court to be seized of those cases, only three judges had expressed their will to examine the merits of those appeals. Two other judges believed that it was too early for the Court to recognise its jurisdiction, the detainees not having exhausted the internal appeals, while admitting that if the procedures were to be further delayed, the court should act quickly to ensure that neither the function nor the rationale of the recourse of *habeas corpus* were discredited. At the time of writing, the US authorities are intending to arraign 60 to 80 detainees before the "Military Commissions" and to return approximately 85 other detainees to their countries of origin. The Supreme Court's decision therefore related to all the other detainees, consequently offered the prospect of unlimited detention without charge.

Two months earlier, on 20 February 2007, the Federal Court of Appeal of Washington had rejected the applications presented in the name of the detainees seeking to guarantee them the recourse of *habeas corpus*.

Remember that in 2004, by 5 votes to 4, the Supreme Court had declared that the supposed terrorists should be able to contest their detention. The US Government had then set up a procedure for "*reviewing the enemy combatant status*". The detainees, denouncing that administrative procedure where they appeared without legal representation, had lodged new appeals that had culminated in the aforementioned decision of February.

5. On Friday, 30 March 2007, a first detainee, the Australian David Hicks, after pleading guilty, was sentenced to nine months of imprisonment by a "Military Commission". It was the very first conviction by a military tribunal. Under the auspices of a detainee exchange agreement between the United States and Australia, David Hicks will serve his time in a prison in the town of his birth, Adelaide. The party concerned had spent more than five years in the Guantanamo Bay Detention Facility. The agreement reached between David Hicks and the US military prosecutors stipulates that the Australian will not have the right to speak to the Press for one year and that he will have to refund all of his royalties to the Australian government if he decides to write a book on his lengthy detention in Guantanamo Bay.

A second detainee, Omar Khadr, the only Canadian detainee in Guantanamo Bay, captured in 2002 in Afghanistan at the age of 15, now 20 years old, appeared on 24 April 2007 before another "Military Commission". The party concerned, a minor at the time of the facts with which he is reproached, namely the assassination of a US military male nurse in Afghanistan, plotting, material support for terrorism and espionage, was sentenced to life imprisonment. On 04 June, a military judge declared the charges brought against Omar Khadr non-admissible, because he had been declared an "*Enemy Combatant*" by a military jury at Guantanamo Bay a few years earlier and that only "*Unlawful Enemy Combatants*" could be tried by a "Military Commission" under the terms of the new Act on military tribunals, signed in 2006 by the US President. A colonel who was leading the military defence asserted furthermore that none of the detainees had been declared an "*Unlawful Enemy Combatant*" and that, consequently, the system should be reviewed.

The military judge's decision referred to above did not entail Omar Khadr's release. The Pentagon saw it as a purely "technical" question, easy to resolve, and not a precedent that threatened the "Military Commissions" system. But the judge's decision however gave

renewed hope to the defence counsels and the human rights organisations, who or which believe that Omar Khadr and the other detainees should stand trial before ordinary US courts.

Another military judge has ordered that the only other detainee of Guantanamo Bay currently accused of a crime, the Yemeni Salim Ahmed Hamdan, accused of having been Usama Bin Laden's driver and bodyguard, "did not pertain to this court" under the new legislation.

These decisions constitute a reverse for the Pentagon, which was hoping to accelerate the treatment of the Guantanamo Bay cases.

6. It seems that, according to the information published by the *New York Times* on Thursday April 26<sup>th</sup>, the US Authorities were intending to limit the intervention of the hundreds of lawyers who were defending the detainees, believing that the civil lawyers' visits were causing "*major problems and threats for the camp's security*". An application in this sense had been lodged, according to the American daily newspaper, before the United States Court of Appeal, seeking to replace the current provisions, introduced in 2004, governing the intervention of lawyers on the Guantanamo Bay base. This application would seek to reduce the number of visits that a lawyer could make to his or her client, whereas the current rules do not limit the number of authorised visits. Still concerning these visits, a lawyer who wanted to assume the defence of a detainee would now have only one interview at his or her disposal. Military lawyers and intelligence agents could also have access to the e-mails sent by the lawyers to their clients. Until now, according to the US daily newspaper, these messages had been "*inspected*" without being read. The new measures would enable the government's representatives to prevent the lawyers from having access to the evidence used by the "Military Commissions" to determine whether or not detainees were "*Unlawful Enemy Combatants*".

