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121st Assembly of the Inter-Parliamentary Union

1. Opening of the Assembly

The 121st Assembly of the Inter-Parliamentary Union¹ opened its proceedings at the Geneva International Conference Centre in the morning of Monday, 19 October 2009. The President of the IPU, Dr. Theo-Ben Gurirab, welcomed the participants and declared the 121st Assembly officially open. He was subsequently elected President of the Assembly and the Vice-President of the Executive Committee, Ms. Elissavet Papademetriou (Greece), was elected Vice-President.

At its last sitting, the Assembly endorsed two statements: one on the H1N1 virus and another on the situation in Honduras (see page 27)

2. Participation

Delegations of the following 123 Member Parliaments took part in the work of the Assembly:² Afghanistan, Algeria, Andorra, Angola, Argentina, Armenia, Australia, Austria, Bahrain, Bangladesh, Belarus, Belgium, Benin, Bolivia, Bosnia and Herzegovina, Brazil, Bulgaria, Burkina Faso, Burundi, Cambodia, Cameroon, Canada, Chile, China, Colombia, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Democratic Republic of the Congo, Denmark, Dominican Republic, Ecuador, Egypt, El Salvador, Estonia, Ethiopia, Finland, France, Gabon, Germany, Ghana, Greece, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Iraq, Israel, Italy, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Lao People's Democratic Republic, Latvia, Lesotho, Liberia, Liechtenstein, Lithuania, Malaysia, Maldives, Mali, Malta, Mauritania, Mexico, Monaco, Mongolia, Namibia, Nepal, Netherlands, New Zealand, Nigeria, Norway, Oman, Pakistan, Palau, Palestine, Panama, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Romania, Russian Federation, San Marino, Sao Tome and Principe, Saudi Arabia, Senegal, Serbia, Singapore, Slovakia, Slovenia, Somalia, South Africa, Spain, Sri Lanka, Sudan, Suriname, Sweden, Switzerland, Syrian Arab Republic, Thailand, The former Yugoslav Republic of Macedonia, Togo, Turkey, Uganda, Ukraine, United Arab Emirates, United Kingdom, United

Republic of Tanzania, Uruguay, Venezuela, Viet Nam, Yemen, Zambia and Zimbabwe.

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

Observers included representatives of: (i) United Nations system: United Nations, United Nations Conference on Trade and Development (UNCTAD), International Labour Organization (ILO), Food and Agricultural Organization of the United Nations (FAO), United Nations Children's Fund (UNICEF), World Health Organization (WHO); (ii) World Bank, Organization for the Prohibition of Chemical Weapons (OPCW), Preparatory Commission for the Comprehensive Nuclear-Test-Ban Treaty Organization (CTBTO) and World Trade Organization (WTO); (iii) League of Arab States, African Parliamentary Union (APU), Arab Inter-Parliamentary Union (AIPU), Asian Parliamentary Assembly (APA), Assembly of the Western European Union (WEU), Association of Senates, Shooraa and Equivalent Councils in Africa and the Arab World (ASSECAA), Confederation of Parliaments of the Americas (COPA), Inter-Parliamentary Assembly of the Commonwealth of Independent States (CIS), Inter-Parliamentary Assembly of the Eurasian Economic Community (EURASEC), Inter-Parliamentary Commission of the Economic and Monetary Community of Central Africa (CEMAC), Maghreb Consultative Council, Parliamentary Assembly of the Black Sea Economic Cooperation (PABSEC), Parliamentary Assembly of the Mediterranean (PAM), Parliamentary Assembly of the Union of Belarus and the Russian Federation, Parliamentary Union of the OIC Member States (PUOICM), Southern African Development Community (SADC) Parliamentary Forum, Transitional Arab Parliament (TAP); (iv) Geneva Centre for the Democratic Control of Armed Forces (DCAF), International Committee of the Red Cross (ICRC), International Federation of Red Cross and Red Crescent Societies (IFRC) and International IDEA.

Of the 1,154 delegates who attended the Assembly, 519 were members of parliament. The parliamentarians included 24 Speakers, 41 Deputy Speakers and 164 women parliamentarians (31.6%).

3. Choice of an emergency item (Item 2)

¹ The resolution and reports referred to in this document and general information on the Geneva session are available on the IPU website (www.ipu.org).

² For the complete list of IPU Members, see page 19.

The Assembly had before it two proposals, a consolidated request for the inclusion of an emergency item submitted by the delegation of Australia and the delegation of Uganda, on behalf of the African Group, entitled *Parliamentary action to ensure global food security*, and a consolidated proposal presented by the delegation of Oman, on behalf of the Arab Group and with the support of the Islamic Republic of Iran, entitled *The critical situation in the Occupied Palestinian Territories and particularly in Gaza*. Following a vote, the proposal presented by the delegation of Australia and the delegation of Uganda, on behalf of the African Group, received the required two-thirds majority and was added to the agenda as Item 5 (see page 21).

4. Debates and decisions of the Assembly and of the IPU Committee on United Nations Affairs

(a) Debate on the emergency item

Parliamentary action to ensure global food security (Item 5)

The debate on the emergency item took place in the afternoon of Monday, 20 October. It was chaired by the Vice-President of the Assembly, Ms. E. Papademetriou (Greece). A total of 29 speakers from 28 parliamentary delegations and one observer took part.

During the debate, speakers expressed their concern over the various factors that directly affected food security, underlining the consequences of land degradation resulting from desertification and floods, and environmental degradation caused by climate change. They took note of the importance of the forthcoming Climate Change Conference in Copenhagen (COP15) and invited parliamentarians to be present at the event organized by the IPU on that occasion.

Many speakers underlined the importance of investment in scientific research to support agriculture in facing the growing food demand. Others drew attention to the danger of distortionary agricultural policies. There was a need to help the rural poor, men and women alike, to acquire technology, and gain access to a fair and open banking system, including micro financing.

The broad range of concerns expressed during the debates were reflected in the draft resolution prepared by a drafting committee, composed of members of the delegations of Australia, Bangladesh, Burkina Faso, Cambodia, Germany,

India, Malaysia, Sudan, Turkey, Uganda, Uruguay and Venezuela. The drafting committee appointed Mr. J.P. Winkler (Germany) as its president and Ms. N. Ahmad (Malaysia) as its rapporteur.

Following an amendment moved by the delegation of Venezuela, the draft resolution was adopted by consensus by the Assembly on Wednesday, 21 October (see page 23). A reservation was entered by the delegation of India.

(b) Report of the IPU Committee on United Nations Affairs (Item 4)

The subject of food security was taken up once again in the IPU Committee on United Nations Affairs. The Committee received Mr. J. Diouf, Director-General of the Food and Agriculture Organization (FAO) of the United Nations and heard a comprehensive presentation on the current food crisis and preparations for the World Summit on Food Security, scheduled to take place in Rome in November. In the context of the Rome Summit, the IPU and the Italian Parliament would be holding a parliamentary meeting on 13 November, which members were encouraged to attend. The Director-General's presentation was followed by a question-and-answer session, which included suggestions for possible action and cooperation by parliaments.

The Committee began its work by taking stock of the responses received to the IPU Questionnaire on how parliaments organize their work vis-à-vis the United Nations. The Survey, mandated by the Committee following its previous session in October 2008, aimed to determine the manner in which parliaments related to the UN system, special meetings and major negotiating processes at the United Nations, and in UN country offices.

To date, 65 responses had been received, and a preliminary examination had already identified a series of good practices and recommendations that should be shared with the full IPU membership. All IPU Member Parliaments were encouraged to urgently submit their responses so that the review could be finalized and circulated. That evaluation would feed into the preparatory process for the 3rd World Conference of Speakers of Parliament.

The Committee began a discussion about cooperation between regional parliamentary organizations and the United Nations. It was recalled that in the 2005 Declaration of Speakers of Parliaments, the IPU was invited to cooperate more closely with regional parliamentary associations and

organizations with a view to enhancing coherence and efficiency in global and interregional parliamentary cooperation. Although there were various activities at the national and regional levels, the Committee believed that there was scope for closer cooperation on policy with both regional and subregional parliamentary organizations.

The Committee heard a presentation on the status of United Nations reform and the report of the mission by its Advisory Group to Viet Nam earlier in the year. Such IPU missions to pilot countries undertaking One UN reform had enhanced the role of parliaments in developing national strategies and had established better mechanisms for parliaments to engage in international assistance and cooperation. The Committee welcomed the report, underscoring the need for a more coherent approach to aid delivery, which in turn should lead to greater effectiveness, transparency and accountability of UN operations. The Committee urged its Advisory Group to continue with such field missions and to report on progress.

The Committee heard a briefing from the Deputy Executive Secretary of the United Nations Framework Convention on Climate Change (UNFCCC) Secretariat on the negotiations on climate change which, it was hoped, would lead to a firm agreement at the UN Climate Change Conference (COP15) in Copenhagen. Parliamentarians pledged to engage with the authorities of their country to tackle remaining hurdles and join their national delegations to the COP15. A parliamentary meeting would also be convened by the IPU and the Danish Folketing in Copenhagen on 16 December.

The Committee reviewed the implementation of the IPU's recent resolution *on Parliamentary oversight of State policies on foreign aid*, and discussed the IPU's involvement with the Development Cooperation Forum established by the United Nations Economic and Social Council. A senior United Nations official and the Director of the International Budget Partnership joined the Committee. The latter presented the results of the recent Study on the role of parliaments in budget transparency and accountability.

The Committee recommended that: parliaments ensure that national budgetary accounts were made public and follow up annual audit reports; strategic partnerships were developed between parliaments, civil society and supreme audit institutions; parliaments should contribute to a gradual change in donor practices, with a view to incorporating

international aid in the regular budgetary exercise; and parliaments should be involved in drafting codes of practice for greater budget transparency.

The Committee welcomed recent IPU initiatives in the area of aid effectiveness. Those included the IPU's contribution to a regional initiative in Asia, called the Capacity Development for Development Effectiveness Facility, which aimed to build knowledge and capacities for greater development effectiveness. An expert study commissioned by the IPU to review parliamentary involvement in development policies and programmes in Zambia and the United Republic of Tanzania had also yielded promising results.

The IPU should prepare a handbook for parliamentarians on aid effectiveness. It was also suggested that additional case studies, representing wider regional representation, would be useful. Moreover, the IPU should assess the needs of parliament more systematically to measure the training they required in order to better analyse public finances, budgets and development programmes.

As the United Nations was approaching its 65th anniversary, the Committee reiterated its strong support for the mission, principles and objectives of the United Nations, in particular the need for all Member States to ensure full compliance with international law.

(c) Panel discussion (First Standing Committee subject item at 122nd Assembly: Cooperation and shared responsibility in the global fight against organized crime, in particular drug trafficking, illegal arms sales, human trafficking and cross-border terrorism (Item 3(a))

The panel discussion took place in the morning of 20 October. It was chaired by Mr. T. Boa (Côte d'Ivoire), President of the Standing Committee on Peace and International Security. The co-Rapporteurs, Ms. M.T. Ortuño (Mexico) and Mr. A. Wiriyachai (Thailand), presented their draft report, which focused on the current situation of organized crime in the world, the existing and developing international legal framework, the challenges ahead, and the role and responsibility of parliaments and parliamentarians. Participants also heard keynote presentations from Mr. P. Lapaque, Chief of the Organized Crime and Anti-Money Laundering Unit of the United Nations Office on Drugs and Crime (UNODC) and Mr. A. Steen, Chairman of the British

All-Party Parliamentary Group on Trafficking of Women and Children.

The panel was opened with a video presentation, which highlighted the sheer magnitude of organized crime around the world and the devastating effect it had on hundreds of thousands of innocent victims. Moving testimonies by victims of human trafficking underscored the extent of their suffering, but also the indifference with which their plight was treated by society at large. As Mr. A. Steen pointed out, hundreds of conferences were being held to discuss human trafficking, but few parliamentarians had actually ever met or talked to a victim of human trafficking. That was indicative of a certain disconnection between the work of public officials and lawmakers and the brutal reality on the ground.

A substantive discussion followed, with some 40 legislators from as many parliaments, as well as the representative of the International Institute for Democracy and Electoral Assistance (IDEA), taking the floor. Participants presented their national experiences in combating the various forms of organized crime. They recognized the need for more concerted and intense action in dealing with that growing phenomenon in practically all countries. As one participant observed, national legislation and response mechanisms were moving at a snail's pace, compared to the speed with which new and ever more aggressive forms of organized crime were being developed.

Public opinion was all too often unaware of the organized nature of human trafficking, a modern-day form of slavery. One participant drew attention to statistics according to which there were twice as many victims of human trafficking today than there were slaves in shackles during the 350 years of slavery. New or re-emerging forms of organized crime included piracy, abduction of children, domestic slavery and bartering, such as oil for weapons. The nexus between organized crime and political life also needed to be carefully examined.

Women and children tended to be the choice victims of the various networks of organized crime. With tighter security measures in place, more and more women were being used as shields to defend the real perpetrators of organized crime. They were the ones going to jail instead of the main ringleaders for prostitution, and they were used as pawns to carry out cross-border acts of terrorism and drug trafficking, roles traditionally reserved for men. All of those facts had a devastating impact on the world's most vulnerable sectors of society, as well as on families and communities.

Victims needed to be protected, assisted and rehabilitated and under no circumstances treated as criminals. While in many societies good laws were in place, much more needed to be done in terms of real and effective implementation. The experience of the UK Parliament showed how a small group of legislators could take very effective action, overseeing government response and demanding more robust measures to tackle organized crime. A regional network of parliamentary action groups against human trafficking had been set up as the phenomenon knew no boundaries. The importance of other regional initiatives, such as joint databases and shared information and monitoring systems, could not be underestimated.

Participants agreed that in order to combat organized crime it was necessary to: (1) overcome the widespread indifference towards the victims of organized crime; (2) draw inspiration from the good practices and bold legislation that had been developed by many parliaments; and develop joint action and a strategic approach to the fight against organized crime.

(d) Panel discussion (Second Standing Committee subject item at 122nd Assembly: *The role of parliaments in developing South-South and Triangular Cooperation with a view to accelerating achievement of the Millennium Development Goals* (Item 3(b))

The panel discussion took place in the morning of 20 October, with Mr. P. Martin-Lalande (France), President of the Second Standing Committee, in the Chair. The co-Rapporteurs, Mr. F.-X. de Donnea (Belgium) and Mr. G. Lubinda (Zambia) presented a draft report on the item with a view to fostering a more formal debate during the 122nd IPU Assembly in Bangkok. They pointed out that the subject of South-South cooperation was so vast that any attempt to make a comprehensive presentation would necessarily be lengthy.

That opinion was echoed by Mr. V. Yu, Coordinator of the Global Governance for Development Programme at the South Centre, who addressed the panel as an invited expert. The Centre was one of the leading intergovernmental think tanks of developing countries, providing quality technical analysis based on a political message of South-South solidarity and justice-based ideology.

Following the three introductory statements, an exchange of views took place, with a total of 36 delegates taking the floor, nearly one third of whom were women. The delegates agreed that

South-South cooperation was an essential ingredient in the new development agenda and that it offered viable opportunities for developing countries to pursue the objective of sustained economic growth. That was all the more true in the context of the global economic crisis, when the South was facing additional constraints and challenges.

Parliaments of both developed and developing countries should be proactive in building support for the innovative North-South development partnership models that had been agreed by the United Nations in Monterrey in 2002 and reaffirmed in Doha in 2008.

Regional integration as a specific form of South-South cooperation was examined. The free movement of goods, services, capital and people stimulated investment, spurred economic growth and increased South-South trade. The right mix of regional competition and measured protection was crucial to smooth integration into the global trading system. It also helped make regional integration an effective vehicle for growth and accelerated poverty reduction. The weaker countries especially encountered difficulties associated with globalization, which made regional integration a mandatory and unavoidable approach.

Both the draft report and the panel discussion served as reminders that legislative support for South-South cooperation by parliaments was indispensable for achieving the Millennium Development Goals, in particular as they related to poverty reduction.

(e) Panel discussion (Third Standing Committee (subject item at 122nd Assembly: Youth participation in the democratic process (Item 3(c)

The panel discussion took place in the afternoon of 20 October with Mr. Y. Zhumabayev (Kazakhstan), First Vice-President of the Standing Committee on Democracy and Human Rights, in the Chair. The co-Rapporteur, Ms. M. Lugaric (Croatia), presented her draft report and invited participants to make proposals to enrich the final rapport and the draft resolution, which she was currently drafting. The participants also heard presentations by Ms. N. Shepherd, Chief of the United Nations Programme on Youth, Mr. A. Guerrero, Director of Partnerships at the United Nations Children's Fund (UNICEF) and Mr. R. Amalvy, Director of External Communication, World Scout Bureau. During the course of the debate, 37 delegates took the floor.

Young people had a right to participate in decision-making. One quarter of the world population should not be excluded from decision-making processes. The challenge was not only to guarantee youth the right to participate but also to guarantee the effective and efficient enjoyment of that right. Education that fostered participation was important. So were promoting a culture of inclusion from an early age, building capacity, providing youth with the means to take action and youth representation in executive bodies.

Participation by youth in policy and decision-making and in the management of public affairs allowed them to contribute with a fresh perspective and make sure that their needs were taken into account and that laws, policies and programmes met those needs. Contrary to what young people often heard, youth were not only the future, they were also the present. Parliamentary action should centre on both the fight against the exclusion of youth from political life and the apathy that they displayed towards the political process.

While the age group that corresponded to the category "youth" as defined by the United Nations ran from 15 to 24 years, preparations for youth participation should start much earlier and participation extended much longer. Efforts to strengthen youth participation in politics could draw inspiration from the policies and strategies implemented to strengthen women's participation in politics. Young women faced discrimination on two fronts - as youth and as women.

Ensuring greater participation by youth in parliament could be achieved by making sure that the minimum age for voting and the minimum age of eligibility for running for office was one and the same. If young persons were considered able to vote, they should also be considered able to take up a seat in parliament. Quotas could also be adopted to guarantee a minimum number of young people in parliament.

Regarding parliamentary structures, the establishment and proper functioning of parliamentary bodies dealing with youth issues was an important means of ensuring that their needs were taken on board. Parliaments must guarantee the participation of youth in the work of their committees. A sound and modern communication strategy, based on new communication tools, should be adopted by parliaments with a view to informing and consulting youth. Cooperation should also be forged among parliaments, youth parliaments and youth associations.

The IPU was urged to incorporate youth participation in its activities, along the lines of the measures that had been taken to promote women's participation. It should require parliaments to include youth in their delegations. Moreover, it should set up a mechanism, as had been done for

women, that would allow youth parliamentarians to meet and make a contribution to the work of the Organization for example by holding an alternative Assembly of Young Parliamentarians in the wings of statutory IPU Assemblies.

185th Session of the Governing Council

1. Membership of the IPU

At its sitting on 19 October, the Governing Council suspended the Parliament of Niger. It condemned the unconstitutional dissolution of the Parliament, deplored the persecution and arrest of its members and requested the IPU Committee on the Human Rights of Parliamentarians to examine their situation.

At its sitting on 21 October, the Council decided that unless payments were received before the end of the year, the membership of Papua New Guinea and Somalia would be automatically suspended effective 1 January 2010, for the accumulation of arrears in contributions. There were no requests for affiliation and the IPU thus currently comprised 152 Member Parliaments.

At its second sitting, the Governing Council, seeking to dispel uncertainties about the representation at the Assembly of the Parliament of Palestine, endorsed a statement by the President that pending any major developments in the Occupied Territories, the Palestine National Council would be treated on a par with any other IPU Member in all matters relating to its status as representative of Palestine at the IPU.

The Governing Council agreed that the Secretariat should write to all those observers which had rarely or never participated in IPU meetings to gauge their interest in remaining observers.

2. Financial situation of the IPU

The Governing Council was presented with a comprehensive written report on the financial situation of the IPU and a list of unpaid contributions as at 30 June 2009. Four Members had significant arrears and were subject to sanctions. The Secretary General projected an operating surplus of CHF 432,000, mostly due to vacant posts, savings in the areas of transportation, translation, editing and publishing for the

120th Assembly, as well as to a favourable exchange rate with the US dollar.

On the recommendation of the Executive Committee, the Council agreed that the following activities be carried out within the approved budget ceiling for a total amount of CHF 150,000:

- (a) for the Human Rights Programme, the organization of a seminar in Bogotá, Colombia, to contribute to solving the conflict between the Colombian Congress and other State powers, and a mission to Madagascar to help solve the cases of certain parliamentarians;
- (b) for the Gender Equality in Politics and Children's Rights programmes, the organization of a regional seminar on violence against women and migration in Europe, a national seminar in Rwanda on CEDAW, the production of a document contributing to the Beijing + 15 appraisal to take place early in 2010, the assistance of a senior Canadian judge for the gender equality programme for a period of three months, and the organization of a meeting on violence against children.