Many lawyers have denounced this application and have accused the government of wanting to make Guantanamo Bay a "*legal black hole*" once again. The U.S. Authorities withdrew this request prior to oral argument in this case.

Within the framework of the current system, the prosecutors are expecting, as indicated above, to arraign at least 80 detainees of Guantanamo Bay. It is not excluded that new legal obstacles will come to disturb the workings of the "Military Commissions". In this respect, we should remember that there is a general principle of law contained in Article 6 of the European Human Rights Convention according to which a detainee has the right to stand trial "within a reasonable period of time". The fact that a large number of detainees have been there for four or five years constitutes a manifest overrun of any such reasonable period of time.

In any event, as we have pointed out above, it is a question of an internal choice based on the logic of a military court. The quality of the legal arguments of the supporters and opponents alike must be measured in the light of this choice. It still remains that the problem of the closure of the detention centre has become, as we mentioned in the introduction, one of the great subjects of political debate in the United States.

### Section III. Contested Detention Conditions And Interrogation Techniques

1. Many human rights organisations continue to denounce interrogations techniques comparable to torture, despite the official denials. They believe, indeed, that the blur surrounding these techniques authorises every abuse, such as sleep deprivation or exposure to extreme temperatures. For *Human Rights Watch*, for example, the piece of legislation mentioned above “rewrites essential parts of the Geneva Conventions and removes the detainees’ most fundamental right, that of being heard”.

It should be remembered that the detainees’ lawyers protested in July 2006 against the US authorities’ desire to examine all documents in the detainees’ possession, including those protected by the confidentiality of client/lawyer exchanges. This measure followed upon the suicide of three detainees, a Yemeni and two Saudis, on 10 June 2006. According to the US authorities, it was a question of determining whether they had been helped and whether other suicides were in the pipeline. It was thus that the documents in the detainees’ possession (personal notes, family letters, and legal documents) were seized. Only the documents of the three detainees who committed suicide and of eleven other detainees were read and translated. It was observed that the detainees had used the paper meant for the exchanges with their lawyers for the purpose of communicating between themselves.

On the basis of this observation, the US authorities applied to the court, at the beginning of July 2006, for authorisation to study all the documents, filing for that purpose the same application in each of the dozens of cases brought before the federal justice system by detainees contesting their detention. The application related to detainees as a whole, all together, according to the lawyers, in a “*guilty by association*” theory, without any element being provided to show any particular detainee’s complicity in the suicides. It should be recalled that the commander of the detention camp at that time, Rear Admiral Harry Harris Jr., had described these suicides as “*acts of despair*” and as “*asymmetrical acts of war directed against the United States*”. His remarks had caused lively protests on the part of the lawyers and many human rights organisations.

In any event, and despite the drastic surveillance measures taken to avoid new suicides, a Saudi detainee, named Abdoul-Rahman bin Ma’ada bin Dhafer al Aameri, put an end to his days in his cell on 30 May 2007. This suicide was the fourth recorded among the detainees since the opening of the detention camp in January 2002.

In April 2007, there were 13 hunger strikers in Guantanamo. This strike had started in January or February and continued intermittently, with the detainees on hunger strike being fed against their will by the use of probes. According to a military spokesman, the forced feeding was not intended to break the hunger strike. It was a question of a medical procedure for the purpose of generating the necessary heat for sustaining good health. According to the same spokesman, that hunger strike movement “seems to have coincided with the significant number of media come to cover the trial of David Hicks, named “the Australian Taliban”, which took place at the end of March 2007. “*As soon as the media left, the number of hunger strikers sharply fell*”, he added, also specifying that “*the hunger strike is a tactic taught in the Al-Qaeda training manual*”.

At the end of January 2007, a detainee of Bahraini extraction had explained to his lawyer why a score of detainees of Camp 6 had gone on hunger strike in order to protest against the living conditions in this new high-security quarter opened in December 2006.

It should be recalled that hunger strikes in Guantanamo Bay are recurrent. The first took place in the spring of 2002, and the movement particularly developed during the summer of 2005, reaching a peak of 131 strikers in September 2005. A few months later, there were still 84 of them, and in May 2006, the number of strikers increased to 89. As we mentioned in our previous report, the strikers were fed by a thin gastric probe, yellow in colour, as used in the majority of hospitals, which is gradually inserted into a nostril until the end reached the stomach, to which mashed potatoes were then directed under pressure. The army medical officers considered this technique to be "safe", but it was painfully and humiliatingly applied, according to the detainees' lawyers. Certain ex-detainees claim that this forced feeding had caused major lesions and haemorrhages, which was contested by the army medical officers at the time of their visits to the medical centre. This has been enlarged and is completely adapted to the provision of care under the best conditions, and its team of psychiatrists has been strengthened since our last visit.

2. The Camps 5 and 6 that we visited are two modern buildings that comprise nothing but isolation cells. They have been built on the model of the US medium-security prisons and endowed with the most sophisticated surveillance equipment. The construction of Camp 6, completed in December 2006 and currently comprising 168 cells, cost 37 million dollars (or 28 million euros). Camps 5 and 6 have been built to receive the most dangerous detainees, those coming from the CIA's secret prisons in particular. They have been adapted to ensure maximum security. The central part of the buildings comprises, as in the US prisons, metal table and chair units secured between themselves. Only the guards use this central part. At the time of our visit, many water bottles intended for the detainees were stored on the tables. Security grills and cameras were visible everywhere. In Camp 5, the Imam's cell is clearly identified by a panel bearing his photograph and the wording "Imam", which enables him to direct the prayers in a regular fashion from his cell.

In Camp 6, visitors are shown a typical cell, of approximately three by four metres. The rectangular cells have no windows giving access to daylight. They have neon lighting. At night, according to the explanations with which we were provided, the light is changed to night-light. The doors are equipped with glazed apertures down to the ground, unlike Camp 5, where the glazed apertures go halfway down. The cells are equipped with a mattress placed on a concrete base and a low-frame steel basin and a WC. The detainees have some "objects of comfort" (toothbrush, toothpaste, linen, etc) and a Koran. They are locked up for 22 hours out of 24. Five wire-fenced areas of more or less 20m<sup>2</sup> are available for the detainees for the two hours of "recreation" envisaged by the camp's regulations.

The guards, unarmed when in direct contact with the detainees, wear a safety vest intended to ward off possible knife thrusts or attacks by blunt objects, rubber gloves, neck protections and at times surgical masks.

According to the detainees' lawyers, the light is permanently on in those high-security quarters. Some claim that the guards intentionally slam the doors and offer the library trolley at any time of the day or night in order to deprive the detainees of their sleep. Moreover, they assert that the temperatures in the isolation cells can undergo profound variations in both

directions. Furthermore, according to the lawyers, the detainees of a particular quarter report that their guards come to speak to them at their prayer time and take their refusal to answer as insubordination justifying the intervention of a "reaction team" tasked to put an end to it by force.

As conversations with detainees were not allowed, it was impossible for us to check these allegations. Some lawyers also assert that the heads of the unsubmissive are shaven and their beards cut by force, which the officers in charge of the camp deny. We cannot confirm these allegations. The officers emphasise, furthermore, the attention paid to detainee relations. For this purpose, a team of specialists (a "*Behavioural Science Consultation Team*") has been set up. This is responsible for ensuring in particular that no exaction is committed against the detainees by the guards, who, in addition, receive specific training according to the tasks that are assigned to them.

3. An *Amnesty International* report published at the beginning of April 2007 has denounced the above Camp 6, because the detainees are kept in isolation there, under even harder conditions than in the maximum-security prisons in the United States, whereas according to the NGO in question, the allocations seem more related to the places available than to the detainees' behaviour. The officers in charge of the camp have formally denied these allegations.