3. Programme and budget for 2010

The Council received the budget proposal for 2010 and a summary of planned activities and requirements for 2010-2012. The Secretary General, reporting on the discussions of the Executive Committee, which had unanimously endorsed the document, noted that the budget was essentially a zero-growth budget considering the increases in expenditures the organization was to incur during 2010 in relation to the organization of the 3rd World Conference of Speakers of Parliament and the increased security measures required for the Geneva Assembly.

Council members commented on the need to carry out a more realistic budgeting, particularly in relation to activities funded through voluntary

contributions. They also made several suggestions for greater savings in IPU operations and requested more detailed spending estimates.

The Governing Council also heard the recommendations of the Executive Committee following the re-convening of the Working Group on Assessed Contributions¹, which had been mandated to undertake a mid-term review of the IPU scale of contributions to ensure its alignment with the UN scale and to examine steps that could be taken to reduce the burden of the parliaments of least developed countries and small island developing States (SIDS).

The new scale of contributions presented to the Council included the immediate implementation of the contribution targets approved by the Council for 2012 for least developed countries and the weakest SIDS, thereby substantively reducing the level of their contributions. The cost of implementing that decision was to be borne by the Working Capital Fund. The contributions for the remaining Members reflected percentages which had been approved previously by the Council for 2010. The Working Group was to reconvene in 2011 in order to review the scale of contributions for the period 2011-2012.

At the end of the debate, on the recommendation of the Executive Committee, the Governing Council approved the new scale of contributions and the 2010 budget as submitted by the Secretary General. It approved gross operating expenses of CHF 18,692,300, which required an overall increase of 2 per cent in assessed contributions, and capital expenditures of CHF 100,000. As in previous years, the Council authorized the offsetting of carbon emissions related to heating and staff travel and noted that the Secretary General had submitted a proposal in October 2009 to the IPU's main donors to offset carbon emissions from activities funded through voluntary funds.

The approved budget and scale of contributions for 2010 are presented on pages 30 and 33.

4. Cooperation with the United Nations System

The Governing Council took stock of recent developments in IPU-United Nations cooperation, and was informed of a variety of activities carried

¹ Composed of representatives of the Parliaments of Bangladesh, Benin, Brazil, Egypt, France, Iran (Islamic Republic of), Ireland, Japan, Kenya, Mali, Mexico, Mongolia, New Zealand, Thailand, Uganda, Ukraine, United Kingdom, Uruguay and Zambia.

out in collaboration with or in support of the United Nations (see page 37).

The Council received a presentation on the work and objectives of a recent UN initiative, the Alliance of Civilizations, which aimed to improve understanding across cultures and religions and help counter polarization and extremism. The Council approved the proposal for the IPU to strengthen its cooperation with the Alliance of Civilizations, which inter alia invited legislators to attend the 2010 Forum of the Alliance of Civilizations in Brazil (28-29 May 2010) and convene a parliamentary session during the Forum.

The Council was informed of the status of the IPU Questionnaire on how parliaments organized their work vis-à-vis the United Nations. All Member Parliaments were urged to submit their response as soon as possible so that a comprehensive report could be presented to the 3rd World Conference of Speakers of Parliament and the 2010 debate at the United Nations on cooperation between the United Nations, national parliaments and the IPU.

All Member Parliaments were encouraged to attend the 2009 Joint Parliamentary Hearing at the United Nations, to be held on 19 and 20 November at UN Headquarters in New York, under the chairmanship of the President of the IPU and the President of the UN General Assembly. The Hearing would examine the topic *The Way Forward - Building political support and implementing effective responses to the global economic crisis*.

The Council was also informed of forthcoming parliamentary meetings, held in cooperation with the United Nations or in the context of major UN events: the World e-Parliament Conference (Washington, D.C., 3-5 November), the Parliamentary Meeting on the occasion of the World Summit on Food Security (Rome, 13 November), and the Parliamentary Meeting on the occasion of the 15th session of the Conference of the Parties to the United Nations Framework Convention on Climate Change (Copenhagen, 16 December).

5. Consolidation of the reform of the IPU

The Governing Council heard reports from the geopolitical groups on their deliberations regarding the reforms carried out at the IPU. Several suggestions were made on improving the second Assembly of the year. Members also proposed measures to make the discussions more interactive.

Several of the members commented on the Committee on United Nations Affairs. While some felt that it was too soon to draw any conclusions, others suggested that the work of the Committee could be carried out better by its Advisory Group. The full set of recommendations submitted during the discussions would be considered by the Executive Committee, which would report back to the Governing Council at its next session.

6. Preparation of the 3rd World Conference of Speakers of Parliament

The Governing Council was informed that the President of the IPU had established a Preparatory Committee of some twenty Speakers of Parliament to assist in organizing the 3rd World Conference of Speakers of Parliament. The Preparatory Committee had held its first meeting at IPU Headquarters in Geneva on 16 and 17 July.

The Preparatory Committee had decided that the 3rd World Conference of Speakers of Parliament would take place at the United Nations Office in Geneva from 19 to 21 July 2010. The theme of the Conference would be *Parliaments in a world of crisis: securing global democratic accountability for the common good*.

The next meeting of the Preparatory Committee was scheduled to take place at UN Headquarters in New York from 16 to 17 November, just prior to the Parliamentary Hearing at the United Nations.

7. Recent conferences and specialized meetings

The Governing Council took note of the results of the regional meeting for Twelve Plus parliaments on the rights of persons with disabilities (see <http://www.ipu.org/splz-e/disabilities09.htm>), the Parliamentary Conference on the Global Economic Crisis (see <http://www.ipu.org/splz-e/finance09.htm>), the Fifth Meeting of Women Speakers of Parliament (see <http://www.ipu.org/splz-e/mws09.htm>), the Regional Seminar for Latin American countries on *The role of parliaments in confronting violence against children* (see <http://www.ipu.org/splz-e/costarica09.htm>), the Regional Conference on the contribution of parliament to the national reconciliation and institutional reform agenda (see CL/185/10(c)-R.1), the Parliamentary Conference on

Democracy in Africa (see <http://www.ipu.org/splz-e/gaborone09.htm>), the Fourth Conference for members of parliamentary committees on the status of women and other committees dealing with gender equality (see <http://www.ipu.org/splz-e/gender09.htm>), and the Parliamentary Panel within the framework of the Annual WTO Public Forum (see <http://www.ipu.org/splz-e/wto-forum09.htm>).

8. Reports of plenary bodies and specialized committees

At its sitting on 21 October, the Governing Council took note of the reports on the activities of the Coordinating Committee of Women Parliamentarians, the Committee on the Human Rights of Parliamentarians, the Committee on Middle East Questions, the Gender Partnership Group (see pages 12 to 14), and the Advisory Group on HIV/AIDS (see page 40).

9. Future inter-parliamentary meetings

The Governing Council approved the venues for the two Assemblies of 2012, which, in a break with usual practice, would both be held away from Geneva. The April Assembly would be held in Kampala, Uganda, and the October Assembly in Quebec City, Canada.

In addition to meetings already approved, the Governing Council approved the future meetings listed on pages 44 to 47, for which approval had been pending.

10. Election of the Secretary General

On the recommendation of the Executive Committee, the Governing Council decided through a secret ballot to reappoint the incumbent Secretary General, Anders B. Johnsson, for a fourth mandate from 1 July 2010 to 30 June 2014. See page 18 for details of the vote.

The Governing Council also took note of the proposal of the Executive Committee to prepare an amendment to the Rules spelling out the procedure for electing the Secretary General of the Inter-Parliamentary Union. The amendment would be submitted to the Council at its next session.

255th Session of the Executive Committee

The Executive Committee held its 255th session in Geneva on 16, 17 and 20 October 2009. The President chaired the meetings. The following titular and substitute members took part in the session: Ms. E. Papademetriou, Vice-President of the Committee (Greece), Ms. Z. Drif Bitat (Algeria), Mr. G. Versnick (Belgium), Ms. J. Fotso (Cameroon), Mr. M. Nago (Benin), Mr. J.A. Coloma (Chile), Mr. R. del Picchia (France), Mr. A. Alonso Díaz-Caneja (Mexico), Ms. M. Mensah-Williams (Namibia) substituting for Ms. P. Cayetano (Philippines), Mr. Chin Young (Republic of Korea), Mr. A. Kozlovskiy (Russian Federation), Mr. R.M.K. Al Shariqi (United Arab Emirates) and Mr. N. Quang Xuan (Viet Nam) replacing Mr. Ngo Anh Dzung, who had been given a diplomatic appointment. Mr. T. Toga (Ethiopia) was absent.

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

The Executive Committee discussed the current status of the IPU and the direction it needed to take to improve that status. The Committee considered

a proposal to give the IPU a more lasting legal foundation in international law not only to strengthen the organization, but also to set its relationship with the United Nations on a firmer footing. The Committee fully endorsed the thrust of the proposal while acknowledging that its fulfilment would take considerable time and effort. It instructed the Secretary General to set out a more widely researched proposal based on the opinions of legal experts.

The Committee heard a report on the fiscal situation of certain staff members residing in France. It noted that negotiations on the problem continued. It was informed of changes in the Secretariat, including the recruitment of a new Director of Support Services and a Development Officer.

The Committee was informed of the imminent signing with the Swiss authorities, after protracted negotiations, of a lease for the land on which the IPU Headquarters stood, which would serve as a model for other organizations in Geneva. It established a small working group composed of Mr. G. Versnick, Mr. M. Nago and Mr. R. del Picchia, who studied and endorsed the document.

Coordinating Committee of Women Parliamentarians

The Coordinating Committee of Women Parliamentarians met on 18 October 2009. The sitting was chaired by Ms. P. Cayetano (Philippines), President of the Committee. The meeting served to follow up the previous Meeting of Women Parliamentarians and to prepare the work of the forthcoming session. The Coordinating Committee also discussed women's contribution to the work of the 121st IPU Assembly.

The Committee was briefed on the work and recommendations of the Gender Partnership Group and lauded the fact that almost 32 per cent of delegates at the Assembly were women, the highest proportion ever reached. It also praised the inclusion of information on gender-specific allocations and objectives in the 2010 budget.

A report was presented on follow-up of the Fourteenth Meeting of Women Parliamentarians held in Addis Ababa relating to climate change,

sustainable development and women's economic empowerment. The Committee went on to discuss its contribution to the 121st Assembly. It discussed the draft reports to be debated by each of the Assembly's three Standing Committee panel discussions, highlighting gender-related concerns which the respective Rapporteurs might wish to take into account.

Preparations for the Fifteenth Meeting of Women Parliamentarians were also discussed. The Committee decided that it would debate the subject item chosen by the First Standing Committee for debate at the 122nd Assembly, *Cooperation and shared responsibility in the global fight against organized crime, in particular drug trafficking, illegal arms sales, human trafficking and cross-border terrorism*. It also decided that the Meeting's afternoon dialogue session between men and women MPs would focus on combating

violence against women, with a particular focus on women in prisons and immigration detention centres.

Following a presentation by the representative of the United Nations Children's Fund (UNICEF), the Committee proposed that the panel discussion for the 122nd Assembly consider the role of parliaments in implementing Convention on the Rights of the Child 20 years after its adoption.

The Committee was briefed on the IPU's forthcoming activities related to gender issues, including the IPU campaign *Parliaments Take Action on Violence against Women*. The members heard about the different components of the campaign and called on parliaments to mark the International Day for the Elimination of Violence against Women (25 November) by organizing activities such as seminars, conferences and parliamentary hearings. The meeting was informed of the new project on gender-sensitive parliaments. The project sought to examine ways in which parliaments could best become gender-sensitive institutions and effectively

mainstream gender into their work. Data would be collected through questionnaires, which parliaments and their members were strongly urged to complete.

Activities related to maternal health and Countdown to 2015 were highlighted. They included a conference in Uganda in November 2009 and IPU-Partnership for Maternal and Newborn Health cooperation to document case studies on good parliamentary practices regarding Millennium Development Goals 4 and 5. Members were briefed about the imminent launch of the Arabic version of the iKNOWPolitics website, scheduled to take place in Amman on 27 and 28 October 2009 on the theme *The role of the media and information technology in increasing the number and effectiveness of women in politics*. Lastly, members heard about activities to provide technical support to parliaments, in particular a recently completed two-year project for women parliamentarians in Burundi, and assistance to the Jordanian Parliament with a view to eliminating discriminatory provisions in the country's laws.

Subsidiary bodies and committees of the Governing Council

1. Committee on the Human Rights of Parliamentarians

The Committee on the Human Rights of Parliamentarians held its 127th session from 17 to 20 October 2009. Ms. Z. Benarous (Algeria), Ms. S. Carstairs (Canada), Ms. R. Green (Mexico), Mr. P. Mahoux (Belgium) and Mr. A. Pimentel (Philippines) attended in their capacity as titular members, while Ms. A. Boumediene-Thiery (France) and Mr. K. Jalali (Iran, Islamic Republic of) participated in their capacity as substitute members.

During the session, the Committee examined 56 cases in 29 countries concerning 250 parliamentarians. It held six meetings with official delegations. The Committee also met the victims or their representatives in six of those cases. The resolutions it presented to the Governing Council for approval concerned the cases of 214 parliamentarians in 20 countries. Two of those cases were submitted for the first time, including the case from Madagascar. Following the presentation of the draft resolutions to the Council by the Committee President, Ms. S. Carstairs, Ms. E. Naika, a Malagasy senator, was invited to the podium to recount her personal experience since the coup d'état that had occurred in March in Madagascar.

2. Committee on Middle East Questions

The Committee on Middle East Questions met on 19 October 2009. The meeting was chaired by the Committee President, Ms. A. Clwyd, (United Kingdom). Titular members present were Mr. F.-X. de Donnea (Belgium), Mr. H. Raidel (Germany), Mr. L.H. Ishaq (Indonesia), and Mr. P. Tanbanjong (Thailand), replacing Mr. A. Ponlaboot. The substitute members in attendance were Mr. S. Janquin (France), and Mr. H. Alir (Turkey), replacing Mr. M. Sahin.

The Committee received the IPU President, who delivered a report on his recent visit to Israel. The President had visited the town of Sderot, which was frequently targeted in rocket attacks from the Gaza Strip. He had held meetings with a number of senior officials, including Speaker Rivlin and President Peres. He reported on the warmth with which he had been received in Israel. His mission served to complete the tour of the region he had begun in March with visits to the West Bank and Gaza and neighbouring Arab countries. (For the report see page 28).

The Committee received two representatives from the Humanitarian Dialogue Centre (Geneva) with a view to sharing their experience on matters relating

to international mediation. Mr. M. Griffiths, Director of the Centre, outlined some of the mediation work done by his institution in different countries, adding that the political context in countries in conflict was difficult for mediators to address, which implied an opportunity for parliamentarians. The great advantage for parliamentarians was that they did not confer recognition on their counterparts; at the same time, they were people who had force and significance. Mr. T. Guldemann, a Middle East expert, elaborated on those themes. The objective should be to work with components of societies in the region that were ready to push for greater democracy. The Committee agreed that the best approach in the first instance would be to try to speak to the different parties separately about subjects where a common understanding might be possible. It reiterated its intention to convene the meetings in Geneva rather than elsewhere and instructed the Committee Secretary to liaise with the representatives of the Humanitarian Dialogue Centre to work out a specific proposal for a meeting in late 2009 or in January 2010.

3. Gender Partnership Group

The Gender Partnership Group held its 24th session on 17 October 2009. The participants were Ms. P. Cayetano (Philippines), Mr. R. del Picchia (France), Ms. Z. Drif Bitat (Algeria) and Mr. Ngo Quang Xuan (Viet Nam). Mr. del Picchia acted as moderator.

The Group welcomed the fact that 31.6 per cent of delegates attending the 121st Assembly were women. That was the highest number of women delegates ever recorded at an Assembly.

Of the 123 delegations attending the 121st Assembly, 119 were composed of two delegates or more. Of those, 15 (12.6 per cent) were all-male delegations. Those delegations were from the Parliaments of Brazil, El Salvador, Indonesia, Liberia, Malta, Palau, Panama, Poland, Qatar, Republic of Korea, Romania, San Marino, Saudi Arabia, Somalia and Suriname. In addition, there was one all-female delegation from Slovenia. The delegations from the following countries were sanctioned at the Assembly, as they had been represented by a single sex for the third consecutive time: Malta, Palau, Qatar and Saudi Arabia. The Group also recalled the statutory requirement of a minimum of three women members in the Executive Committee, as five new members would be elected to the Executive Committee during the Assembly.

The Group discussed the IPU's budget, which it had been examining from the point of view of gender parity since 2004. It noted that the 2010 budget

contained a strong gender component. The budget of the Gender Partnership Programme was funded by a core contribution and extrabudgetary funds. Thanks to the latter, IPU activities on gender issues had expanded over the years. The extrabudgetary funding would be in place until the end of 2010, when it would become essential to ensure sustained funding so that Programme activities could continue. Regarding staffing at the IPU Secretariat, the Group was pleased to note that 50 per cent of the staff in the professional category was female, including in managerial positions. Overall, 60 per cent of the staff in the General Services category was female.

The Group then considered the status of parliaments that did not have women members. Six parliaments had no women members, mainly in the Pacific Islands and the Gulf Cooperation Council States. The Group noted the results of the May 2009 elections in Kuwait and welcomed the election of four women members to the parliament, two of whom participated in the Kuwaiti delegation to the Geneva Assembly. The Group underscored the importance of keeping track of developments in parliaments with no women members and working with geopolitical groups to exert pressure.

The Group highlighted two major IPU initiatives. The first was the campaign *Parliaments Take Action on Violence against Women*. The Group called on all parliaments to mark the International Day for the Elimination of Violence against Women - 25 November - by organizing activities such as seminars, conferences and hearings in parliament. Parliaments were invited to inform the IPU about initiatives taken so that they could be posted on the IPU website. Relevant documents had been distributed widely to parliaments and were available at: www.ipu.org/vaw. The second was the new Survey on Gender-Sensitive Parliaments. The aim of that new research project was to gather primary information on ways in which parliaments could best become gender-sensitive institutions and effectively mainstream gender into their work. Data would be collected through survey questionnaires, which parliaments and their members were strongly urged to complete. The questionnaires were available at: www.gender-parliaments.org.

On Tuesday, 20 October, the Group held a dialogue session with the delegation from Palau to learn more about the situation of and challenges facing women in politics. The Group welcomed the recent election of two women to the Senate, and hoped that one of them would be able to attend the next IPU Assembly.

Other meetings

1. Panel discussion on HIV/AIDS - Universal access to prevention, treatment and care

The panel discussion provided an opportunity for members of parliament to discuss the challenges they faced in achieving universal access to HIV prevention, treatment and care. The Deputy Executive Director of UNAIDS, Mr. P. De Lay, presented the latest global epidemiological trends and shared his views on ways in which parliamentary action could help efforts to contain HIV. The report by the UK All-Party Parliamentary Group on AIDS - *The Treatment Timebomb* - was presented by the Group Chair, Mr. D. Borrow, who talked about the role of pharmaceutical manufacturers and the daunting challenges awaiting the legislator in the gradual shift from first- to second-line drugs.

Under the chairmanship of Mr. W. Madzimore (Zimbabwe), the parliamentarians discussed problems associated with the provision of HIV drugs in their countries, with a particular focus on funding and distribution challenges in countries with poor infrastructure. Some warned of rising infection rates in their countries despite prevention programmes. The need for improved testing services was singled out. The participants agreed that political will was crucial to achieving universal access and appealed to the IPU to continue to provide opportunities for parliamentarians to exchange share experiences, learn about best practices and support each other.

On the issue of HIV, see also the report of the IPU Advisory Group on HIV/AIDS (page 40).

2. Panel discussion on *Our world at war: Challenges for international humanitarian law*

The year 2009 marked the 60th anniversary of the Geneva Conventions, which were at the core of international humanitarian law (IHL). The panel discussion on *Our world at war: Challenges for international humanitarian law* was jointly organized by the IPU's Committee to Promote Respect for International Humanitarian Law and the ICRC. It aimed to take stock of achievements regarding respect for IHL and highlight challenges for national implementation.

The debate was moderated by Ms. R. Green (Mexico) and presentations were made by Ms. C. Beerli, Vice-President of the ICRC, Ms. B. Gadiant, a Swiss MP and President of the IPU's

Committee to Promote Respect for International Humanitarian Law and Mr. C. Jennings, a War Correspondent. Discussions focused on the role of members of parliament in ensuring proper enforcement and respect for IHL through the adoption of appropriate legislation, policies and programmes and adequate budgets. The need to sensitize parliaments to IHL and engage them in more widespread communication efforts with civil society and constituents in general was raised.

In addition to the panel discussion, celebrations for the 60th anniversary of the anniversary of the Geneva Conventions included the organization of ICRC photo exhibition entitled *Our World - At War*, which provided an overview of the effects of war on populations around the world.

3. Panel discussion on human rights and the Universal Periodic Review

Some 30 parliamentarians participated in the panel discussion on the Universal Periodic Review of the United Nations Human Rights Council, which took place in the afternoon of 21 October.

In March 2006, following increasing criticism of the United Nations Commission on Human Rights, the UN General Assembly decided to establish the Human Rights Council. It was precisely to avoid such criticism that the newly established Council had been entrusted with the task of undertaking a universal periodic review of each State's compliance with its human rights obligations and commitments with a view to ensuring universal coverage and equal treatment of all States. The modalities for that review - known as the Universal Periodic Review (UPR) - were adopted by the 47 Council members in June 2007.

The panel discussion provided an opportunity for members of parliament to familiarize themselves with the modalities of the UPR and encourage parliamentary involvement in the process. They were also able to take stock of the UPR and the contribution that parliaments had made to it thus far.

The panel discussion was led by Ms. J. de Rivero, Geneva Advocacy Director of Human Rights Watch. Ms. M. Tebourbi, Human Rights Programme Officer, Universal Periodic Review Section, Office of the United Nations High Commissioner for Human Rights, provided a historical background to the creation of the UPR and explained how it

functioned. Mr. M. Traoré, former Speaker of the National Assembly of Burkina Faso and Deputy-Chair of the Inter-Parliamentary Committee of the West African Economic and Monetary Union (IPC-WAEMU), elaborated on ways in which parliament could contribute to making the UPR a success, gauged by the extent to which human rights had improved at the domestic level. He highlighted the crucial contributions that parliaments could make at different stages of the process. First, parliament should discuss national country reports before they were submitted to the Human Rights Council. Second, parliamentarians should be part of the delegation that presented the report to the Council in Geneva. Third, parliament's role was critical in ensuring that the UPR recommendations were followed up at the national level. The last two panellists provided insights and lessons learned regarding the examination of their own countries under the UPR process. Mr. A. Neve, Secretary General, Amnesty International, Canadian Section, stressed the need for broad national consultations to be held with all stakeholders in the UPR process and the strong participation of parliament. Mr. J.J. Mwiimbu, a member of the Zambian Parliament, elaborated on the content of Zambia's national report and the recommendations adopted by the Human Rights Council.

4. Review and follow-up session on action taken by parliaments and the IPU to give effect to the resolutions adopted by the IPU on the global crisis

The session, the first of its kind held within the framework of an IPU Assembly, was designed to

review implementation of the two emergency resolutions on the global financial crisis, adopted respectively at the 119th and 120th IPU Assemblies. It was also an opportunity to take stock of measures taken to follow up the Parliamentary Conference on the Global Economic Crisis, held in Geneva on 7 and 8 May 2009 under the auspices of the IPU.

The session was chaired by Mr. P. Martin-Lalande (France), President of the IPU's Second Standing Committee on Sustainable Development, Finance and Trade. At his request, the Committee Secretary enumerated the multiple initiatives taken by the IPU in connection with the global economic crisis. A detailed analysis of current trends in the field of employment was then presented by Mr. R. Torres, Director of the International Institute for Labour Studies, a centre established by the International Labour Office (ILO). His presentation focused on the Global Jobs Pact launched by the ILO as part of its campaign to mitigate the effects of the crisis. A discussion followed, during which the ILO representative fielded questions from the audience, providing detailed explanations on the expected long-term consequences of the crisis, in particular for labour markets.

The participants agreed that the IPU should maintain its focus on the manifold economic and social effects of the current crisis, working in close cooperation with the United Nations system, in particular with the ILO and the United Nations Conference on Trade and Development (UNCTAD).

Other events

1. Launch of the *Missing Persons Handbook for parliamentarians*

The IPU and the ICRC launched their latest joint product: a handbook for parliamentarians on Missing Persons. The Handbook was presented to members of parliament by the Vice-President of the ICRC, Ms. C. Beerli, and the IPU President, Dr. T.-B. Gurirab.

The Handbook represented the culmination of a process initiated by the IPU and the ICRC in 2005, which had led to the adoption in 2006, by the 115th IPU Assembly, of a resolution on missing persons. Since then, both organizations had worked to support parliaments in taking action to prevent disappearances, elucidating cases of missing persons and providing assistance to families of missing persons. The Handbook was one element of the common IPU-ICRC strategy to assist parliaments in that field. Delegates were invited to make use of the practical tool, translate it into their national languages disseminate it and transform its recommendations into concrete initiatives that would make a difference to missing persons and their families. The Handbook is available in English and French and can be downloaded from the IPU website at: www.ipu.org/english/pblctns.htm.

2. IPU campaign on violence against women

An information stand was set up during the Assembly to showcase the IPU's campaign *Parliaments take action on violence against women*. Members of parliament were able to obtain information and campaign material to support their own actions aimed at putting an end to that type of violence. Video images were shown of Speakers and Deputy Speakers of Parliament talking about their efforts to implement measures to eliminate a scourge that spared no culture, region or country.

The IPU's campaign places the onus on men and women parliamentarians and counts on the support of parliaments and political leaders to drive change. It also aims to heighten awareness about the contribution of parliaments to the United Nations Secretary-General's campaign *UNite to End Violence against Women*.

The Assembly urged IPU Members to mark the 10th anniversary of the International Day for the Elimination of Violence against Women, on 25 November 2009, by organizing a special event in parliament on that day with a view to making the issue a national priority. For further information, see: www.ipu.org/vaw.

Elections and appointments

1. President of the 121st Assembly of the Inter-Parliamentary Union

Dr. T.-B. Gurirab, President of the Inter-Parliamentary Union, was elected President of the Assembly

2. Vice-Presidents of the Inter-Parliamentary Union

African Group: Mr. M. Nago (Benin)

Group of Latin America and the Caribbean:
Mr. A. Alonso Díaz-Caneja (Mexico)

Arab Group: Mr. Al Shariqi (United Arab Emirates)

Asia-Pacific Group:

Mr. Chin Young (Republic of Korea)

Twelve Plus Group: Mr. G. Versnick (Belgium)

Eurasia Group: Mr. M. Vardanyan (Armenia)

3. Secretary General of the Inter-Parliamentary Union

The Council decided, with 177 votes in favour, 45 against and six abstentions cast in a secret ballot, to reappoint the incumbent Secretary General, Mr. Anders B. Johnsson, for a fourth mandate from 1 July 2010 to 30 June 2014.

4. Executive Committee

The Governing Council elected Mr. Ngo Quang Xuan (Viet Nam) until October 2011 (when the

term of office of his predecessor from the same country expires), and Mr. Nhem Thavy (Cambodia), Mr. K. Örnfjäder (Sweden), Ms. D. Stump (Switzerland) and Mr. M. Vardanyan (Armenia) as members of the Executive Committee until October 2013.

5. Committee on Middle East Questions

The Governing Council elected Mr. S. Janquin (France) as a titular member of the Committee until October 2013.

The Governing Council elected Mr. H. Alir (Turkey) until April 2012 (when the term of office of his predecessor from the same country expires) and Mr. J.P. Winkler (Germany), Mr. F. Gutzwiller (Switzerland), Ms. E. Papademetriou (Greece) and Ms. M. Armani (Malaysia) as substitute members of the Committee until October 2013.

6. Group of Facilitators for Cyprus

The Governing Council elected Mr. M. Sheerit (Israel) as a Facilitator until 2013.

7. Internal Auditors for the 2010 accounts

The Governing Council appointed Mr. W. Beke (Belgium) and Mr. M. Sheerit (Israel) as Internal Auditors for the 2010 accounts.

Membership of the Inter-Parliamentary Union*

Members (152)

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

Associate Members (8)

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

* At the closure of the 121st Assembly

Agenda, Resolutions, Votes and other texts of the 121st Assembly of the Inter-Parliamentary Union

1. Election of the President and Vice-Presidents of the 121st Assembly
2. Consideration of possible requests for the inclusion of an emergency item in the Assembly agenda
3. Panel discussions on the subject items chosen for debate during the 122nd Assembly (Bangkok, 27 March - 1st April 2010):
 - (a) Cooperation and shared responsibility in the global fight against organized crime, in particular drug trafficking, illegal arms sales, human trafficking and cross-border terrorism
(First Standing Committee on Peace and International Security)
 - (b) The role of parliaments in developing South-South and Triangular Cooperation with a view to accelerating achievement of the Millennium Development Goals
(Second Standing Committee on Sustainable Development, Finance and Trade)
 - (c) Youth participation in the democratic process
(Third Standing Committee on Democracy and Human Rights)
4. Report of the IPU Committee on United Nations Affairs
5. Parliamentary action to ensure global food security

Results of roll-call vote on the request of the delegation of Australia and the delegation of Uganda (on behalf of the African Group) for the inclusion of an emergency item entitled

"PARLIAMENTARY ACTION TO ENSURE GLOBAL FOOD SECURITY"

Results

Affirmative votes.....	1197	Total of affirmative and negative votes..	1443
Negative votes.....	246	Two-thirds majority	962
Abstentions	34		

Country	Yes	No	Abst.	Country	Yes	No	Abst.	Country	Yes	No	Abst.
Afghanistan	14			Germany	10			Philippines	18		
Algeria		15		Ghana	13			Poland	15		
Andorra	10			Greece		10		Portugal	13		
Angola	12			Hungary			<i>absent</i>	Qatar		8	
Argentina	10			Iceland	10			Republic of Korea	16		
Armenia			11	India	23			Romania	14		
Australia	14			Indonesia	10		10	Russian Federation	10		
Austria	12			Iran (Islamic Republic of)		18		San Marino	10		
Bahrain		10		Iraq		14		Sao Tome and Principe	10		
Bangladesh	20			Israel	12			Saudi Arabia		11	
Belarus			13	Italy	17			Senegal	12		
Belgium	12			Japan	20			Serbia	12		
Benin	12			Jordan		12		Singapore	11		
Bolivia			<i>absent</i>	Kazakhstan	8			Slovakia	12		
Bosnia and Herzegovina	11			Kenya	14			Slovenia	11		
Brazil	20			Kuwait		11		South Africa	16		
Bulgaria	10			Lao People's Dem. Republic	12			Spain	15		
Burkina Faso	13			Latvia	11			Sri Lanka			<i>absent</i>
Burundi	12			Lesotho	11			Sudan	15		
Cambodia	13			Liechtenstein	10			Suriname	10		
Cameroon	13			Lithuania	11			Sweden	12		
Canada	15			Malaysia	14			Switzerland	12		
Chile	13			Maldives	10			Syrian Arab Rep.		13	
China	23			Mali	12			Thailand	18		
Colombia	14			Malta		8		The FYR of Macedonia	11		
Costa Rica	10			Mauritania			<i>absent</i>	Togo	12		
Côte d'Ivoire	13			Mexico	20			Turkey		18	
Croatia	11			Monaco	10			Uganda	13		
Cuba	10			Mongolia			<i>absent</i>	Ukraine	17		
Cyprus			<i>absent</i>	Namibia	11			United Arab Emirates		11	
Czech Republic	13			Nepal	14			United Kingdom	18		
DR of the Congo	17			Netherlands	13			United Republic of Tanzania	15		
Denmark	10			New Zealand	11			Uruguay	11		
Dominican Rep.			<i>absent</i>	Nigeria	20			Venezuela		13	
Ecuador	13			Norway	10			Viet Nam	18		
Egypt		18		Oman		11		Yemen		13	
El Salvador			<i>Absent</i>	Pakistan		21		Zambia	13		
Estonia	11			Palau	8			Zimbabwe	13		
Ethiopia	18			Palestine		11					
Finland	12			Panama	10						
France	17			Peru	14						
Gabon	11										

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

**Results of roll-call vote on the request of the delegations of Islamic Republic of Iran
and Oman for the inclusion of an emergency item entitled**

**"THE SITUATION IN THE OCCUPIED PALESTINIAN TERRITORIES AND
PARTICULARLY IN GAZA"**

Results

Affirmative votes..... 538 Total of affirmative and negative votes . 1295
Negative votes..... 757 Two-thirds majority..... 863
Abstentions..... 177

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

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

PARLIAMENTARY ACTION TO ENSURE GLOBAL FOOD SECURITY

Resolution adopted by consensus by the 121st IPU Assembly (Geneva, 21 October 2009)*

The 121st Assembly of the Inter-Parliamentary Union,

Recalling that under Article 25(1) of the Universal Declaration of Human Rights (1948), "Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food ...",

Also recalling Article 11 of the International Covenant on Economic, Social and Cultural Rights (1966), in which the fundamental right of every person to be free from hunger is recognized,

Further recalling the commitment made by parliamentarians under the United Nations Convention to Combat Desertification (UNCCD) to establish, under the auspices of the IPU, a parliamentary network on the UNCCD to promote information and interaction aimed at increasing parliamentary involvement and efficiency in combating desertification, soil erosion and land degradation,

Taking into consideration the cooperation agreement of 24 July 1996 (A/51/402) between the United Nations and the IPU, which laid the foundation for cooperation between the two organizations,

Noting, in that regard, United Nations General Assembly Resolution 63/24 of 22 January 2009 on cooperation between the United Nations and the Inter-Parliamentary Union,

Welcoming the IPU's contribution to shaping the agenda and work of the Development Cooperation Forum (DCF), recently established by the United Nations Economic and Social Council,

Taking note of the resolution adopted by the 96th Inter-Parliamentary Conference in Beijing (China) on 20 September 1996 on "Policies and strategies to ensure the right to food in this time of globalization of the economy and trade liberalization",

Also taking note of the 1996 Rome Declaration on World Food Security and the World Food Summit Plan of Action, which pledged to reduce the proportion of undernourished people to half their 1996 level by no later than 2015,

Further taking note that under Millennium Development Goal (MDG) 1, Target 3 aims to halve, between 1990 and 2015, the proportion of people who suffer from hunger,

Recalling Articles 61, 62 and 65 of the United Nations Convention on the Law of the Sea (1982), which deal with aspects of overfishing,

Recalling the recommendations of the 17th Session of the UN Commission on Sustainable Development, adopted in May 2009, on the importance of promoting agriculture and development in a sustainable way,

Welcoming the establishment by the UN Secretary-General of the UN High-Level Taskforce on the Global Food Security Crisis and the Task Force's Comprehensive Framework for Action, released in July 2008,

Bearing in mind the June 2008 Declaration of the FAO High-Level Conference on World Food Security, which called for greater international efforts to address the challenge of global food security,

* The delegation of India expressed a reservation on operative paragraph 21.

Welcoming the G8 Statement on Global Food Security, adopted at the G8 Outreach Session on Food Security in L'Aquila, Italy, in July 2009, in which the leaders of 40 countries and international organizations emphasized five basic principles to govern cooperation related to food security and agreed to act; *also welcoming* all multilateral and regional commitments to tackle the issue of food security,

Realizing that climate change will affect developing countries the most and will pose a threat to food security,

Recognizing that the world is experiencing various natural and man-made disasters, ranging from drought, famine and floods to locust invasions, which have had either a direct or indirect impact on agricultural productivity and consequently on the macroeconomic status of countries, particularly developing ones, and which have led in the long run to low agricultural productivity, starvation and even death in some cases,

Realizing that severe weather patterns, droughts and floods have become so common globally that they have led inter alia to the loss of life and property and the destruction of farmlands and transport infrastructure,

Reaffirming that although each country has the primary responsibility for its own sustainable development and poverty eradication, concerted and concrete measures are required at all levels to enable developing countries to achieve their sustainable development goals as they relate to the internationally agreed poverty-related targets and goals, including those that arise out of the relevant UN conferences and the United Nations Millennium Declaration,

Deeply concerned that despite the progress made by the international community in recent years towards eradicating hunger, the number of malnourished people in developing countries has increased to more than one billion,

Also concerned that the global economic crisis is leading to increased poverty, thereby further reducing the food security of the poor, and is widening the gap between rich and poor,

Further concerned that while food prices have fallen from their recent peaks, they remain volatile, due among other things to speculative trade in the futures markets in food grains, and are expected to remain relatively high in the foreseeable future,

Remaining concerned at situations of armed conflict, which cause a steep decline of socioeconomic conditions, particularly on food security,

Concerned that the international community's capacity to respond to the growing demand for food is constrained by increasing urbanization, water scarcity, the decline in investment in agricultural research and development, distortions in global food markets, increasing energy prices, environmental degradation and climate change,

Recognizing that appropriate, affordable and sustainable investment in research and scientific advancements to boost agricultural productivity and combat drought-induced famine, severe weather patterns and floods can play an important role in helping States alleviate poverty and eradicate hunger,

Noting the importance of sufficient food storage facilities and an adequate transport infrastructure to facilitate both the storage of food and its transportation to markets,

Recognizing that food security and poverty are fundamentally interrelated and must be addressed within a broad framework that encompasses social concerns and economic growth,

Also recognizing the negative effects that distortionary agricultural policies have on agricultural production, investment, trade and food security,

Acknowledging the importance of fair and efficient markets and trade flows in promoting economic growth and food security,

Also acknowledging the importance of sustainable development and real progress in tackling environmental challenges, such as the increase in greenhouse gas emissions, to achieving global food security,

Believing that the fulfilment of the right to food requires the adoption of economic, environmental and social policies aimed at increasing both the availability and the accessibility of food,

Recognizing the importance of global action to address inadequate food security and the need for a timely process for reporting on progress,

Believing that agriculture can be a part of the solution in combating climate change and *calling* on the international community to put agriculture on the agenda at the UN Climate Change Conference Copenhagen 2009 (COP15),

1. *Calls on* parliaments to take urgent and decisive action to achieve the Millennium Development Goal of halving the number of people suffering from hunger by 2015;
2. *Stresses* the critical need for increased investment in rural development in developing countries in order to improve food security;
3. *Urges* donor countries to honour their commitments and mobilize additional resources to help achieve global food security;
4. *Urges* States, parliaments and relevant UN agencies to make greater efforts to promote investment in research and scientific progress in order to boost agricultural productivity and combat drought-induced famine, floods, coastal erosion and other natural disasters under fair, transparent and mutually agreed terms;
5. *Calls upon* parliaments to promote investment in research and scientific progress on issues such as tree planting, wetland and dryland conservation, afforestation and deforestation that will reverse the effects of climate change, which in turn affect other interventions in this area;
6. *Urges* all parliaments to make greater efforts to stop the continuous overfishing of many marine species that has occurred in recent years in several regions of the globe, and which affects the food security of many countries;
7. *Calls for* support for national efforts to foster the effective use of local know-how and technology and promote agricultural research and technologies to enable poor rural men and women to increase agricultural productivity and enhance food security;
8. *Encourages* States to make knowledge and know-how in the field of agricultural technology and agricultural innovation systems more accessible, in particular to the poor, subject to appropriate arrangements;
9. *Urges* the relevant bodies of the United Nations system to support the efforts of States, in particular developing countries, to take full advantage of new knowledge in agricultural technology, innovation, research and development with a view to achieving the relevant MDGs, in particular the eradication of poverty and hunger;
10. *Recognizes* the important role of the private sector in the development of modern and efficient agricultural and food systems, while *stressing* the need for proper regulations to limit potential abuses by the private sector;
11. *Calls for* the empowerment of farmers' organizations in the decision-making process;

12. *Urges* parliaments, relevant UN agencies, non-governmental organizations and donors to invest in improved transport infrastructure, including road and rail networks, as well as adequate food storage facilities, all of which have an important role to play in bringing available food production to markets and areas of immediate need;
13. *Calls upon* public and private institutions to further develop improved crop varieties that are suitable to various regions, especially those challenged by environmental factors, including climate change, and to develop and manage these crops in a sustainable manner; *calls for* further efforts by all stakeholders to ensure that improved crop varieties are made available and affordable to small farmers, especially those in developing countries, in a manner consistent with national regulations and the relevant international agreements;
14. *Encourages* parliaments to exchange information on technological development and international cooperation in the area of agricultural productivity;
15. *Stresses* the need for greater coordination between parliaments, international and regional organizations, non-governmental organizations and farmers' and fishermen's associations in their efforts to improve global food security;
16. *Calls for* the implementation of national and regional agricultural strategies to improve food security through country-led coordination processes, as called for in the Comprehensive Framework for Action developed by the UN High-Level Task Force on Global Food Security;
17. *Encourages* parliaments to expand national social protection systems in order to shield the poor in developing countries from future food price rises and crises and loss of livelihood;
18. *Stresses* the critical need for affected populations to have free access to food and other essentials in areas of armed conflict in order to alleviate the humanitarian situation and improve food security;
19. *Urges* parliaments to take measures, in addition to actions to improve global food security, to adapt to and mitigate climate change as well as strengthen the sustainable management of water, land, soil and other natural resources, including the protection of biodiversity;
20. *Calls on* governments to show renewed commitment to a balanced outcome of the Doha Round of multilateral trade negotiations under the World Trade Organization, and to conclude the negotiations by the end of 2010;
21. *Urges* governments to refrain from erecting barriers to trade and investment in agriculture and to take measures to foster a well-functioning banking system, including microfinance schemes that give access to women and guarantee them a minimum of 50 per cent of available funds;
22. *Encourages* world leaders to agree effective measures to tackle food security at the forthcoming World Summit on Food Security;
23. *Calls on* developed countries to make a renewed commitment to cut greenhouse gas emissions during the COP15 meeting so as to reduce the adverse effects of climate change on food supply;
24. *Calls on* all parliaments to submit an annual report to the IPU Secretariat on national progress in addressing the food crisis and *calls on* the IPU to explore the possibility of creating a permanent mechanism to address the subject of food security.