However, it would seem, according to various sources, that certain detainees are carrying out a permanent "guerrilla war" against their guards, despite the Draconian security measures. This supposedly results in sprays of "bodily fluids" (saliva, faeces, sperm, urine, blood coming from the haemorrhoids, vomit) on the guards. An intense "pounding", according to the officers in charge of the detention camp, who scrupulously accounted for more than 432 "sprays of bodily fluids" between July 2005 and August 2006. We were unable to obtain any information on more recent incidents.

6. There is something that deserves to be said. Between our two visits (March 2006 and June 2007) to the detention camp, the tension has increased. The hunger strikes have multiplied as well as the verbal and physical aggression against the guards. This tension intensified after the suicides of three detainees in June 2006. Since then, the fact of making a successful attempt on one's own life is the subject of a tenacious fight between the detainees and the military authorities. Hitherto, the guards had always succeeded in preventing suicides, fearing the impact of detainee deaths in the Moslem world. For that, various tactics had been used: multiplication of the patrols, forced feeding of the hunger strikers, and the reading out of passages of the Koran condemning suicide.

On 16 May 2006, a riot erupted in Camp 4. According to the testimonies reported in the press, the detainees laid an ambush for the guards. After covering the floor of their barrack room with excrement and simulating a suicide to attract the guards, they attacked them with makeshift weapons<sup>5</sup> until the soldiers opened fire with rubber bullets and deployed smoke grenades. According to the officers, it was at the time of the search of the barrack rooms and the examination of the Korans placed at the disposal of the prisoners that the most serious confrontations had occurred.

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<sup>5</sup> These were shown to us at the time of the briefing prior to our visit to the various camps.

. We should remember that Camp 4 is the least strict quarter, where detainees wearing white, regarded as "co-operative", were living in ten-strong barrack rooms and circulating freely within the enclosure where the wire fences were covered with a green synthetic fabric. Following these confrontations, which, still according to the official version, caused major damage to the infrastructures, Camp 4 had been temporarily closed and the detainees transferred to other camps.

We noted that Camp 4 was open again but that the number of detainees per barrack room had been reduced to five. Cameras were visible everywhere. Posters in particular reproducing Article 3 of the Geneva Conventions and the camp's Standing Regulations had been put up, as well as photocopies of anodyne articles coming from the press of certain Moslem countries. A classroom for teaching the language or for learning to read had been arranged. It comprised metal tables fixed to the ground and plastic chairs. Securing rings equipped with straps for restraining the detainees' feet were visible on the floor. This classroom, in which there was a small screen, also served as a cinema room. According to the camp authorities, nearly 300 films, mostly old documentaries or sports movies, were available for the detainees. Carefully selected books and magazines were regularly offered to the detainees. Potting trays have been placed at the detainees' disposal for growing their own vegetables. At the time of our visit to Camp 4, we did not notice any particular reaction from the detainees.

The May 2006 riot enabled the degree of solidarity between the detainees to be measured and also those who resisted the pressure of the self-proclaimed "leaders" to be identified. However, it seems, according to our sources, that many prisoners are still under the thumb of a "political leader".

7. On the other hand, according to the comments of the Islamic advisor whom we had already encountered at the time of our first visit, the tension was now lower. Hope seems to have sprung up again since the transfer of many detainees and the visit by a Saudi delegation. The agitators are now only a minority and most of them have been identified. He however recognised the existence of a "covert leadership" that exerted social pressure on all of the detainees. When the leaders organised actions, they were neutralised and sent to Camp Echo camp, but others soon replaced them. One should point out that the Islamic advisor in question teaches one or two expressions in Arabic to the guards each day in order to enable them to identify certain messages coming from the detainees. The latter communicate between themselves from one camp to another. According to him, at night when all is calm, the voices of the prisoners can easily be heard from camp to camp. We were able to check at the time of our visit to Camps 5 and 6 that the detainees inveigh against the guards and communicate between themselves.

In addition to the prospect of a possible transfer, the climate in certain camps seems to have changed because the detainees have perceived real improvements in their everyday lives: organisation of language lessons, learning to read, film shows and the display of news (see above). However, the social pressure remains strong and few detainees dare to oppose the instructions given by the "leaders".