Reports, Decisions, Resolutions and other texts of the Governing Council of the Inter-Parliamentary Union

STATEMENT BY THE PRESIDENT OF THE ASSEMBLY ON THE H1N1 INFLUENZA VIRUS ENDORSED BY THE 121st ASSEMBLY

The 121st Assembly of the Inter-Parliamentary Union, meeting in Geneva in October 2009, wishes to draw attention to the alarming spread of the H1N1 influenza virus, which has now been classified by the World Health Organization as a pandemic.

Our parliaments agree that they should fully exercise their legislative and supervisory duties to help combat the spread of the H1N1 virus. They must use their oversight powers to ensure that their governments' response to the pandemic is built on sound public health grounds.

In some countries, the health systems are stretched to their limit and even overwhelmed by the crisis. We call upon our parliaments to avail themselves fully of their budgetary powers to make sure that national health systems are sufficiently well-resourced to ensure efficient detection, confirmation and treatment of cases. This includes establishing systems for triage where priority is given to high-risk populations.

We will continue to require our governments to report to us regularly on what they have done to protect citizens and provide early treatment for infected persons. More broadly, our parliaments must also scrutinize the efforts of their governments in containing the economic and social impacts of the disease.

The regional parliamentary organizations are urged to take steps to ensure that regional parliamentary efforts to limit the economic and social risks of the H1N1 virus are coordinated across the world.

The international financial institutions and the G20 are encouraged to provide urgent financial assistance to developing countries to enable their health systems to cope with the effects of the pandemic and limit its spread.

We also urge the media to assist in raising public awareness of how to avoid contracting the virus and serving as a channel for medical instructions and advice.

STATEMENT BY THE PRESIDENT OF THE ASSEMBLY ON THE SITUATION IN HONDURAS ENDORSED BY THE 121st IPU ASSEMBLY

On 28 June 2009, a military coup occurred in Honduras.

On the following day, I declared, in my capacity as President of the IPU, that any act designed to overturn a government by unconstitutional means is completely unacceptable. I am well aware that in so doing, I had your full support.

Since then, much has been done by bodies such as the Organization of American States to set up a dialogue between the representation of the constitutional President, Mr. Manuel Zelaya, and the de facto President, Mr. Roberto Micheletti. Unfortunately, these attempts have not borne fruit and the dialogue remains at a standstill.

I am sure this Assembly will join me in calling for the immediate restoration of the rule of law in Honduras. By the same token, we call for the reinstatement of the constitutionally elected President of Honduras, Mr. Manuel Zelaya.

REPORT BY THE IPU PRESIDENT ON HIS MISSION TO ISRAEL

*Noted by the IPU Governing Council at its 185th session
(Geneva, 21 October 2009)*

I went to the Middle East in March of this year to learn what the IPU can do in the aftermath of the military operation that Israel carried out in Gaza during 22 days over the New Year. At the time, Israel had just held general elections and the political parties were busy forming a new government. It was therefore decided to postpone that part of the visit until the new Israeli Government had taken office and a Speaker had been elected.

During my two days in Israel, I met with the President, the Speaker of the Knesset and leading members of parliament, including the leader of the opposition, the Deputy Prime Minister, the Deputy Foreign Minister and other senior officials.

I briefly visited the south of the country. I spoke with officials in Sderot, a city located on the edge of the north-eastern border between Israel and the Gaza Strip which has been subjected to rocket attacks from within the Gaza Strip. I received an extensive briefing on the damage caused to the city and its inhabitants. Because of this incessant bombardment, I was told, the Israeli authorities decided to launch the military operation in December 2008.

Although it was not the purpose of my visit, the report published by the United Nations Fact-Finding Mission on the Gaza Conflict figured prominently in my discussions in Israel. The Mission, established by the United Nations Human Rights Council, had issued a report that was highly critical of the Israeli authorities and of Hamas.

Everyone I spoke with refuted the Mission's findings. They found the report biased and unfair. Its conclusions undermined the country's legitimate right to self-defence, they stated, while granting terrorists the right to kill civilians indiscriminately. They also told me that the report would undermine the peace process.

Throughout my visit I repeated the same message that I had delivered during the first visit to the region in March. It is imperative to end the vicious cycle of violence and suffering and start serious negotiations. Exclusion, condemnations and boycotts are not likely to end the conflict; only an inclusive process will achieve that objective.

I invited everybody I met to share with me their suggestions on what the IPU could do to be helpful. I was particularly interested in hearing their thoughts on the recommendations contained in my first report. I will not give you an account of who said what. Instead I will try to summarize some of the more salient points, suggestions and conclusions that I draw from this visit.

I think the IPU can do much to facilitate dialogue between Israeli and Palestinian members of parliament. I was pleased to note that this sentiment is shared by my Israeli hosts. There are many lawmakers in the Israeli and Palestinian parliaments who are committed to finding a negotiated solution to the conflict. My hosts in Israel agree that the IPU can offer a venue where these lawmakers can meet to exchange views, learn from each other's experiences, understand each other better, and start building on the things that they share. I urge the IPU Committee on Middle East Questions to make plans for such a dialogue.

I noted the wish of my hosts in Israel to be able to establish contact with parliamentarians from other countries in the region, including those with which Israel does not yet have formal relations. I have promised to do my best to facilitate such contacts. I do so out of my - and the IPU's - absolute conviction that it is only through dialogue that we will be able to advance towards peace.

I have said before that the IPU should also assist the Palestinian Parliament. While that Parliament is unable to function today, the IPU can provide much-needed technical assistance and capacity-building to help lay the groundwork for the day when it can resume its work. Since we met in Addis Ababa six months ago we have advanced in this direction and the IPU is on the verge of signing an agreement to provide technical support to the Parliament in Ramallah. I would like your parliaments to join us in this effort.

At a technical level we can all contribute to the strengthening of parliaments in the Middle East region and beyond. I was encouraged by the expression of interest and support I heard from the Knesset for these kinds of activities and the IPU welcomes the possibility to draw on Israeli expertise in this field.

The IPU will continue the important work being carried out by its Committee on the Human Rights of Parliamentarians. You will hear a report from the Committee later this week on the situation of the many members of the Palestinian Parliament who have been imprisoned by the Israeli authorities. I am pleased to note that several have been released since our last meeting in Addis Ababa, including the Speaker of the Palestinian Legislative Council. Others, however, remain in detention and I continue to ask the Knesset to intercede with the appropriate authorities in support of the work of the IPU Committee.

Everybody is different. That is the reality that we live with. We should cherish our diversity. Yet we would do well to build on those things we share, the common aspirations that unite us, while we put in place mechanisms to help us manage our disagreements. That is why inclusive and fully representative parliaments are so important, for it is in parliament that every country's policies and plans need to be subjected to political debate and scrutiny by the full spectrum of society and the necessary agreements forged.

This conviction, which I think we all share, is what should motivate us at the IPU and in all parliaments to closely follow and lend support to the peace process in the Middle East. I hope that this conviction can also be reflected in our debates. Thank you.

BUDGET OF THE INTER-PARLIAMENTARY UNION FOR THE YEAR 2010

*Approved by the IPU Governing Council at its 185th session
(Geneva, 21 October 2009)*

Approved 2010 operating budget (gross amount before eliminations)

	2008 actual (CHF)	2009 approved (CHF)	2010 budget	
			(CHF)	(Tonnes CO ₂ e)
REVENUES				
Membership Fees	11,507,755	11,756,000	12,046,100	
Staff Assessment	1,176,484	1,205,100	1,283,800	
Interest	75,237	136,000	110,000	
Other Revenues	10,267	10,000	14,000	
Voluntary Contributions	1,852,342	5,251,900	5,238,400	
Program Support Costs	39,417	139,000	140,000	
TOTAL REVENUE	14,651,235	18,498,000	18,832,300	
EXPENSES				
Executive Office	1,220,807	1,429,000	1,620,900	156
-- Voluntary Funds		521,100	409,100	136
Assembly Affairs	2,784,456	2,888,900	2,985,800	321
Promotion of Democracy	3,487,751	3,807,700	3,928,400	205
-- Voluntary Funds	1,736,991	4,730,800	4,829,300	873
External Relations	2,314,828	2,410,300	2,412,400	78
Support Services	2,371,870	2,363,200	2,344,400	120
Grants and Reserve Contributions	152,384	347,000	302,000	0
TOTAL EXPENSES	14,069,087	18,498,000	18,832,300	1,889

Approved 2010 capital budget

	2008 actual (CHF)	2009 approved (CHF)	2010 budget (CHF)
CAPITAL EXPENDITURES			
Information technology	41,818	35,000	35,000
Access for Disabled Persons	-	30,000	
Improved Conference Facilities	-	20,000	50,000
Furnishings	6,230	15,000	15,000
Vehicle	39,480	-	
Total Capital Expenditures	87,528	100,000	100,000

**SPENDING ESTIMATES BY OBJECT OF EXPENDITURE
FOR REGULAR FUNDS (CHF) FOR 2010**

EXPENDITURE ITEM	2008	2009	2010
	ACTUAL	APPROVED	PROPOSED
Regular staff salaries	6,179,062	6,470,200	6,683,800
Benefits	1,883,019	1,927,500	2,049,500
Staff overheads	43,942	70,500	51,800
Overtime payments	99,713	80,600	92,000
Temporary staff	313,459	300,700	367,200
Interpreters	627,320	706,600	829,000
Translations and editing	254,424	273,100	271,400
Other purchased services	150,627	271,800	302,400
Web site technical maintenance	1,350	64,200	7,500
Online databases	54,000	40,000	30,000
Honorariums	30,000	45,900	50,900
Duty travel - transportation	670,692	800,600	750,100
Duty travel - allowances	191,141	267,800	279,200
Duty travel - incidentals	2,016	4,200	3,500
Rent	138,230	145,000	148,700
Heating	34,286	28,500	30,900
Electricity	38,288	38,400	38,800
Water	1,184	2,400	2,200
Buildings and grounds	56,297	32,800	47,200
Insurance	40,857	42,300	42,600
Office vehicles	14,105	9,800	10,700
Office furniture and equipment	1,317	5,300	3,900
Equipment maintenance	4,082	16,500	14,300
Equipment rental/leasing	56,952	63,800	65,300
Conference venue services	95,323	98,400	105,200
Stationery	53,860	54,800	54,400
Miscellaneous office supplies	18,158	26,100	35,200
Sundry expenses	13,903	5,500	4,600
Telephone/Telefax	61,671	75,600	71,300
Postage	170,182	137,100	139,700
Courier services	16,436	18,900	13,300
Freight	25,216	24,700	24,500
Internet connection	36,567	33,600	33,600
Computer hardware maintenance	8,457	10,000	10,000
Computer software/supplies/service	16,966	32,800	47,200
Publishing	190,548	219,400	165,800
Library acquisitions	18,254	14,700	14,600
Information activities	20,519	6,200	9,600
Official hospitality	87,878	115,200	151,100
Bank charges	139,074	17,400	20,900
Audit costs	3,186	4,600	4,600
Grants	98,079	55,000	55,000
Amortization	316,456	329,800	247,900
Allowance for Doubtful Accounts	0	152,800	157,500
Reserves	55,000	105,000	55,000
TOTAL EXPENSES	12,273,195	13,246,100	13,593,900

**SPENDING ESTIMATES BY OBJECT OF EXPENDITURE
FOR VOLUNTARY FUNDS (CHF) FOR 2010**

EXPENDITURE ITEM	2008 ACTUAL	2009 APPROVED	2010 PROPOSED
Regular staff salaries	218,946	966,600	625,700
Benefits	66,907	279,800	188,700
Staff overheads	7,678	50,500	26,400
Overtime payments	4,581	3,500	
Temporary and contract employees	33,962	126,000	426,200
Interpreters	97,370	299,400	265,000
Translations and editing	92,746	280,600	247,800
Other purchased services	112,289	1,031,600	940,700
Program Support Costs	115,351	139,000	140,000
Honorariums	822	0	5,000
Duty travel - transportation	581,828	977,100	1,156,600
Duty travel - allowances	275,580	405,500	405,800
Duty travel - incidentals	5,192	32,700	33,300
Rent	6,295		4,000
Office vehicles			
Office furniture and equipment	2,724		
Conference venue services	33,153	137,900	163,200
Miscellaneous office supplies	8,332	7,900	11,500
Sundry expenses	25,223		4,700
Telephone/Telefax			800
Postage	9,188	18,000	15,000
Courier services	19,983	7,100	13,800
Freight		11,100	10,100
Publishing	109,929	283,000	422,100
Library acquisitions	3,709		
Information activities	23,788	93,000	109,600
Official hospitality	51,402	41,600	22,400
Bank charges	309		
Recoveries/Grants	-54,945	60,000	
TOTAL EXPENSES	1,852,342	5,251,900	5,238,400

APPROVED PROGRAMME AND BUDGET FOR 2010

TABLE OF CONTRIBUTIONS TO THE BUDGET OF THE
INTER-PARLIAMENTARY UNION FOR THE YEAR 2010

*Approved by the IPU Governing Council at its 185th session
(Geneva, 21 October 2009)*

Member or Associate Member	UN Scale	Old Scale (2006)		Proposed Scale (2010)	
		Points	Per cent	Per cent	CHF
Afghanistan	0.001%			0.100%	CHF 12,000
Albania	0.006%	0.20	0.22%	0.158%	CHF 19,000
Algeria	0.085%	0.33	0.37%	0.328%	CHF 39,500
Andorra	0.008%	0.20	0.22%	0.155%	CHF 18,700
Angola	0.003%	0.20	0.22%	0.100%	CHF 12,000
Argentina	0.325%	0.69	0.76%	0.661%	CHF 79,600
Armenia	0.002%	0.26	0.29%	0.171%	CHF 20,600
Australia	1.787%	1.50	1.66%	2.030%	CHF 244,500
Austria	0.887%	0.84	0.93%	1.162%	CHF 140,000
Azerbaijan	0.005%	0.35	0.39%	0.214%	CHF 25,800
Bahrain	0.033%	0.22	0.24%	0.170%	CHF 20,500
Bangladesh	0.010%	0.20	0.22%	0.100%	CHF 12,000
Belarus	0.020%	0.48	0.53%	0.296%	CHF 35,700
Belgium	1.102%	1.11	1.23%	1.420%	CHF 171,100
Benin	0.001%	0.20	0.22%	0.100%	CHF 12,000
Bolivia	0.006%	0.20	0.22%	0.154%	CHF 18,600
Bosnia and Herzegovina	0.006%	0.23	0.25%	0.173%	CHF 20,800
Botswana	0.014%	0.20	0.22%	0.169%	CHF 20,400
Brazil	0.876%	1.57	1.74%	1.690%	CHF 203,600
Bulgaria	0.020%	0.30	0.33%	0.226%	CHF 27,200
Burkina Faso	0.002%	0.20	0.22%	0.100%	CHF 12,000
Burundi	0.001%	0.20	0.22%	0.100%	CHF 12,000
Cambodia	0.001%	0.20	0.22%	0.100%	CHF 12,000
Cameroon	0.009%	0.20	0.22%	0.162%	CHF 19,500
Canada	2.977%	2.89	3.20%	3.264%	CHF 393,200
Cape Verde	0.001%	0.20	0.22%	0.100%	CHF 12,000
Chile	0.161%	0.26	0.29%	0.397%	CHF 47,800
China	2.667%	0.86	0.95%	2.424%	CHF 292,000
Colombia	0.105%	0.30	0.33%	0.340%	CHF 41,000
Comoros	0.001%			0.100%	CHF 12,000
Congo	0.001%	0.20	0.22%	0.100%	CHF 12,000
Costa Rica	0.032%	0.20	0.22%	0.196%	CHF 23,600
Côte d'Ivoire	0.009%	0.20	0.22%	0.162%	CHF 19,500
Croatia	0.050%	0.29	0.32%	0.278%	CHF 33,500
Cuba	0.054%	0.27	0.30%	0.220%	CHF 26,500
Cyprus	0.044%	0.21	0.23%	0.215%	CHF 25,900
Czech Republic	0.281%	0.50	0.55%	0.596%	CHF 71,800
Democratic PR of Korea	0.007%	0.23	0.25%	0.167%	CHF 20,100
Democratic Republic of the Congo	0.003%	0.20	0.22%	0.100%	CHF 12,000
Denmark	0.739%	0.75	0.83%	1.032%	CHF 124,300
Dominican Republic	0.024%	0.22	0.24%	0.180%	CHF 21,700
Ecuador	0.021%	0.22	0.24%	0.198%	CHF 23,900
Egypt	0.088%	0.25	0.28%	0.285%	CHF 34,300
El Salvador	0.020%	0.20	0.22%	0.179%	CHF 21,600
Estonia	0.016%	0.25	0.28%	0.204%	CHF 24,600
Ethiopia	0.003%	0.20	0.22%	0.100%	CHF 12,000

Member or Associate Member	UN Scale	Old Scale (2006)		Proposed Scale (2010)	
		Points	Per cent	Per cent	CHF
Finland	0.564%	0.69	0.76%	0.878%	CHF 105,800
France	6.301%	5.39	5.97%	5.886%	CHF 709,000
Gabon	0.008%	0.20	0.22%	0.162%	CHF 19,500
Gambia	0.001%			0.100%	CHF 12,000
Georgia	0.003%	0.29	0.32%	0.182%	CHF 21,900
Germany	8.577%	7.93	8.79%	7.859%	CHF 946,700
Ghana	0.004%	0.20	0.22%	0.151%	CHF 18,200
Greece	0.596%	0.49	0.54%	0.861%	CHF 103,700
Guatemala	0.032%	0.21	0.23%	0.196%	CHF 23,600
Hungary	0.244%	0.35	0.39%	0.497%	CHF 59,900
Iceland	0.037%	0.22	0.24%	0.213%	CHF 25,700
India	0.450%	0.50	0.55%	0.745%	CHF 89,700
Indonesia	0.161%	0.33	0.37%	0.425%	CHF 51,200
Iran (Islamic Republic of)	0.180%	0.86	0.95%	0.629%	CHF 75,800
Iraq	0.015%			0.174%	CHF 21,000
Ireland	0.445%	0.35	0.39%	0.674%	CHF 81,200
Israel	0.419%	0.39	0.43%	0.629%	CHF 75,800
Italy	5.079%	3.91	4.33%	4.697%	CHF 565,800
Japan	16.624%	10.55	11.69%	11.650%	CHF 1,403,400
Jordan	0.012%	0.20	0.22%	0.169%	CHF 20,400
Kazakhstan	0.029%	0.45	0.50%	0.309%	CHF 37,200
Kenya	0.010%	0.20	0.22%	0.162%	CHF 19,500
Kuwait	0.182%	0.41	0.45%	0.474%	CHF 57,100
Kyrgyzstan	0.001%	0.22	0.24%	0.148%	CHF 17,800
Lao People's Democratic Republic	0.001%	0.20	0.22%	0.100%	CHF 12,000
Latvia	0.018%	0.28	0.31%	0.216%	CHF 26,000
Lebanon	0.034%	0.20	0.22%	0.200%	CHF 24,100
Lesotho	0.001%			0.100%	CHF 12,000
Liberia	0.001%	0.20	0.22%	0.100%	CHF 12,000
Libyan Arab Jamahiriya	0.062%	0.40	0.44%	0.340%	CHF 41,000
Liechtenstein	0.010%	0.20	0.22%	0.162%	CHF 19,500
Lithuania	0.031%	0.30	0.33%	0.250%	CHF 30,100
Luxembourg	0.085%	0.24	0.27%	0.278%	CHF 33,500
Malaysia	0.190%	0.30	0.33%	0.435%	CHF 52,400
Maldives	0.001%	0.20	0.22%	0.100%	CHF 12,000
Mali	0.001%	0.20	0.22%	0.100%	CHF 12,000
Malta	0.017%	0.20	0.22%	0.172%	CHF 20,700
Mauritania	0.001%			0.100%	CHF 12,000
Mauritius	0.011%	0.20	0.22%	0.120%	CHF 14,500
Mexico	2.257%	0.95	1.05%	2.102%	CHF 253,200
Monaco	0.003%	0.20	0.22%	0.148%	CHF 17,800
Mongolia	0.001%	0.20	0.22%	0.142%	CHF 17,100
Montenegro	0.001%			0.145%	CHF 17,500
Morocco	0.042%	0.22	0.24%	0.223%	CHF 26,900
Mozambique	0.001%	0.20	0.22%	0.100%	CHF 12,000
Namibia	0.006%	0.20	0.22%	0.158%	CHF 19,000
Nepal	0.003%	0.20	0.22%	0.100%	CHF 12,000
Netherlands	1.873%	1.49	1.65%	2.074%	CHF 249,800
New Zealand	0.256%	0.40	0.44%	0.515%	CHF 62,000
Nicaragua	0.002%	0.20	0.22%	0.148%	CHF 17,800
Niger	0.001%	0.20	0.22%	0.100%	CHF 12,000
Nigeria	0.048%	0.30	0.33%	0.271%	CHF 32,600
Norway	0.782%	0.67	0.74%	1.069%	CHF 128,800
Oman	0.073%			0.276%	CHF 33,200
Pakistan	0.059%	0.24	0.27%	0.257%	CHF 31,000

Member or Associate Member	UN Scale	Old Scale (2006)		Proposed Scale (2010)	
		Points	Per cent	Per cent	CHF
Palau	0.001%			0.100%	CHF 12,000
Palestine	0.001%			0.141%	CHF 17,000
Panama	0.023%	0.20	0.22%	0.182%	CHF 21,900
Papua New Guinea	0.002%	0.20	0.22%	0.100%	CHF 12,000
Paraguay	0.005%			0.151%	CHF 18,200
Peru	0.078%	0.24	0.27%	0.275%	CHF 33,100
Philippines	0.078%	0.25	0.28%	0.279%	CHF 33,600
Poland	0.501%	0.60	0.66%	0.918%	CHF 110,600
Portugal	0.527%	0.36	0.40%	0.716%	CHF 86,300
Qatar	0.085%			0.294%	CHF 35,400
Republic of Korea	2.173%	0.79	0.88%	1.989%	CHF 239,600
Republic of Moldova	0.001%	0.30	0.33%	0.179%	CHF 21,600
Romania	0.070%	0.34	0.38%	0.346%	CHF 41,700
Russian Federation	1.200%	5.50	6.10%	3.224%	CHF 388,400
Rwanda	0.001%	0.20	0.22%	0.100%	CHF 12,000
Samoa	0.001%	0.20	0.22%	0.100%	CHF 12,000
San Marino	0.003%	0.20	0.22%	0.148%	CHF 17,800
Sao Tome & Principe	0.001%	0.20	0.22%	0.100%	CHF 12,000
Saudi Arabia	0.748%	1.02	1.13%	1.169%	CHF 140,800
Senegal	0.004%	0.20	0.22%	0.100%	CHF 12,000
Serbia	0.021%	0.33	0.37%	0.237%	CHF 28,500
Sierra Leone	0.001%			0.100%	CHF 12,000
Singapore	0.347%	0.30	0.33%	0.570%	CHF 68,700
Slovakia	0.063%	0.28	0.31%	0.304%	CHF 36,600
Slovenia	0.096%	0.27	0.30%	0.302%	CHF 36,400
Somalia	0.001%			0.100%	CHF 12,000
South Africa	0.290%	0.54	0.60%	0.629%	CHF 75,800
Spain	2.968%	1.91	2.12%	2.888%	CHF 347,900
Sri Lanka	0.016%	0.20	0.22%	0.175%	CHF 21,100
Sudan	0.010%	0.20	0.22%	0.100%	CHF 12,000
Suriname	0.001%	0.20	0.22%	0.110%	CHF 13,300
Sweden	1.071%	1.15	1.27%	1.419%	CHF 170,900
Switzerland	1.216%	1.20	1.33%	1.511%	CHF 182,000
Syrian Arab Republic	0.016%	0.23	0.25%	0.190%	CHF 22,900
Tajikistan	0.001%	0.21	0.23%	0.145%	CHF 17,500
Thailand	0.186%	0.29	0.32%	0.409%	CHF 49,300
The FYR of Macedonia	0.005%	0.20	0.22%	0.151%	CHF 18,200
Timor-Leste	0.001%			0.100%	CHF 12,000
Togo	0.001%	0.20	0.22%	0.100%	CHF 12,000
Tunisia	0.031%	0.22	0.24%	0.203%	CHF 24,500
Turkey	0.381%	0.43	0.48%	0.724%	CHF 87,200
Uganda	0.003%	0.20	0.22%	0.100%	CHF 12,000
Ukraine	0.045%	0.60	0.66%	0.381%	CHF 45,900
United Arab Emirates	0.302%	0.37	0.41%	0.574%	CHF 69,100
United Kingdom	6.642%	4.54	5.03%	5.790%	CHF 697,500
United Republic of Tanzania	0.006%	0.20	0.22%	0.100%	CHF 12,000
Uruguay	0.027%	0.23	0.25%	0.200%	CHF 24,100
Venezuela	0.200%	0.62	0.69%	0.588%	CHF 70,800
Viet Nam	0.024%	0.20	0.22%	0.189%	CHF 22,800
Yemen	0.007%	0.20	0.22%	0.100%	CHF 12,000
Zambia	0.001%	0.20	0.22%	0.100%	CHF 12,000
Zimbabwe	0.008%	0.20	0.22%	0.155%	CHF 18,700
Andean Parliament		0.02	0.02%	0.01%	CHF 1,200
Central American Parliament		0.01	0.01%	0.01%	CHF 1,200
East African Legislative Assembly		0.01	0.01%	0.01%	CHF 1,200

Member or Associate Member	UN Scale	Old Scale (2006)		Proposed Scale (2010)	
		Points	Per cent	Per cent	CHF
European Parliament		0.10	0.11%	0.08%	CHF 9,600
Latin American Parliament		0.02	0.02%	0.02%	CHF 2,400
Parliamentary Assembly of the Council of Europe		0.06	0.07%	0.06%	CHF 7,200
WAEMU				0.01%	CHF 1,200
ECOWAS		0.01	0.01%	0.01%	CHF 1,200
TOTAL				98.904%	CHF 11 913 700

COOPERATION WITH THE UNITED NATIONS SYSTEM

List of activities undertaken by the IPU between 11 April and 18 October 2009

*Noted by the IPU Governing Council at its 185th Session
(Geneva, 21 October 2009)*

United Nations

- The IPU held a Parliamentary Conference on the Global Economic Crisis at the United Nations in Geneva on 7 and 8 May to assemble the parliamentary community in the response to the crisis and help develop a parliamentary submission to the United Nations' own conference the following month. The Conference was informed of the work of a special commission of the President of the General Assembly chaired by Prof. J. Stiglitz.
- The IPU participated in the United Nations Conference on the Financial Crisis and its impact on Development on 20-26 June and in its preparatory process. The Outcome Document of the UN conference encouraged the IPU "to continue to contribute to the development of global responses to the crisis".
- A preparatory committee for the third World Conference of Speakers of Parliament in July 2010 met at IPU headquarters on 17-18 July. The 25 Speakers on the committee decided inter alia that the parliamentary Summit would look at ways of further strengthening the UN-IPU partnership and that its outcome would be presented to the United Nations 2010 Summit in September of the same year.
- On 24 September, the IPU held a briefing in New York for members of parliament attending the General Debate at the opening of the 64th session of the United Nations General Assembly. The office of the incoming President of the General Assembly, Mr. A. Abdussalam Treki (Libya), assisted in outlining the most important issues on the agenda of the General Assembly in the coming months. The briefing also highlighted recent developments in the relationship between the IPU and the UN.
- The IPU worked with the United Nations Department of Economic and Social Affairs to help design the preparatory process for the 2010 Development Cooperation Forum. This will consist of three multi-stakeholder symposia (on mutual accountability, aid policy coherence, and South-South cooperation respectively) preceded by substantive studies on the same topics. Earlier, the IPU finalized two case studies on parliament and aid effectiveness concerning Zambia and Tanzania which were intended in part as input to the DCF process. It will participate in all events planned with the help of a specialized group of MPs.
- A thematic debate on energy efficiency, energy conservation and new and renewable sources of energy, one of several meetings to help maintain the political momentum for a new climate change agreement at the end of December (COP15), took place at the United Nations in New York on 18 June. The IPU contributed to the organization and arranged for the Chair of the Environment Committee of the Danish Parliament to join the panel. The IPU is working on the parliamentary meeting that will take place at the COP15 in Copenhagen on 16 December.
- Preparations got under way for the 2009 Parliamentary Hearing at the United Nations (19-20 November) entitled "*The Way Forward - Building political support and implementing effective responses to the global economic crisis*". The hearing proposes to build on the outcome of the June conference of the United Nations on the global crisis.
- The results of the IPU survey on parliaments' involvement in United Nations affairs was compiled into a report, based on some 50 responses received (representing about one-third of the IPU membership). The report will help inform decisions on the relationship between the two organizations.

- On 15 September, designated by the United Nations as International Day of Democracy (IDD), the IPU commemorated the second annual day with a variety of activities centred around the theme of Political Tolerance.
- The IPU held a Parliamentary Conference on Democracy in Africa (Gaborone, 14-16 September) to discuss the state of democracy on the African continent and how best to strengthen parliaments in African countries. The IPU released a global public opinion survey on political tolerance, the central theme of the conference. The survey was also launched at a press conference at United Nations headquarters in New York. All parliaments were invited to celebrate the international day and to work to remedy the shortcomings revealed in the global survey.
- In support of the UN Peacebuilding Commission (PBC), the IPU continued its engagement in Burundi and Sierra Leone. In Burundi, the IPU organized a second retreat with the parliamentary leadership that focused on the electoral law and ensuring that parties can play an effective part in the work of parliament. In Sierra Leone, the IPU held a seminar in April which led to the adoption of a parliamentary action plan for national reconciliation. The parliamentary side of the peacebuilding process in these two countries was reflected in the report of the UN Secretary-General.
- In September, the resolutions of the 120th IPU Assembly were distributed in the UN General Assembly. The IPU addressed the United Nations in several significant debates, such as the annual plenary meeting on HIV/AIDS.
- A two-year project in support of women MPs in Burundi was completed in June 2009. The project was led by the IPU and the Parliament of Burundi and funded by the United Nations Democracy Fund. Its purpose was to support parliamentary action on women's rights and gender equality. Activities were held to inform parliamentarians about regional and international conventions, pinpoint discriminatory laws and devise parliamentary action. A survey was conducted on the legislative priorities of women MPs and its results discussed with civil society organizations. The project ended with the discussion of a plan of action for the Burundian Parliament.

OHRLLS

- Preparations began for the 4th United Nations Conference on the Least Developed Countries in 2011. As a member of the inter-agency team headed by the Office of the High Representatives for the Least Developed Countries (OHRLLS), the IPU worked to ensure that the parliaments of the 49 LDCs would be actively involved in the national consultations that are the first building block for the 2011 conference.

UNDP

- In order to better reflect the level of cooperation between the IPU and UNDP, the Secretary General and the UNDP Administrator began talks on reviewing and updating the Memorandum of Understanding signed by the two organizations in 2007.
- The IPU began a new field engagement with UNDP and other partners through the Capacity Development for Development Effectiveness facility (CDDE) in the Asia-Pacific region. The CDDE is part of a global plan by UNDP to help countries implement the Paris Declaration on aid effectiveness and its successor Accra Agenda for Action. The IPU has developed a joint work plan with the UNDP-hosted CDDE Secretariat in Bangkok, Thailand, which starts with the development of a practical *Guidance Note for Parliamentarians on Aid Effectiveness* that should be finalized in November of this year.
- The IPU and UNDP Jordan have signed a Memorandum of Understanding aiming to support the House of Representatives of Jordan to promote women in parliament and respect for women's rights. As part of the activities included in the joint programme of cooperation, a seminar on budget and equality was held in July. It discussed the objectives set by the budget, the measures taken recently in Jordan to develop a results-based budget and the road to a gender-sensitive budget. The programme also helped establish a working group to review and eliminate discriminatory provisions in Jordanian laws to comply with the

provisions of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) - in particular the Social Security Act, the Criminal Code and the Taxation Act. The working group will also be involved in drawing up Jordan's fifth country report on the status of implementation of the Convention.

UNICEF

- A joint IPU-UNICEF regional seminar was held in San José on 26-28 August, at the invitation of the Legislative Assembly of Costa Rica. The fourth in a series of joint regional seminars, the event for parliaments of Latin America and regional inter-parliamentary organizations focused on the role of parliaments in preventing and responding to violence against children and adolescents. Special attention was paid to the specific mechanisms at the disposal of parliaments to help develop a protective framework for children.

UNAIDS

- The IPU Secretary General and UNAIDS Executive Director agreed to consolidate the relationship between the two organizations and in the form of a strategic partnership around the priority areas that are critical to parliamentary involvement in AIDS response. The aim of the partnership is to change punitive discriminatory laws, strengthen leadership on HIV and AIDS and maintain the funding for HIV and AIDS at the necessary levels.

UN CEDAW Committee

- The IPU contributed to the session of the CEDAW Committee meeting in July in New York. It presented a report on parliaments' involvement in the CEDAW reporting process and data on women in politics in the different States under consideration by the Committee.

World Trade Organization (WTO)

- The IPU and the European Parliament held a Parliamentary Panel at the WTO Public Forum 2009 in Geneva from 28 and 30 September, under the overall theme *Global Problems, Global Solutions: Towards Better Global Governance*. Entitled "*Can protectionism protect trade? The legislator's perspective*", the parliamentary panel examined the protectionist measures that countries are taking to buttress their national economies as a result of the global crisis and how these measures may contravene current multilateral trade rules.
- On 1 October, the IPU hosted the 19th session of the Steering Committee of the Parliamentary Conference on the WTO. Members of the Committee were briefed by the current Chairman of the WTO General Council, Ambassador Mario Matus (Chile), on the state of preparations for the 7th WTO Ministerial Conference, to be held in Geneva from 30 November to 2 December 2009.

REPORT ON THE SIXTH MEETING OF THE IPU ADVISORY GROUP ON HIV/AIDS

(Geneva, 24 and 25 September 2009)

*Noted by the IPU Governing Council at its 185th Session
(Geneva, 21 October 2009)*

Members present: Ms. H. Bogopane-Zulu (South Africa), Chair; Mr. M. El-Hazmi (Saudi Arabia), Deputy Chair; Ms. K. Hull (Australia); Ms. M. Temmerman (Belgium); Mr. J. Seelam (India); Ms. L. Mafuru Mng'ong'o (United Republic of Tanzania)

Members absent: Ms. M. Xavier (Uruguay); Mr. F. Gutzwiller (Switzerland); Mr. E. Tumwesigye (Uganda)

International organizations: UNAIDS; Global Fund to fight AIDS, Tuberculosis and Malaria

IPU Secretariat: Mr. J. Jennings; Mrs. A. Blagojevic

Item 1: Reports by Advisory Group members on their activities

The Advisory Group members reported on their activities since the last meeting of the Advisory Group in South Africa in January 2009.

Mr. El-Hazmi focused on the HIV education and awareness programs that the Saudi Arabia Ministry of Health started in the 1980's that had now been extended, along with free health care, to foreigners residing in the country. The country implemented premarital compulsory testing on genetic disorders and some diseases, including HIV.

Mr. Seelam said that the Indian Parliamentary Forum on HIV/AIDS was in the process of registering as an independent NGO in order to retain the active members who lost their parliamentary seats. Mr. O. Fernandez, former Minister of Labour and Employment, currently chaired the Forum. Mr. Seelam added that the latest reports indicated the further spread of HIV into rural areas and a more noticeable feminization of the epidemic in India.

Ms. Mafuru reported that she had been appointed chair of the standing committee on HIV/AIDS Affairs, which was established after the adoption of the HIV/AIDS law in 2008. The committee had 26 members from all parliamentary factions. The committee would focus its work on reducing stigma associated with HIV and AIDS until elections scheduled for October 2010.

Ms. Hull informed the Group that Australia's sixth five-year strategy on HIV and AIDS was currently being implemented. The parliamentary liaison group, of which she was deputy chair, worked to bring more flexibilities to the strategy so that it could respond better to new trends and challenges. Issues high on the agenda were criminalization and the epidemiological trends in the Asia-Pacific region, especially in Papua New Guinea, Fiji and East Timor, which were seriously off track in efforts to reach the targets of MDG 6.

Ms. Bogopane-Zulu said that in terms of HIV policy, South Africa was in the process of reviewing the mid-term effects of the national HIV strategy. Policy on circumcision as a tool for prevention was being finalized and the parliament has recently started debating decriminalization of sex work. The government was struggling to ensure sufficient funding for HIV programs.

Speaking from the chair, Ms. Bogopane-Zulu reported that a follow-up workshop to the IPU seminar on access to treatment and the SADC PF Model Law on HIV was due to be held in South Africa. She continued her work to explain the work of the Group to interested parties and possible partner organizations, including UNAIDS, DFID and VSO.

Item 2: Status Report by IPU

The Advisory Group Secretary reported on activities during the previous eight months. Preparations for the European Regional Seminar and Advisory Group activities in Greece had been going very well until the sudden dissolution of the Hellenic Parliament after the Prime Minister had called for early elections, leading to cancellation of the event.

During the reporting period, the IPU Secretary General and UNAIDS Executive Director had agreed to form a partnership with the primary objectives of helping to change punitive and discriminatory laws, strengthen leadership on HIV/AIDS and maintain the financial support for HIV programs. The IPU had participated in the UNAIDS International Task Team on HIV-related Travel Restrictions and the IPU Governing Bodies had approved the Task Team's general recommendations at the previous IPU Assembly. IPU statements had been delivered during the HIV/AIDS debate at the UN General Assembly and at the UN ECOSOC session in July in Geneva.

Preparations were under way for a panel discussion on Universal Access that would take place at the 121st IPU Assembly in Geneva. Moreover, in cooperation with the World AIDS Campaign, the IPU was starting a campaign to alert parliaments about World AIDS Day.

Item 3: Future activities of the Advisory Group

The Group heard presentations from UNAIDS and the Global Fund on their respective activities with parliaments.

Ms. S. Timberlake (UNAIDS) presented the nine priority areas defined in the UNAIDS Outcome Framework 2009-2011. For each area, she outlined how parliaments could lend their weight to their accomplishment. Within the overall AIDS response, the part played by legislation was poorly developed, and there was a need for continual education of parliamentarians and other partners. A high-level commission on the impact of law on the AIDS response was being formed at UNAIDS. In order to support those activities, the Norwegian Government had approved funding for operational research on the impact of criminalization, which was to begin in early 2010.

After further discussion, the Advisory Group endorsed the nine UNAIDS objectives as a suitable framework within which they would pursue their own activities. The proposal to strengthen partnership between UNAIDS and IPU should therefore include all nine priority areas. The document should be written from a parliamentary standpoint and allow for creativity in finding solutions tailored to local problems, setting out the responsibilities of the IPU as a partner assisting UNAIDS from a parliamentary perspective.

On that basis, the two Organizations should develop a parliamentary program with a focus on pre-emption. Initially, therefore, its aim would be to provide parliamentarians with information that could serve to inform planned legislation on HIV-related issues; it would, for example, help parliamentarians understand the difference between decriminalization and legalization, and advance debate on questions such as notification. The Group would thus try to intervene pre-emptively in the interests of sound legislation, with individual Group members travelling to countries in the regions for talks with the relevant parliamentarians where necessary.