8. The Chaplain whom we met, who, he told us, took care of the spiritual and mental health of the guards and of all those who were in charge of the interrogations, had no contact with the detainees. He organised the religious services, Catholic and Protestant alike. He believed that he played a part in stress management because he was often in the front line

ahead of the stress management unit. If he detected unusual or depressive behaviour among the guards, he would immediately report it. To the question of knowing whether he were sometimes confronted with aggression in certain guards who drew pleasure from their relation of power over the detainees, he answered that situations of that kind were rare but that if he detected any such behaviour, it was his duty to report it to the hierarchy forthwith.

The officer in charge of the guards pointed out that each guard could be identified by the detainees by means of the number sewn on to his uniform and that any complaint emanating from a detainee was duly investigated. Daily briefings were organised to remind the guards, in particular with newcomers, that they had to comply with a number of rules.

9. We must once again note that the Guantanamo Bay Detention Facility continues to provoke a considerable number of questions and reactions. We have, in our previous report, responded to questions on the quality of the intelligence collected from the detainees, and on their degree of dangerousness. With regard to this latter point, the fact that a large number of detainees have been released or transferred clearly shows that many of them were in Guantanamo Bay almost by chance because of their suspect frequentations or because they were in the wrong place at the wrong time.

On the other hand, the detainees who had just been transferred to the detention centre from the CIA's secret prisons were incontestably men who were directly involved in terrorist operations or at least suspected of belonging to the Al-Qaeda movement. The majority of them had probably already delivered important information and should, if the legal imbroglio were to be unravelled, stand trial before the "Military Commissions" in the near future.

One can however wonder once again whether Guantanamo Bay is primarily a detention centre or a site for intelligence gathering. One has, indeed, the feeling that uncertainty remains among the officers of the Southern Command of the Army (SOUTHCOM), even if the detention centre authorities continue to assert that the intelligence obtained from the detainees has enabled many lives to be saved and better knowledge to be acquired of the workings of the Al-Qaeda-related terrorist groups. Currently, nearly 115 detainees are thought to be interrogated on a regular basis. It is thought that intelligence useful for the military operations in progress in Afghanistan is being gathered. According to the manager of the centre's information services, certain Afghan detainees were still giving information on the complicated topography of particular places in Afghanistan. We are not able to confirm or deny what he said. We can base ourselves only on the official sources available. It is however proven that the majority of the prisoners now only undergo a few interrogations per annum and one can consequently wonder about the quality of the intelligence obtained after three or four years of detention.

10. We stressed in our previous report certain deficiencies in the gathering and sharing of the intelligence. We would recall the lack of co-ordination between the various intelligence agencies, even rivalry between them, as well as the withholding of classified information from foreign intelligence services. This situation generates negative consequences, since each agency does not necessarily know the intelligence acquired by the others, or even – worse still – involuntarily provides important clues to the detainees about what is already known about them.

According to our sources, the DoD readily shares its intelligence with other services, whereas the CIA, for example, keeps the most important intelligence to itself. This confusion



is also expressed in the fact that the analysts issue decidedly unequal reports, with neither standardisation nor supervision of the written results, and that these could not be regarded as "finished products" from the intelligence point of view. Stemming from the interrogations, many these reports would be read by only a few people, or even not at all. Moreover, it should be remembered that the initiatives to create a centralised database were only taken two years after the establishment of the detention centre, with the result that much of the intelligence was only belatedly to be found in it.

At the time of our visit in March 2006, we noted that the level of the people in charge of the interrogations was very variable. Most of them were reservists or people working under fixed-term contracts. A person had hardly mastered the subject or a language spoken by the detainees than he or she was already replaced, a situation that creates instability that certain detainees could turn to their advantage. This instability is hardly propitious for the creation of a climate of trust with the interrogators and does not encourage the detainees to co-operate, as they are fully aware that they will have someone else in front of them in a few months' time. We drew attention to this personnel rotation problem in our previous report.