Mr. S. Robinson (The Global Fund) gave a presentation to the Advisory Group members. The Fund policy was moving away from solely health care issues towards encouraging broader health system strengthening, and issues connected with gender, identity and sexual orientation. The Fund recognized the need involve parliamentarians more actively in its Country Coordinating Mechanisms (CCMs). There were a number of areas for possible collaboration with IPU.

The Advisory Group members agreed that the Global Fund - often perceived to be working in isolation from national authorities, including parliaments - should be supported in the development of a parliamentary program. An increased focus on the dignity and security aspects of the HIV epidemic as well as monitoring of human rights commitments clearly required strong parliamentary engagement. The Global Fund programs should help educate law makers and enforcers; provide some rudiments of legal literacy to populations affected by HIV; and support activities to fight stigma and discrimination. These and other opportunities for

cooperation between IPU and the Global Fund might be discussed in greater detail by the IPU Secretary General and the Global Fund Executive Director.

The Advisory Group agreed that the Global Fund objective to maintain adequate funding for HIV programs at the country level at a time of economic difficulty tallied with the goals agreed by the IPU and UNAIDS. The Global Fund should therefore be included as partner in this area and the IPU proposal should specify the objectives of the Fund's involvement.

XVIII International AIDS Conference (AIDS 2010)

The Secretariat distributed a briefing note on participation in AIDS 2010 ([see below](#)). The theme of the conference would be human rights. The Group proposed that IPU engaged directly with Ms. Robin Gorna, the new Executive Director of the International AIDS Society, to discuss ways to get parliamentarians involved in the main conference activities. UNAIDS offered to facilitate contacts, if necessary. It was also suggested that the submission of abstracts by the members of the Group could also facilitate eventual participation.

Meanwhile, a separate parliamentary event would be held in conjunction with the Austrian Parliament.

High-level Review Meeting of the General Assembly on HIV/AIDS

UNAIDS told the Group that the preparations for the UNGASS reporting process were commencing and that the deadline for the submission of country progress reports was 15 March 2010. The Advisory Group members urged UNAIDS to officially include members of parliament in the reporting process.

Item 4: Membership and organizational issues

The Group decided that it wished to include members from Eastern Europe and Central Asia, and from the Caribbean. These places could be filled by natural attrition and while geographic and gender criteria were important, the candidates should be judged primarily on their HIV-related work. IPU and UNAIDS would present a list of possible members to the Group at its next meeting. The size of the Group should remain the same.

The Group decided that the Global Fund should become a permanent member alongside UNAIDS, UNDP and the World AIDS Campaign.

Item 5: Any other business

The Advisory Group agreed that the agendas for future meetings should allow for more interactive engagement among the members and should last at least two full days. When held in Geneva they should include consultations with different United Nations agencies and bodies.

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XVIII INTERNATIONAL AIDS CONFERENCE 2010 (AIDS 2010)

Vienna, 18 - 23 July 2010

Briefing note on IPU activities

Involvement of parliamentarians in the organizing committee

1. The topics for AIDS 2010 are being decided within its three Programs - Leadership, Community and Scientific. The vision of each Program is determined by the Program Committee, which consists of up to three co-chairs and some 10 members.

2. The IPU nominated Senator M. Temmerman of Belgium for the position of Track F Co-Chair of the Scientific Committee, covering policy, law, human rights and political science. After the organizers failed to select her as co-chair, Senator Temmerman was nominated for the Track membership. The selection for this post was made in February. Despite repeated requests, the IPU was not informed of the outcome.

3. Ms. P. Bayr, MP from Austria and member of AWEPA, has been selected as co-chair of the Leadership Committee.

IPU events at AIDS 2010

4. The IPU and the Austrian Parliament have agreed to organize a parliamentary event outside the official program for AIDS 2010. It will take the form of either a briefing or a more comprehensive skill building seminar for members of parliament attending AIDS 2010. The IPU and the Austrian Parliament are in the process of drafting the budget for this event and will approach possible partners to assist with the organization. The partners in the Austrian Parliament see a need to emphasise awareness-raising in Central and Eastern Europe. The IPU agrees that this could be part of the programme but not to the detriment of a more global outlook.

5. Broadly speaking, the IPU believes that more political attention should be drawn to AIDS 2010 and that members of parliament should be more extensively involved in the events coordinated by the organizers. Given the increased focus on the ways in which punitive and discriminatory laws impede the AIDS response, participants to AIDS 2010 would benefit from a session focusing on the latest issues in HIV policy and legislation in which members of parliament would take the key role. The IPU is also well positioned to ensure parliamentary involvement in a variety of other conference events. Unfortunately, without an IPU voice on the organizing committee, this is difficult to achieve.

6. The views of the IPU Advisory Group are therefore sought before reverting to the Austrian Parliament with more detailed proposals.

Future meetings and other activities

Approved by the IPU Governing Council at its 185th session (Geneva, 21 October 2009)

Regional Conference and iKNOW Politics Arabic site launch <i>The role of Media and Information Technology in Increasing the number and effectiveness of women in Politics</i>	AMMAN (Jordan) 27-28 October 2009
World e-Parliament Conference	WASHINGTON, D.C. 3-5 November 2009
Parliamentary Meeting on the occasion of the World Summit on Food Security	ROME (Italy) 13 November 2009
Second meeting of the Preparatory Committee of the 3 rd World Conference of Speakers of Parliament	NEW YORK 16-17 November 2009
Joint IPU/UN Parliamentary Hearing at the United Nations	NEW YORK 19-20 November 2009
Conference on MDG5 (Maternal Health), organized jointly by the IPU and WHO	KAMPALA (Uganda) 23-25 November 2009
Enlarged session of the Steering Committee of the Parliamentary Conference on the WTO	GENEVA 1 st December 2009
Regional Seminar on parliaments' contribution to long-term peace and security in the Great Lakes region	NAIROBI (Kenya) 6-8 December 2009
Conference of Women Parliamentarians and Women in Decision-making Positions in the GCC States	MANAMA (Bahrain) 9-10 December 2009
Regional Seminar for the Twelve Plus on Violence Against Women and Migration	PARIS (France) 10-11 December 2009
Regional Seminar on HIV/AIDS	HANOI (Viet Nam) 10-12 December 2009
Parliamentary meeting on the occasion of COP15	COPENHAGEN (Denmark) 16 December 2009
128 th session of the Committee on the Human Rights of Parliamentarians	GENEVA 18-21 January 2010
20 th session of the Steering Committee of the Parliamentary Conference on the WTO	Venue to be decided Early 2010

Regional Seminar on the role of parliament in combating trafficking in persons, especially children, organized jointly by the IPU, Sahel and West Africa Club (SWAC-OECD) and APU	Venue to be decided (in West Africa) mid-February 2010
Regional Seminar for European parliaments on human trafficking	LONDON (United Kingdom) February 2010
Regional Seminar on Violence against Women – Latin American countries	Ecuador February 2010
Parliamentary Conference on ICT and the global economic crisis	GENEVA End February 2010
Parliamentary Day on the occasion of the CSW	NEW YORK Early March 2010
Regional Seminar on HIV/AIDS	Venue to be decided March 2010
122 nd Assembly and related meetings	BANGKOK (Thailand) 27 March - 1 st April 2010
Parliamentary meeting on the occasion of the UN Non-Proliferation Treaty (NPT) Review Conference (3-28 May)	NEW YORK 6 May 2010
Parliamentary meeting on the occasion of the 2010 Forum of the Alliance of Civilizations	RIO DE JANEIRO (Brazil) 28-29 May 2010
Fifth Seminar for members of parliamentary human rights bodies	GENEVA May/June 2010
Parliamentary meeting to be held during the UN General Assembly Special Session on HIV and AIDS	NEW YORK June 2010
Information Seminar on the structure and functioning of the Inter-Parliamentary Union (for French-speaking participants)	GENEVA June 2010
Regional Conference on tolerance, dialogue and inclusive decision-making in parliament	Venue to be decided (Asia) June 2010
130 th session of the Committee on the Human Rights of Parliamentarians	GENEVA June/July 2010
Parliamentary event to be held during the XVIII International AIDS Conference	VIENNA 20-21 July 2010
Ninth Workshop of Parliamentary Scholars and Parliamentarians	Oxfordshire (United Kingdom) 24-25 July 2010
3 rd World Conference of Speakers of Parliament	GENEVA 19-21 July 2010
Regional Seminar on Violence against Women and women's rights (francophone Africa)	First half of 2010

Sixth Meeting of Women Speakers of Parliament	First half of 2010
Regional parliamentary conference on the occasion of the International Day of Democracy	Venue to be decided 13-15 September 2010
Briefing for members of parliament attending the High-Level Segment and World Summit at the United Nations General Assembly	NEW YORK September 2010
123 rd Assembly and related meetings	GENEVA 4-6 October 2010
Seminar on United Nations Human Rights Treaty Bodies	GENEVA 7 October 2010
Joint Conference with the Association of Secretaries General of Parliament	GENEVA 7 October 2010
Parliamentary Seminar on CEDAW	GENEVA 7 October 2010
Annual Parliamentary Hearing at the United Nations	NEW YORK November 2010
Parliamentary Meeting on the occasion of the Seventh International Conference of New or Restored Democracies	Venezuela (<i>subject to UNGA confirmation</i>)
Regional Seminar on security challenges and parliamentary oversight	Venue to be decided Second half of 2010
Regional Seminar on HIV/AIDS	Venue to be decided Second half of 2010
International Conference on the representation of minorities and indigenous peoples in parliament	Venue to be decided Second half of 2010
World e-parliament Conference 2010	Venue to be decided Second half of 2010
Regional Seminar on the contribution of French-speaking African Parliaments to national reconciliation	Venue to be decided Second half of 2010
Regional Seminar on parliamentary oversight and accountability	Venue to be decided (Africa) Second half of 2010
Annual Session of the Parliamentary Conference on the WTO	Venue to be decided Second half of 2010
Fifth meeting of women parliamentarians and women in decision-making positions of the GCC States	Venue to be decided Second half of 2010
Regional Seminar on women in politics in the Pacific Islands	Venue to be decided Second half of 2010
Regional Seminar on children's rights for African Parliaments	Venue to be decided Second half of 2010

Fifth Conference for members of parliamentary committees dealing with gender issues	Venue to be decided Second half of 2010
124 th Assembly and related meetings	PANAMA CITY (Panama) 16-21 April 2011
125 th Assembly and related meetings	Switzerland October 2011
126 th Assembly and related meetings	KAMPALA (Uganda) March-April 2012
127 th Assembly and related meetings	QUEBEC CITY (Canada) 2012

AGENDA OF THE 122nd ASSEMBLY

(Bangkok, Thailand, 27 March - 1st April 2010)

***Approved by the 121st IPU Assembly
(Geneva, 21 October 2009)***

1. Election of the President and Vice-Presidents of the 122nd Assembly
2. Consideration of possible requests for the inclusion of an emergency item in the Assembly agenda
3. Cooperation and shared responsibility in the global fight against organized crime, in particular drug trafficking, illegal arms sales, human trafficking and cross-border terrorism
(First Standing Committee on Peace and International Security)
4. The role of parliaments in developing South-South and Triangular Cooperation with a view to accelerating achievement of the Millennium Development Goals
(Second Standing Committee on Sustainable Development, Finance and Trade)
5. Youth participation in the democratic process
(Third Standing Committee on Democracy and Human Rights)
6. Approval of the subject items for the 124th Assembly and appointment of the Rapporteurs

**LIST OF INTERNATIONAL ORGANIZATIONS AND OTHER BODIES INVITED
TO FOLLOW THE WORK OF THE 122nd ASSEMBLY AS OBSERVERS**

*Approved by the IPU Governing Council at its 185th session
(Geneva, 21 October 2009)*

United Nations
United Nations Conference on Trade and Development (UNCTAD)
International Labour Organization (ILO)
Food and Agriculture Organization of the United Nations (FAO)
United Nations Educational, Scientific and Cultural Organization (UNESCO)
World Health Organization (WHO)
World Bank
International Monetary Fund (IMF)
International Fund for Agricultural Development (IFAD)
Organisation for the Prohibition of Chemical Weapons (OPCW)
Preparatory Commission for the Comprehensive Nuclear-Test-Ban Treaty Organization (CTBTO)
World Trade Organization (WTO)

African Union (AU)
Council of Europe
International Organization for Migration (IOM)
Latin American Economic System (LAES)
League of Arab States
Organization of American States (OAS)

ACP-EU Joint Parliamentary Assembly
African Parliamentary Union (APU)
AMANI Forum - The Great Lakes Parliamentary Forum on Peace
Amazonian Parliament
Arab Inter-Parliamentary Union
ASEAN Inter-Parliamentary Assembly (AIPA)
Asian Parliamentary Assembly (APA)
Assemblée parlementaire de la Francophonie
Assembly of the Western European Union (WEU)
Association of Senates, Shoora and Equivalent Councils in Africa and the Arab World (ASSECAA)
Baltic Assembly
Commonwealth Parliamentary Association (CPA)
Confederation of Parliaments of the Americas (COPA)
European Parliamentarians for Africa (AWEPA)
Indigenous Parliament of the Americas
Inter-Parliamentary Assembly of the Commonwealth of Independent States
Inter-Parliamentary Assembly of the Eurasian Economic Community (EURASEC)
Interparliamentary Assembly on Orthodoxy (IAO)
Inter-Parliamentary Commission of the Economic and Monetary Community of Central Africa (CEMAC)
Inter-Parliamentary Council against Antisemitism
Maghreb Consultative Council
Nordic Council
Pan-African Parliament (PAP)
Parliamentary Assembly of the Black Sea Economic Co-operation (PABSEC)
Parliamentary Assembly of the Mediterranean (PAM)
Parliamentary Assembly of the Organization of the Collective Security Treaty (OCST)

Parliamentary Assembly of the Organization for Security and Co-operation in Europe (OSCE)
Parliamentary Assembly of the Union of Belarus and the Russian Federation
Parliamentary Association for Euro-Arab Co-operation (PAEAC)
Parliamentary Union of the Organization of the Islamic Conference Member States (PUOICM)
Southern African Development Community (SADC) Parliamentary Forum
Transitional Arab Parliament (TAP)

Centrist Democrat International (CDI)
International Socialist

Amnesty International
Geneva Centre for the Democratic Control of Armed Forces (DCAF)
Human Rights Watch
International Committee of the Red Cross (ICRC)
International Institute for Democracy and Electoral Assistance (International IDEA)
International Federation of Red Cross and Red Crescent Societies (IFRC)
World Federation of United Nations Associations (WFUNA)

Organization invited to follow the work of the 122nd Assembly in the light of its agenda:

Partnership for Maternal, Newborn and Child Health

Resolutions Concerning the Human Rights of Parliamentarians

CASE No. AFG/01 - MALALAI JOYA - AFGHANISTAN

Resolution adopted unanimously by the IPU Governing Council at its 185th session (Geneva, 21 October 2009)

The Governing Council of the Inter-Parliamentary Union,

Referring to the case of Ms. Malalai Joya, a member of the House of Representatives of Afghanistan, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/185/11(b)-R.1), and to the resolution adopted at its 184th session (April 2009),

Taking into account the meeting which Committee held with the leader of the Afghan delegation during the 121st Assembly,

Recalling that on 21 May 2007 the House of the People of Afghanistan (Wolesi Jirga) decided to suspend the parliamentary mandate of Ms. Joya until the end of her term (September 2010) for violating Article 70 of the Standing Orders by way of speaking disparagingly about parliament in a television interview; Ms. Joya, who in that interview had compared the parliament to an animal stable, has always stated that her remarks were edited out of context; in her statement, she had divided parliamentarians into two groups - one of which was working to uphold democratic principles while the other was undermining them, thereby serving the Afghan population less than animals in a stable; *recalling* also that parliamentary colleagues have called her a prostitute or a whore, and *noting* in this regard that, according to the leader of the Afghan delegation, the parliamentarians uttering those words were reprimanded by the Speaker but have not been suspended,

Considering that the complaint which Ms. Joya filed with the Supreme Court in February 2008 regarding the suspension of her mandate has so far not been considered by the Court, and that the attempts by Ms. Joya's lawyer to contact the court and the parliament have been to no avail; that in mid-2008 her lawyer stressed in a letter to the parliamentary Hearings and Complaints Committee that no action had been taken in the eight months since the case had been brought to the attention of the Ministry of Parliamentary Affairs and asked the Committee to help speed up the matter; however, his letter was reportedly rejected and met with a response from the Committee's chairperson telling him not to tread on dangerous ground,

Recalling that, in October 2008, the Deputy Speaker of the House of the People stated unequivocally that the suspension of Ms. Joya's mandate until the end of her term was unlawful and he gave assurances that parliament would make every effort to reinstate her before the end of December 2008; in his meeting with the IPU Secretary General, the Permanent Representative of Afghanistan to the United Nations Office at Geneva also expressed the view that parliament should reinstate Ms. Joya as quickly as possible; the Chairperson of the Committee on Immunity and Privileges, in his letter of 5 February 2009, and the Afghan delegation to the 120th IPU Assembly (April 2009) stated that Ms. Joya could be reinstated if she offered an apology; however, when confronted with the Deputy Speaker's previous statements that the suspension had been unlawful and that efforts would be made to reinstate her, the delegation confirmed those statements but added that it had been impossible to reach Ms. Joya as she was often abroad, that she had never contacted parliament and her lawyer had done so only once, but merely to collect documents, and that the Standing Orders contained no procedure for reinstating her; *noting* that the evidence on file shows that Ms. Joya is frequently in Afghanistan and that her lawyer had attempted several times to contact parliament, to no avail,

Considering that, at the meeting with the Committee held during the 121st Assembly, the leader of the Afghan delegation reiterated that Parliament had been unable to contact Ms. Joya and requested the Committee to inform her that the Elders of Parliament had decided that she would be reinstated if she offered an apology for the words she had used; that there was no problem or dispute regarding her and that this would be the best opportunity to reinstate her,

Considering that Ms. Joya, in a letter to the Committee, has made clear her wish to be reinstated, but is not prepared to apologize for her remarks,

Considering that on 16 September 2009 the Attorney General's Office, referring to the request of the Wolesi Jirga of 29 May 2007 that she be prosecuted under Article 24 of the Constitution on account of insulting parliament and the Government, invited her to state whether she wished to answer the questions of the Attorney General's Office or to keep silent; *noting* that the leader of the delegation did not provide any information in this respect,

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

Bearing in mind that Afghanistan is a party to the International Covenant on Civil and Political Rights, which guarantees the right to life and to security and freedom of expression; that Afghanistan is also a party to the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), which upholds the principle of the equality of men and women; *also bearing in mind* the United Nations report on violence, including political violence against women in Afghanistan, published in July 2009 and entitled "Silence is violence: End the abuse of women in Afghanistan",

1. *Thanks* the leader of the Afghan delegation to the 121st Assembly for his cooperation;
2. *Is appalled* that, although the parliamentary authorities had made it clear that Ms. Joya should be reinstated, she continues to be deprived of the mandate that her electors entrusted to her, which prevents her from representing their voice, and particularly the voice of women in parliament;
3. *Stresses* once again that the suspension of her parliamentary mandate for the rest of her term is tantamount to a revocation of her mandate, and that no legal provision authorizes the parliament to take such a measure on account of the statements she made;
4. *Fails to understand* how the parliamentary authorities can possibly ask her to apologize for her remarks as a condition of reinstatement, when the colleagues who had called her a prostitute and whore were not asked to apologize and were not suspended; *calls therefore on* the parliamentary authorities to treat her on a par with her male colleagues and to reinstate her without further delay;
5. *Reaffirms* that the Parliament of Afghanistan is fully empowered to do so through a simple decision, if and when it pleases, and that such a decision would be in keeping with its own rules and regulations;
6. *Deplores* the Supreme Court's failure to act on Ms. Joya's complaint, which it should have examined as a matter of priority, and *considers* that such failure sheds a harsh light on the way it administers justice;
7. *Is concerned* that criminal proceedings have been instituted against Ms. Joya regarding her remarks about parliament, and *wishes* to be kept informed of developments in this respect;
8. *Recognizes* that the death threats against Ms. Joya are made in the context of generalized violence and insecurity in Afghanistan; *considers*, however, that the authorities nevertheless have a duty to investigate threats on the lives of persons as otherwise the circle of impunity will never end;
9. *Requests* the Secretary General to convey this resolution to the parties concerned;
10. *Requests* the Committee to continue examining this case and report to it at its next session, to be held on the occasion of the 122nd IPU Assembly (March-April 2010).

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

***Resolution adopted unanimously by the IPU Governing Council at its 185th session
(Geneva, 21 October 2009)***

The Governing Council of the Inter-Parliamentary Union,

Referring to the case of Mr. Shah Ams Kibria, a member of the National Parliament of Bangladesh who was assassinated in January 2005, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/185/11(b)-R.1), and to the resolution adopted at its 184th session (April 2009),

Taking into account the police progress report of March 2009 forwarded by the Permanent Mission of Bangladesh to the United Nations Office at Geneva on 19 June 2009 and of information supplied regularly by the source,

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

Considering that, according to police report of 28 March 2009, Mufti Abdul Hannan collected 32 Arges grenades through an associate and kept them in his office; in February and April 2004, one of the leaders of Huji - Sylhet Division collected upon instruction by Mufti Abdul Hannan nine of those grenades with the help of two other accomplices; one of those grenades was given to Md. Badrul Alam Mizan, who subsequently exploded it, with the help of Mr. Mizanur Rahman Mithu, at the public meeting at which Mr. Kibria was killed; six persons have been arrested and efforts are under way to arrest two absconders; *noting* that, according to a newspaper report of 13 October 2009, the Sylhet Divisional Trial Tribunal, before which the case is pending, granted the Criminal Investigation Department one more month to submit its report on its further investigation into the killing of Mr. Kibria and set 15 November 2009 for hearing of the case,

Considering also that Mr. Kibria's family has not been informed or notified of the proceedings and hearings that have taken place before the Sylhet Speedy Trial Tribunal,

1. *Thanks* the authorities for the information they provided and for their cooperation;
2. *Is pleased to note* that the investigation is providing an ever fuller picture of the events leading up to Mr. Kibria's killing, but that it has not as yet enabled the investigators to identify either the origin of the grenades used in the attack or the instigators; is confident that the investigative report to be submitted to court in November will shed light on these matters and that, in any event, the investigation will not be closed unless these questions have been fully elucidated; *would appreciate* being kept informed of the proceedings;
3. *Is concerned* that Mr. Kibria's family has still not been informed of the proceedings before the Sylhet Speedy Trial Tribunal and is thus being prevented from contributing to the pursuit of justice in this case; *urges* the authorities to rectify this situation;
4. *Notes with satisfaction* that one of the investigating officers suspected of diverting the course of justice in this case is now in the hands of the authorities and that they can therefore establish accountability for the serious abuses that took place in the initial investigation; *wishes* to be kept informed in this respect;

5. *Would appreciate information* as to whether the parliament of Bangladesh is following the proceedings in this case with a view to ensuring the due administration of justice;
6. *Requests* the Secretary General to convey this resolution to the parliamentary and judicial authorities, inviting them to supply the information sought;
7. *Requests* the Committee to continue examining this case and report to it at its next session, to be held on the occasion of the 122nd IPU Assembly (March-April 2010).

CASE No. BGL/15 - SHEIKH HASINA - BANGLADESH

Resolution adopted unanimously by the IPU Governing Council at its 185th session (Geneva, 21 October 2009)

The Governing Council of the Inter-Parliamentary Union,

Referring to the case of Sheikh Hasina, a member of the Parliament of Bangladesh at the time the communication was submitted, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/185/11(b)-R.1), and to the resolution adopted at its 184th session (April 2009),

Taking into account the police progress report of 28 March 2009 forwarded by the Permanent Representative of Bangladesh to the United Nations Office at Geneva on 19 June 2009, and the information which has been regularly provided by the sources,

Recalling the initial line of inquiry into the grenade attack of 21 August 2004 on Sheikh Hasina and other Awami League leaders was a complete fabrication based on the "confession" of a petty criminal, Joj Miah, who had admitted under duress carrying out the attack with a criminal gang and whose family had been provided with a long-term government subsidy; that on 12 May 2009 three former investigation officers surrendered having been charged with deliberately shielding the true perpetrators and committing torture,

Recalling further that in February 2007, a new investigation was opened and revealed that Horkatul Jihad al Islami (Huji) militants, including its leader, Mufti Abdul Hannan, had carried out the attack, and enabled the police to arrest more suspects and to recover grenades, rifles and explosives,

Considering that, according to the latest police progress report provided by the Permanent Representative, 22 persons at present stand accused in the case of the grenade attack, 14 of whom are in the hands of the authorities; the case is pending before the Speedy Trial Tribunal No. 1/Dhaka; 23 witnesses had thus far been heard; *considering* that 21 of the 22 accused are Huji members, the exception being former Deputy Minister Abdus Salam Pintu, who, according to media reports, admitted that the Arges grenades used were delivered from his government residence,

Considering that, on 3 August 2009, the Court ruled that a deeper and more extensive probe should be carried out and directed the Inspector General of Police to report back to the Tribunal within two months with its findings, in particular as regards the source of the grenades used in the attack; the ruling came after the State Attorney submitted a request for further investigation, saying that experts and influential persons who had supplied the grenades, which were not simple explosives and not easy to obtain, had still not been identified; *considering* also that at the beginning of October 2009 the Dhaka Court cancelled the bail previously granted to two Huji members,

Considering that, in addition to the above-mentioned murder case, the grenade attack is also being investigated and prosecuted under the Explosives Act, for which the Tribunal has asked for a full report to be submitted by 4 January 2010,

Considering finally that, according to the source, the latest investigative work appears to establish links not only with Huji but also with the terrorist organization Laskar-e-Taiba,

1. *Thanks* the authorities for the information provided and for their cooperation;
2. *Is pleased* to note that the investigation is providing an ever fuller picture of the events leading up to the grenade attack, and *is confident* that the efforts of the prosecuting authorities to trace the origins of the grenades used by Huji and to identify the instigators will bear fruit and lead to the shedding of full light on this crime; *would appreciate* being kept informed in this respect;
3. *Notes with satisfaction* that, with the three former investigating officers in this case now in their hands, the authorities can establish accountability for the serious abuses that took place in the initial investigation; *wishes* to be kept informed of progress in these proceedings;
4. *Would appreciate* information as to whether the parliament of Bangladesh is following the proceedings in this case with a view to ensuring the due administration of justice;
5. *Requests* the Secretary General to convey this resolution to the parliamentary and judicial authorities, inviting them to keep the Committee informed of progress made in the proceedings;
6. *Requests* the Committee to continue examining this case and report to it at its next session, to be held on the occasion of the 122nd IPU Assembly (March-April 2010).

CASE No. BLS/05 - VICTOR GONCHAR - BELARUS

Resolution adopted unanimously by the IPU Governing Council at its 185th session (Geneva, 21 October 2009)

The Governing Council of the Inter-Parliamentary Union,

Referring to the case of Mr. Victor Gonchar, a member of the Thirteenth Supreme Soviet of Belarus who disappeared together with his friend Anatoly Krasovsky on 16 September 1999, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/185/11(b)-R.1), and to the resolution adopted at its 184th session (April 2009),

Taking into account the information provided by one of the sources on 25 June 2009, forwarding an interview of President Lukashenko published in the Russian newspaper *Zavtra*,

Recalling the following:

- The investigation into the disappearance, on 16 September 1999, of Mr. Victor Gonchar and his friend Anatoly Krasovsky has yielded no result and the authorities have consistently refuted the conclusions of a report by the Parliamentary Assembly of the Council of Europe into disappearances for allegedly political reasons in Belarus (Pourgourides report), which provided evidence linking senior officials to the disappearance of Mr. Gonchar and Mr. Krasovsky; Mr. Pourgourides had gathered evidence to this effect, including a handwritten document from the then Police Chief, General Lapatik, the authenticity of which the Belarusian authorities have acknowledged, in which General Lapatik accuses Mr. V. Sheyman, then Secretary of the Belarusian Security Council, of having ordered the killing of Mr. Zakharenko, a former Minister of the Interior, and that the order was carried out by a special task force (SOBR unit) under the command of Colonel Pavlishenko, with the assistance of the then Minister of the Interior, Mr. Sivakov, who provided Colonel Pavlishenko with the official execution pistol temporarily removed from SIZO-1 prison; the same method was reportedly used in the execution of Mr. Gonchar and Mr. Krasovsky;
- The Belarusian authorities have consistently stressed that despite the extensive investigative work carried out, and despite examining all possible leads, no tangible results have been obtained; however, the case has not been closed and, according to information provided in April 2009, the investigation was extended to 24 June 2009;

- According to one of the sources, a new investigator, Mr. Y.V. Varavko, was appointed, but reportedly refused to meet with Mr. Gonchar's wife as there "was no reason to meet";
- Mrs. Krasovsky and her daughter submitted a communication under the Optional Protocol to the International Covenant on Civil and Political Rights to the Human Rights Committee, which, on 16 October 2008, invited the Belarusian authorities to provide observations regarding the admissibility and the merits of the communication; the Government is due to submit its observations by 15 November 2009,

Considering that, in the interview he gave to the *Zavtra* newspaper, President Lukashenko stated that the cases of Mr. Gonchar and Mr. Krasovsky "were murders for business reasons; they had to buy or sell something and failed to stick to their promises, so they were killed, as is usual in 'half-bandit' circles; traces of a murderer have recently been found in Germany",

1. *Deplores* the fact that more than 10 years have now elapsed since the disappearance of Mr. Gonchar and Mr. Krasovsky without the Belarusian authorities having been able to elucidate their fate; and *regrets* that they have failed to provide convincing evidence to refute the findings of the Pourgourides report;
2. *Sincerely hopes* that the examination of Mr. Krasovsky's case by the United Nations Human Rights Committee will also contribute to elucidating the fate of Mr. Gonchar, and *requests* the IPU Committee to share with the UN Committee the information it has on file;
3. *Notes with interest* President Lukashenko's statement, as quoted above, and *would appreciate* receiving information as to the evidence that enabled him to make that statement, particularly since earlier allegations that business motives were behind the disappearance seemed to have not been substantiated;
4. *Assumes* that this evidence is also in the possession of the investigator and can be shared with the families of the victims; is *concerned* in this respect that the new investigator is said to have refused to meet with Mrs. Gonchar; *would appreciate* information as to the grounds for that refusal; *wishes also to ascertain* the current stage of the investigation;
5. *Requests* the Committee to continue examining this case and report to it at its next session, to be held on the occasion of the 122nd IPU Assembly (March-April 2010).

BURUNDI

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

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

***Resolution adopted unanimously by the IPU Governing Council at its 185th session
(Geneva, 21 October 2009)***

The Governing Council of the Inter-Parliamentary Union,

Referring to the case of Mr. Ndikumana, Mr. Basabose, Mr. Nyangoma, Ms. Gahigi, Mr. Mpawenayo, Mr. Nduwabike, Ms. Nzomukunda and Mr. Radjabu, all either former or incumbent members of the Parliament of Burundi, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/185/11(b)-R.1), and to the resolution adopted at its 184th session (April 2009),

Recalling that the former and incumbent parliamentarians concerned were the target of apparently coordinated grenade attacks perpetrated on 19 August 2007 and 6 March 2008, and that only in the case of the attack on Ms. Nzomukunda's house have suspects been arrested, in particular the driver of the motorcycle from which the grenade was thrown by an element of Palipehutu Youth; in late March 2008, the police issued a

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

of 2010, *Recalling* that legislative, presidential and municipal elections will be held in Burundi in the course

1. *Deplores* the fact that the authorities have not responded to its request for information regarding the stage reached in the investigation into the grenade attacks;
2. *Fears* that the investigation may not be conducted with the necessary thoroughness and diligence and *refers* in this respect to the contradictory information provided by the authorities, more specifically that while in October 2008 they reported that the prosecutor was about to submit the case to the court, only one month later they stated that the investigation had yielded no results and that the case might even be dismissed;
3. *Recalls* that impunity only serves to encourage the repetition of crime and thereby undermines the rule of law and human rights, and that Burundi, as a party to the International Covenant on Civil and Political Rights, is bound to uphold the fundamental rights enshrined therein, including the right to life and security, and is therefore obliged to dispense justice by identifying and punishing those guilty of any attack on a person's life and security, and to take reasonable measures to ensure the safety of threatened persons; *considers* that this is all the more important in the context of the forthcoming elections and election campaign, which may carry the risk of increased violence;
4. *Calls once again* on the authorities, as is their duty, to conduct a diligent and thorough investigation into the attacks and to examine all possible leads, *reiterates* its wish to be informed of the current stage of the investigation and the results obtained, and *considers* that tangible results should at least be available in the case of Ms. Nzomukunda, as suspects were arrested in the case;
5. *Requests* the Secretary General to inform the parliamentary authorities and the Attorney General of this resolution, inviting them to provide the requested information;
6. *Requests* the Committee to continue examining this case and report to it at its next session, to be held on the occasion of the 122nd IPU Assembly (March-April 2010).

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

***Resolution adopted unanimously by the IPU Governing Council at its 185th session
 (Geneva, 21 October 2009)***

The Governing Council of the Inter-Parliamentary Union,

Referring to the case of the above-mentioned Burundian parliamentarians, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/185/11(b)-R.1), and to the resolution adopted at its 184th session (April 2009),

Considering the following information on file:

- The persons concerned, initially all members of the ruling CNDD-FDD party dissented and had lost their parliamentary seats as a result of a ruling adopted by the Constitutional Court on 5 June 2008 declaring that they occupied their seats unconstitutionally; the Court had acted on a petition lodged by the Speaker of the National Assembly; it (the Governing Council) has consistently considered this ruling to lack any genuine legal basis and the United Nations independent expert on the human rights situation in Burundi observed that “the Court appears to have been enlisted by the executive to serve a specific political objective, thereby bringing into question its independence and credibility. By acting in this compliant manner, the Court has lent credence to the widely-held belief that the whole machinery of justice in Burundi is beholden to the executive”;¹
- Mr. Radjabu’s parliamentary immunity was lifted on 27 April 2007, and proceedings were started against him and seven other people accused of plotting to undermine State security by inciting citizens to rebel against the authority of the State, and against Mr. Radjabu alone for having, in the course of a meeting he organized with a view to disturbing the peace, insulted the Head of State by comparing him to an empty bottle; on 22 December 2007, the Supreme Court found Mr. Radjabu guilty as charged and sentenced him to 13 years in prison (Case RPS 66); on 25 May 2009 the Supreme Court Appeal Chamber upheld the first-instance judgment; Mr. Radjabu has filed a cassation petition and was obliged to do so without having at his disposal a written copy of the appeal court judgment, which has reportedly not so far been issued; the Committee had sent an observer to the appeal proceedings who concluded that the trial of Mr. Radjabu was marred by serious flaws, notably the recourse to torture during the investigation, the lack of independence of the Court’s judges and of the prosecution, who are all members of the ruling party, the implication of an investigating officer belonging to the National Intelligence in the facts of the case and, more generally, the absence of evidence to substantiate the accusation; the parliamentary authorities have rejected his conclusions as biased, but have not responded to the observer’s rebuttal of their comments; Mr. Evariste Kagabo, the main person accused with Mr. Radjabu, and another person initially suspected, Mr. Abdul Rahman Kabura, were allegedly tortured by the National Intelligence Service with the complicity of the police station in charge of the investigation, and a complaint was lodged in this regard; according to the information provided by the President of the Senate, the matter is at present before an examining magistrate in a separate case; moreover, two of Mr. Radjabu’s co-convicts are said to have been released;
- Mr. Pasteur Mpawenayo was arrested on 4 July 2008 and accused of being Mr. Radjabu’s accomplice; the hearings on the merits of his case have reportedly been adjourned for deliberation since 13 January 2009, the maximum period for such adjournment being 60 days;
- Mr. Nkurunziza was arrested on 15 July 2008 on the orders of the Kirundo Provincial Police Commissioner on the charge of distributing weapons for the purpose of arming a rebellion against the State authorities; according to the sources, it is in fact Mr. Nkurunziza who, while still a parliamentarian, had filed a complaint of defamation against the authorities of Kirundo Province, which had accused him in the media of distributing weapons for a rebellion; instead of investigating the complaint, the authorities had him arrested; Mr. Nkurunziza has reportedly not been served the indictment and is being detained in the absence of any case or trial and without having been brought before a judge for a ruling on his pretrial detention; similarly, many applications filed by the defence counsel have reportedly not been handled;
- Mr. Minyurano was arrested on 2 October 2008 and accused of assaulting a magistrate; the accusation apparently arose because Mr. Minyurano’s tenant, a magistrate, tried to move out without paying his rent; Mr. Minyurano apparently demanded that he hand over the keys of the house until he had paid the rent, but the tenant only did so after the neighbours stepped in; Mr. Minyurano was reportedly brought before Gitega High Court, which declared the charges against him null and void and ordered his temporary release; his case is said to be pending in Gitega, awaiting ruling by a judge,

¹ A/HCR/9/14, 15 August 2008.

Considering that legislative elections will be held in 2010 and that the Election Code was amended, stipulating in its Article 112 that the parliamentary mandate ceases when members of parliament voluntarily resign from the political party on whose ticket they were elected or, having been expelled from the party, have exhausted all legal remedies against their expulsion,

Recalling that Burundi is a party to the International Covenant on Civil and Political Rights (ICCPR), the African Charter on Human and Peoples' Rights (ACHPR), and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, which guarantee the right to liberty and a fair trial, and prohibit torture,

Bearing in mind the concluding observations of the Committee against torture and other cruel, inhuman or degrading treatment (CAT) on Burundi's initial national report (CAT/C/BDI/CO/1; 15 February 2007),

1. *Deeply regrets* that the authorities have not provided the requested information on the situation of the parliamentarians concerned, particularly since the parliament of Burundi is receiving IPU assistance;
2. *Reiterates* the concerns and considerations it expressed in its April 2009 resolution regarding respect for the international human rights norms to which Burundi has subscribed, in particular regarding the length of preventive detention and the right to fair trial;
3. *Endorses* the concerns expressed in the trial observer's report on Mr. Radjabu's trial as referred to above in the second preambular paragraph; *points out once again* that, by virtue of the international human rights treaties ratified by Burundi, evidence obtained under torture must be dismissed, and that otherwise proceedings are fundamentally flawed for that reason alone; *earnestly hopes*, therefore, that this question will be duly taken into account during the cassation proceedings;
4. *Considers* that, as long as the question of torture in this case has not been fully elucidated, the suspicion remains that Mr. Radjabu was prosecuted for political reasons for the purpose of barring him from campaigning and standing in the forthcoming elections; in this respect, *wishes* to ascertain whether co-convicts have been released in the meantime and, if so, on what grounds;
5. *Stresses* that the concerns it has expressed in this case, along with those of the trial observer are largely also those of the Committee against Torture (CAT) as reflected in its Concluding Observations, in which it recommends inter alia that Burundi (i) bring the practice of pretrial detention into conformity with international fair-trial standards and should ensure that trials take place within a reasonable time, (ii) clarify the mandate of the National Intelligence Service within the framework of the ongoing reform of the judiciary in order to prevent any use of the Service for political repression and ensure that its officials do not engage in criminal investigation, (iii) take vigorous measures to end the impunity enjoyed by the perpetrators of acts of torture and ill-treatment, whether they be State officials or non-State actors, to conduct timely, impartial and exhaustive inquiries, try the perpetrators of such acts and, if found guilty, sentence them to punishment commensurate with the gravity of the acts committed, and (iv) adopt effective measures to guarantee the independence of the judiciary in accordance with the relevant international norms;
6. *Wishes to ascertain* the follow-up action taken by parliament on these recommendations, including with regard to the case in question; *wishes* in particular to ascertain the stage reached in the inquiry which, according to the authorities, is under way to examine the torture complaints in the case of Mr. Radjabu;
7. *Is deeply concerned* that the proceedings against Mr. Mpawenayo and Mr. Nkurunziza appear to be at a standstill, and *emphatically recalls* the fundamental principle of justice delayed is justice denied; *urges* the authorities, as is their duty, either to try them without further delay or to release them forthwith; *reiterates* moreover its wish to receive a copy of the formal charges

brought against Mr. Mpawenayo, Mr. Nkurunziza and Mr. Minyurano, the decisions confirming their pretrial detention and detailed information on how the proceedings before the relevant courts are proceeding;

8. *Regrets* that the new Election Law provides for the loss of the parliamentary mandate in the case of loss of affiliation to one's political party, which provisions the IPU firmly believes to be detrimental to the freedom of expression which members of parliament need in order to exercise their parliamentary mandate;
9. *Requests* the Secretary General to convey this resolution to the parliamentary and other competent authorities, inviting them to provide the information requested;
10. *Requests* the Committee to continue examining this case and report to it at its next session, to be held on the occasion of the 122nd IPU Assembly (March-April 2010).