It would seem that most of the contracting parties, male or female, at Guantanamo Bay are *strategic debriefers*, trained to obtain information from defectors or from co-operative detainees – seldom the profile of certain alleged terrorists belonging to the Al-Qaeda movement. However, carrying out an interrogation is no impromptu affair: years of experience are required. According to our sources, with a few exceptions, most of the interrogators sent to Guantanamo Bay do not have those skills. Moreover, increasingly young interrogators are currently there who have only basic knowledge of the complex Al-Qaeda movement. After the reading a couple of books on the subject, they receive four weeks of training at the Pentagon in conducting interrogations, then disembark at Guantanamo Bay, equipped with no other qualifications. Faced with such interlocutors, who often show themselves to be too vague, certain detainees (in particular Saudis), who already despise the Americans, feel that they have the upper hand. To that is added the fact that many interrogators start from the principle that the detainees will never co-operate and therefore feel, psychologically, that they have lost in advance.

It is difficult to check these assertions as the interrogators are bound by professional secrecy. According to our sources, they are however reliable. In any event, they stimulate essential reflection, as we mentioned in our previous report, on enhanced co-ordination between the intelligence services and the sharing of intelligence necessary for the fight against international terrorism.

## Section IV. Conclusions and Recommendations

### A. Conclusions

1. We note that the current US Administration is continuing to favour the military option in the fight against terrorism. As we indicated in our previous report, its entire legal argumentation rests on this term of "war" and generally contrasts with the European approach and with that of the majority of the OSCE participating States, which criminalize terrorism and favour the normal criminal procedures. In the US perspective, the procedures envisaged by the "2006 Military Commissions Act" therefore enshrine an implacable logic even though they are contested by many human rights organisations and by the detainees' lawyers. However, we note that the American legal world has regained some power. From now on, the legal issues are clearly on the table: no-one can envisage, at this stage, whether the "Military Commissions" will function normally within the framework of the aforementioned Act or whether new legal developments are to be expected. The latest development dates from last 29 June, when the Supreme Court declared itself ready to examine the application of prisoners of Guantanamo Bay who believe that they have the right to contest their detention before federal judges. It should be remembered that in April 2007, this same Court had refused to consider those detainees' applications. The judges let it be known that they would hear two appeals during the next session, which will begin next October. The situation is thus far from being completely clarified;
2. We note that the US Administration has taken account of the idea formulated in Recommendation 10 of our previous report, namely that an international committee of legal experts should thoroughly reflect on a possible development of international law with regard to the general question of the "new categories of combatant" and the recent trend of international terrorism;
3. We also note that the internal political debate in the United States on the question of the closure of the Guantanamo Bay Distinction Facility has intensified and that political developments on the subject are to be expected;
4. It seems today obvious to us that with the transfer, even the release of many detainees, and the arrival of individuals with an undeniably more dangerous profile, the prison is changing its status, the more so as considerable financial means have been invested in the construction of a high-security camp (Camp 6) and the imminent conversion of new infrastructures intended for the "Military Commissions". It should however be stressed that the budget for these infrastructures, the construction of which is on the drawingboard, has been reduced by the Secretary of State for Defence, Robert Gates;
5. We note however that the transfer of detainees who are no longer dangerous is at the heart of the concerns of the US leaders; that efforts in this sense are deployed by the State Department and the DoD, efforts that often encounter refusal from the countries that have nationals in Guantanamo Bay, either because they do not want to assume their responsibilities, or more often, because they believe that the conditions imposed on them by the US Administration are too heavy in the light of their own legislation, particularly in the humanitarian field. Many of these countries are incapable of controlling the ex-detainees' movements and do not have sufficiently secure penitentiary infrastructures to guarantee that the latter will not return to the combat;

6. One of the recommendations of the July 2006 report of suggested to the OSCE participating States that still had nationals in Guantanamo Bay that they should negotiate the transfer of their nationals, or possibly receive non-nationals on their territory, possibly with the assistance of qualified international organisations (ICRC, etc). Your Rapporteuse has taken the initiative of sending letters in this sense, including ones to the OSCE non-participating States, but which have nationals in Guantanamo Bay. With regard to the reception of nationals, the answers are generally of similar vein. In the majority of cases, they are favourable and confirm that negotiations or transfers are in hand. These negotiations are sometimes difficult. Thus, China has demanded on several occasions that detainees of Chinese extraction be repatriated and has deplored the fact that the United States have transferred some of its nationals to Albania. Other countries, such as Bahrain or Kuwait, are disposed to assume their responsibilities and confirm that negotiations are in hand with the US Authorities. Algeria, subject to an agreement on the practicalities of the transfers, has given its assent. Still other countries, such as Yemen, are demanding that the United States provide the evidence and information relating to the culpability of the prisoners but is ready to make the necessary gestures in order that their nationals be repatriated. The same applies to Kazakhstan, which wishes to receive its nationals with the proviso that they have not been found guilty of terrorist activities. With regard to the letter relating to the reception of non-national detainees, the replies received were extremely variable. They were often of a diplomatic nature. Thus, the Member States of the European Union gave adverse opinions invoking legal or political reasons. Other countries evoked their lack of means, particularly in terms of surveillance. On the other hand, Albania, which has already received detainees of Chinese extraction, has recently let it be known that it will favourably examine the possibility of receiving other non-national detainees on its territory, insofar as its limited capacities allow. The transfer of detainees who are no longer regarded as "*Enemy Combatants*" is important because keeping them in Guantanamo Bay is likely to accentuate their radicalism and therefore their possible recruitment by Islamist networks. The hypothesis of placing them under the responsibility of an international organisation that would agree to negotiate their reception in third countries could be rapidly explored. A transferable detainee who would taken in hand by each Member State of the European Union would be tantamount to settling the problem of the 25 detainees on standby.

## **B. Recommendations**

Your Rapporteuse:

1. Notes that despite international pressure and the view expressed by many Heads of State and Heads of Government, the Guantanamo Bay Detention Facility is still operational;
2. Takes note that the question of its closure is the subject of important debates in the United States between Democrats and Republicans and that the candidates for the presidential elections of 2008 have made up their minds on this problem;

3. Takes note that the number of detainees is constantly reducing because of transfers to their countries of origin or to third countries and that negotiations between the United States and the countries that have nationals in Guantanamo Bay are ongoing;
4. Notes that a number of supposedly dangerous detainees have been transferred to Guantanamo Bay from the CIA's secret prisons, for the purpose of standing trial there by "Military Commissions";
5. Notes that the said "Military Commissions" were set up after the vote for the "*Military Commissions Act*" (MCA) in September 2006 by the legislative power of the United States, but that their workings are still encountering many objections of a legal nature;
6. Recommends that the US Authorities should do all that they can to ensure that the detainees' rights to a fair trial are preserved, within the framework of the aforementioned Act;
7. Notes, after her visit to the Guantanamo Bay Detention Facility, that the US Authorities are henceforth treating detainees consistently with Common Article 3 of the Geneva Conventions, as well as all applicable U.S. law, including the prohibitions on torture and cruel, inhuman or degrading treatment, and are assuring them, in fact, a status equivalent to that of "prisoners of war";
8. Recommends that the US Authorities should take special care that detainees on the verge of being transferred or released way can escape the pressure, even the control, of the most radical detainee groups;
9. Recommends that the US Authorities should honour their commitments with regard to the elementary guarantees envisaged by international humanitarian law;
10. Recommends that the OSCE participating States that still have nationals in the Guantanamo Bay Detention Facility should redouble their efforts so that the latter are transferred as soon as possible on to their own soil in order possibly to stand trial there if it appears that they might be guilty of terrorist activities;
11. Suggests that efforts be redoubled by facilitating contacts between the US Authorities and certain international organisations that could, within the framework of their competences, play a part in the transfer of certain detainees; a small team of international experts approved by the US Authorities could be involved in the transfer modalities;
12. Recommends that the US Authorities should do their utmost to facilitate the declassification of relevant information in the fight against terrorism and undertake to share useful information with the OSCE participating States;
13. Recommends once again the creation of an international commission of legal experts tasked to reflect on a possible development of international law with regard to the general question of "new categories of combatants" and of the recent trend of international terrorism; this international commission should ask itself whether additional instruments are necessary in future in order to counter or prevent these new threats to international peace and security, including the international status of the

detainees of these new asymmetrical conflicts, considering the legal blur and the current practices;

14. In consequence of the foregoing, exhorts the US Authorities to do their utmost to ensure that the Guantanamo Bay Detention Facility, which is continuing to harm the democratic reputation of the United States, be closed and that the detainees be transferred without delay.