CASE No. CMBD/47 - MU SOCHUA - CAMBODIA

Resolution adopted by consensus by the IPU Governing Council at its 185th session² (Geneva, 21 October 2009)

The Governing Council of the Inter-Parliamentary Union,

Having before it the case of Mu Sochua, a member of the National Assembly of Cambodia, which has been the subject of a study and report of the Committee on the Human Rights of Parliamentarians following the Procedure for the treatment by the Inter-Parliamentary Union of communications concerning violations of the human rights of members of parliament,

Taking note of the report of the Committee on the Human Rights of Parliamentarians, which contains a detailed outline of the case (CL/185/11(b)-R.1),

Noting that during the 121st Assembly the Committee met with the Cambodian delegation; *taking into account* the letter from the President of the National Assembly dated 4 September 2009,

Considering the following information on file:

- At a news conference held on 23 April 2009, Ms. Mu Sochua, a member of the opposition Sam Rainsy Party and former Minister for Women's Affairs, announced that she would be bringing a defamation lawsuit against Prime Minister Hun Sen. This decision followed a public speech made by the Prime Minister on 4 April 2009 in Kampot province, which is Ms. Sochua's constituency, in which he attacked the opposition and an unnamed woman member of parliament, who could only have been her. He reportedly used disparaging language, qualifying her inter alia as a women gangster or prostitute who had rushed to hug a man and unbuttoned her shirt to attract his attention. This reportedly refers to an incident that occurred during the July 2008 election campaign in Kampot province where she took a picture of a car with the licence plate of the army being used by the Cambodian People's Party (CPP) during the campaign, which was illegal. The army officer who was driving the car assaulted her and twisted her arm in an attempt to grab her camera. During the attack, her shirt became unbuttoned;
- The day after Ms. Sochua announced that she would be bringing a lawsuit, a senior adviser to the Prime Minister told the press that he would in turn sue her and that all Cambodian People's Party (CPP) National Assembly members would support the lifting of her parliamentary immunity. Five days later, the Prime Minister reportedly confirmed that he was suing "a lady", whom he described as "stupid";

² The delegation of Cambodia expressed its reservation regarding the resolution.

- Ms. Sochua's lawsuit and the Prime Minister's suit against her and her lawyer were filed in Phnom Penh Municipal Court on 27 April 2009. In a speech he made on 29 April, Prime Minister Hun Sen called on the parliament to lift Ms. Sochua's immunity and, alluding to his party's majority, reportedly said that it would be "as easy as ABC". Prime Minister Hun Sen's lawyer, Ky Tech, a former president of the Cambodian Bar Association (CBA), also filed a complaint with the Bar Association against Ms. Sochua's lawyer, Kong Sam Onn, accusing him of violating the attorneys' code of ethics in this case. The CBA's special team assigned to investigate his case has accused Kong Sam Onn of violating the CBA's internal rules, which carries a penalty of disbarment for two years;
- On 10 June 2009, the Phnom Penh Municipal Court rejected Ms. Sochua's lawsuit for lack of evidence, but accepted the Prime Minister's case against her. She and her lawyer were summoned and appeared for questioning by the deputy prosecutor on 3 June 2009;
- On 22 June 2009, the National Assembly lifted Ms. Sochua's immunity, after which, on 26 June, Phnom Penh Municipal Court charged her with defamation; the procedure for lifting her immunity was reportedly unlawful for the following reasons: (a) emergency rules were applied to prevent the public, the diplomatic corps, civil society and the media from attending the session; the sound system allowing television coverage was disconnected so that the session was not broadcast as usual; (b) the Speaker did not allow time for her to defend herself although she had asked to speak; the Speaker put the matter to the vote without a debate; (c) heavily-armed military police were seen outside the parliament building threatening the public with batons; however, according to the parliamentary authorities, the relevant rules of the National Assembly were fully respected and normal procedure was followed;
- In an article published on 18 June 2009 in the Phnom Penh Post, Prime Minister Hun Sen was quoted as saying that if Ms. Sochua's immunity was lifted, that might well signal the end of her political career. "Lifting immunity is easy. Restoring it in some cases is not so easy. So Ms. Sochua will not be a parliamentarian forever; her party must replace her with a new person", he was quoted as saying; according to the Cambodian delegation, parliamentary immunity is not automatically restored, but needs to be restored following the same procedure as that in use for the lifting of parliamentary immunity;
- The case was heard on 24 July 2009 before Phnom Penh Municipal Court. Ms. Sochua had no legal assistance as her lawyer had apologized to the Prime Minister and declined to present her defence. On 4 August 2009, the court delivered its verdict, finding Ms. Sochua guilty under Article 63 of the United Nations Transitional Authority in Cambodia (UNTAC law) Criminal Provisions of defaming Prime Minister Hun Sen on the grounds of (i) holding a press conference to announce that she would file a defamation lawsuit against the Prime Minister, (ii) informing international organizations such as IPU of the matter, (iii) affirming that the Prime Minister's words against her "affected all Khmer women and women all over the world", which showed that she had acted in bad faith with the intention of defaming the Prime Minister worldwide and besmirching his reputation and dignity. The Court sentenced her to payment of 8.5 million riel as a fine and 8 million riel in compensation; as to her lawyer Kong Sam Onn, the judge stated that the Prime Minister had withdrawn the complaint and that the charges against him had been dropped; Ms. Sochua has filed an appeal, which is due for hearing on 28 October. Ms. Sochua has not found a lawyer prepared to defend her,

Considering that the Committee sent an observer to the court hearing in the person of attorney at law Franklin Drilon, former member and President of the Senate of the Philippines; he observed inter alia that Ms. Sochua's right to confront the witnesses against her had not been respected as the entire hearing was based on evidence from the prosecution only and that she was thus denied basic due process that must be accorded to an accused in a fair trial; moreover, the threat of disbarment of her lawyer, which forced him to withdraw from the case, violated her right to counsel of her choice and that, on the whole, the evidence presented was grossly inadequate to convict Mu Sochua and did not meet the universally accepted standard of proof beyond reasonable doubt; *noting* that the parliamentary authorities have rejected his conclusions stating that the evidence presented during the trial was not challenged and that Mu Sochua did not present any witnesses, that the Court respected its duty to find out the truth, that the alleged threat of the disbarment of her lawyer was not related to his being selected as counsel by Mu Sochua but to his violation of the Code

of Ethics and that he apologized for those violations and that his withdrawal cannot be considered a denial of Mu Sochua's right to counsel of her choice and that, generally, the court respected due process,

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

1. *Thanks* the Cambodian delegation and the President of the National Assembly for the cooperation extended to the Committee and for the documents provided;
2. *Expresses deep concern* at the sentencing of Mu Sochua for defamation on account of statements she made which clearly fall within the limits of her freedom of expression since she merely sought to defend her own reputation; *is appalled and finds intolerable* that a letter she sent to the Inter-Parliamentary Union was used as an argument in court to show her alleged intention to defame the Prime Minister; *firmly states* that parliamentarians are entitled to call upon the IPU and to seek its assistance, just as they are entitled to seek the assistance of any international organization; *would have hoped* that, as a member of the IPU, the National Assembly of Cambodia would defend this right to the best of its ability;
3. *Endorses* the conclusions of the Committee's trial observer as it *cannot share* the arguments put forward by the authorities to prove the fairness of the trial, and *notes* the following in particular: the judge, who is bound to seek the truth, has to examine arguments not only in favour of the prosecution but also in favour of defendants, whether or not defendants present such evidence, which the judge did not do in this case; Ms. Sochua did not enjoy her right to legal counsel of her choice whatever may have been the reasons for Mr. Kong Sam Onn's withdrawal from her case; *considers* in this respect that it is difficult to accept the argument of the authorities that no link exists between the risk of his being disbarred from the Bar Association and his having taken on Mu Sochua's defence;
4. *Expresses furthermore deep concern* at the lifting of Ms. Mu Sochua's parliamentary immunity on grounds that appear to be mere retaliation for her having dared to bring a lawsuit against the Prime Minister;
5. *Is therefore all the more alarmed* at the manner in which immunity was lifted, although the procedure may have formally been in keeping with rules; *stresses* that with no serious examination of or debate on whether or not it is appropriate to lift immunity, parliamentary immunity fails to fulfil its purpose;
6. *Notes in this respect with deep concern* the Prime Minister's statements expressing a certainty that the Assembly would lift her immunity, and even threatening her with definitive expulsion from parliament; *considers* that such statements of the Head of Government may harm the independence and sovereignty of parliament;
7. *Firmly recalls* that parliamentary immunity is designed to protect parliamentarians from possibly unfounded proceedings, thus safeguarding the independence and sovereignty of parliament as an institution; and that it must therefore be lifted in strict compliance with the law and in particular with due respect for the right of the parliamentarians concerned to defend themselves; *urges* the Cambodian parliament to amend its rules in such a way as to ensure that a thorough and transparent examination, involving both majority and opposition parliamentarians, of requests for the lifting of immunity are carried out and that parliamentarians concerned are given the opportunity to defend themselves;

8. *Observes with deep concern* that the decisions such as those in question may have a dampening effect on the ability of members of parliament and, even more so, of citizens to criticize the conduct of government officials and hence may detract from democratic debate;
9. *Earnestly hopes* that, in conformity with the directive issued by the Cambodian Constitutional Court, the Appeal Court will decide upon Mu Sochua's case in accordance with the international human rights obligations which Cambodia is bound to respect and hence will ensure respect for the most core of democratic values, freedom of expression; *requests* the Secretary General to examine the possibility of sending an observer to the appeal court hearing;
10. *Requests* the Secretary General to forward this resolution to the parliamentary authorities, to Ms. Sochua and to the Office of the United Nations High Commissioner for Human Rights (OHCHR) in Cambodia;
11. *Requests* the Committee to continue examining this case and report to it at its next session, to be held on the occasion of the 122nd IPU Assembly (March-April 2010).

COLOMBIA

CASE No. CO/01 - PEDRO NEL JIMENEZ OBANDO
CASE No. CO/02 - LEONARDO POSADA PEDRAZA
CASE No. CO/03 - OCTAVIO VARGAS CUELLAR
CASE No. CO/04 - PEDRO LUIS VALENCIA GIRALDO
CASE No. CO/06 - BERNARDO JARAMILLO OSSA
CASE No. CO/08 - MANUEL CEPEDA VARGAS
CASE No. CO/09 - HERNAN MOTTA MOTTA
CASE No. CO/07 - LUIS CARLOS GALAN SARMIENTO
CASE No. CO/130 - JORGE TADEO LOZANO OSORIO
CASE No. CO/140 - WILSON BORJA

***Resolution adopted unanimously by the IPU Governing Council at its 185th session
(Geneva, 21 October 2009)***

The Governing Council of the Inter-Parliamentary Union,

Referring to the reports of the Committee on the Human Rights of Parliamentarians (CL/185/11(b)-R.1), and to the resolutions adopted at its 184th session (April 2009) in the cases of:

- The murders between 1986 and 1994 of Mr. Pedro Nel Jiménez Obando, Mr. Leonardo Posada Pedraza, Mr. Octavio Vargas Cuéllar, Mr. Pedro Luis Valencia Giraldo, Mr. Bernardo Jaramillo Ossa and Mr. Manuel Cepeda Vargas and the death threats against Mr. Motta, which forced him into exile in October 1997; the persons concerned were Colombian congressmen and members of the *Unión Patriótica* (Patriotic Union) party; none of the murderers of five of the six congressmen or the perpetrators of the death threats against Mr. Motta, who still lives in exile, have been held to account;
- The murder of Mr. Luis Carlos Galán, a member of the Colombian Senate and a pre-candidate for the Liberal Party in the presidential elections, during a political rally on 18 August 1989 in the main square of Soacha municipality, Department of Cundinamarca; the instigators have yet to be identified and punished;
- The conviction and heavy sentence handed down on former member of Congress, Mr. Lozano, following fundamentally flawed proceedings without his being afforded the possibility of challenging them as, under Colombian law, members of Congress are tried at single instance; these flaws have yet to be officially recognized or addressed;

- Mr. Borja, who was the victim of an attempt on his life on 15 December 2000, for which full responsibility has yet to be established; in this case there are also concerns about deficiencies in his security detail, the legal and factual basis for the investigation initiated against him on accusations of links to the Revolutionary Armed Forces of Colombia and about his surveillance by the Administrative Department of Security without any legal basis,

Considering that the Speaker of the Colombian Congress delegated Colombian Senator Juan Manuel Corzo to meet with the Committee at the IPU on 1 July 2009 to discuss these cases in the context of the complex political situation reigning in Colombia; as a result of the meeting, the Committee was invited to carry out an on-site mission to Bogotá so as to raise its concerns in these cases and to gain a better understanding of the political and legal environment in Colombia in which they are situated; *noting* that this mission took place from 22 to 24 August 2009 and that the Committee's delegation was able fully to discharge its mandate,

1. *Thanks* the Colombian authorities for having received the mission and made the necessary arrangements to enable it to carry out its mandate; *also thanks* the Committee's delegation for its work and *awaits with interest* its full report, including any comments on it by the parties with whom the delegation met;
2. *Requests* the Committee to continue examining these cases separately and to report to it at its next session, to be held on the occasion of the 122nd IPU Assembly (March-April 2010).

DEMOCRATIC REPUBLIC OF THE CONGO

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

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

Resolution adopted unanimously by the IPU Governing Council at its 185th session (Geneva, 21 October 2009)

The Governing Council of the Inter-Parliamentary Union,

Referring to the case of the above-mentioned parliamentarians, all elected members of the National Assembly of the Democratic Republic of the Congo whose mandates, along with those of five others, were invalidated, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/185/11(b)-R.1), and to the resolution adopted at its 184th session (April 2009),

Taking note of the meeting that the Committee held during the 121st Assembly with the delegation of the Democratic Republic of the Congo, and with several of the former parliamentarians concerned,

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

Noting that negotiations are under way to find a solution as envisaged in the National Assembly's resolution,

1. *Is pleased* at the prospect of a settlement of this case in the near future;
2. *Recalls*, nevertheless, that the arbitrary invalidation of election results violates not only the right of the persons concerned to exercise their parliamentary mandate, but also the right of the voters to be represented by persons of their choice,
3. *Earnestly hopes* that the parliament will take the necessary legislative and oversight steps to ensure that no such cases recur;
4. *Requests* the Committee to continue examining this case and report to it at its next session, to be held on the occasion of the 122nd IPU Assembly (March-April 2010), when it hopes to be able to close the case.

CASE No. EC/02 - JAIME RICAURTE HURTADO GONZALEZ) ECUADOR
CASE No. EC/03 - PABLO VICENTE TAPIA FARINANGO)

***Resolution adopted unanimously by the IPU Governing Council at its 185th session
(Geneva, 21 October 2009)***

The Governing Council of the Inter-Parliamentary Union,

Referring to the case of Mr. Jaime Ricaurte Hurtado González and Mr. Pablo Vicente Tapia Farinango, a member and substitute member respectively of the National Congress of Ecuador, who were murdered in broad daylight in the centre of Quito on 17 February 1999 along with a legislative assistant, Mr. Wellington Borja Nazareno, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/185/11(b)-R.1), and to the resolution adopted at its 184th session (April 2009),

Taking into account the information provided by the President of the National Assembly of Ecuador at the hearing with the Committee on 18 October 2009 and in his letter of 12 October 2009; *also taking into account* the information provided by the source,

Recalling that the Special Commission of Inquiry (CEI) set up immediately after the murder to help elucidate the crime has from the outset sharply criticized the conduct of the investigation and the prosecution authorities, including their scant consideration of the serious leads it has presented linking Mr. Hurtado's murder to his uncovering of a web of corruption involving high-profile figures,

Recalling that the 16-year prison sentences given Mr. Contreras and Mr. Ponce were upheld on appeal on 23 July 2008, that a subsequent cassation petition by Mr. Ponce was dismissed on 31 March 2009, and that they are both serving their sentences,

Considering that, following the arrest of prime suspect Mr. Washington Aguirre in the United States of America, the then Ecuadorian Supreme Court of Justice (today known as the National Court of Justice) made a request for his extradition on 4 December 2008; Mr. Aguirre has thus far been able to delay a judgment by the United States judicial authorities; according to the President of the National Assembly, the Ecuadorian authorities are treating the matter as a priority in the hope that there will soon be a United States court decision leading to his transfer to Ecuador; the President of the National Assembly states that the Assembly is closely monitoring developments in the case; he believes that Mr. Aguirre's trial in Ecuador is crucial to helping shed full light on the murder, in particular as regards identifying the instigators,

1. *Thanks* the President of the National Assembly for the valuable information and for his spirit of cooperation;
2. *Trusts* that the extradition process will proceed with the utmost urgency so as to ensure that Mr. Aguirre soon stands trial in Ecuador; *would appreciate* being kept informed of developments in this regard;
3. *Reaffirms its belief* that trial proceedings against Mr. Aguirre would provide a crucial and final opportunity to give due consideration to the work of the CEI; *stresses* in this respect that the

CEI's findings have not only revealed serious contradictions and omissions in the conduct of the competent authorities in this case, but also offer substantive leads for an alternative line of inquiry, enabling the authorities to identify the instigators of the crime and the motive for the murder;

4. *Is pleased* that the recently elected National Assembly is taking an active interest in the case; and *trusts* that it will help ensure that the work of the CEI is duly taken into account once Mr. Aguirre stands trial;
5. *Requests* the Secretary General to inform the competent authorities in Ecuador and the United States of America, the CEI and the source of this resolution, and to seek the requested information from them;
6. *Requests* the Committee to continue examining this case and report to it at its next session, to be held on the occasion of the 122nd IPU Assembly (March-April 2010).

ECUADOR

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

*Resolution adopted unanimously by the IPU Governing Council at its 185th session
(Geneva, 21 October 2009)*

The Governing Council of the Inter-Parliamentary Union,

Referring to the case of the 56 former parliamentarians listed above, who were all dismissed by the Supreme Electoral Court (TSE) on 7 March 2007, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/185/11(b)-R.1), and to the resolution adopted at its 184th session (April 2009),

Taking into account the information provided by the President of the National Assembly of Ecuador at the hearing with the Committee on 18 October 2009 and in his letter of 12 October 2009; *also taking into account* the information regularly provided by the source,

Recalling its concern regarding criminal proceedings against 24 of the dismissed parliamentarians on grounds of compromising State security and overstepping their functions by continuing to meet at alternative venues in Quito as representatives of the legitimate Congress of Ecuador immediately after they were dismissed in March 2007, which dismissal the IPU has always considered to lack any firm legal basis; *considering* that on 12 October 2009 the Prosecutor in the case decided to drop the charges against the 24 persons concerned,

Recalling that in April 2009 legislative elections were held in Ecuador on the basis of a new constitution; *considering* that, according to the President of the National Assembly, the authorities are fully committed to ensuring that the powers of the different State branches are respected in line with Ecuador's current constitutional framework,

1. *Thanks* the President of the National Assembly for the information that he provided and for his cooperation;
2. *Is pleased* that the legal action taken against 24 of the dismissed deputies in connection with activities directly linked to their parliamentary mandate has now been shelved;
3. *Decides*, in the light of this development, to close the case, while trusting that the authorities' stated commitment will avoid any recurrence of the earlier concerns arising in this case;
4. *Requests* the Secretary General to convey this resolution to the parliamentary authorities and to the source.

ERITREA

CASE No. ERI/01 - OGBE ABRAHA

CASE No. ERI/02 - ASTER FISSEHATSION

CASE No. ERI/03 - BERHANE GEBREGZIABEHER

CASE No. ERI/04 - BERAKI GEBRESELISSIE

CASE No. ERI/05 - HAMAD HAMID HAMAD

CASE No. ERI/06 - SALEH KEKIYA

CASE No. ERI/07 - GERMANO NATI

CASE No. ERI/08 - ESTIFANOS SEYOUM

CASE No. ERI/09 - MAHMOUD AHMED SHERIFFO

CASE No. ERI/10 - PETROS SOLOMON

CASE No. ERI/11 - HAILE WOLDETENSAE

***Resolution adopted unanimously by the IPU Governing Council at its 185th session
(Geneva, 21 October 2009)***

The Governing Council of the Inter-Parliamentary Union,

Referring to the case of the parliamentarians listed above, former members of the Parliament of Eritrea who have been held incommunicado since 18 September 2001, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/185/11(b)-R.1), and to the resolution adopted at its 184th session (April 2009),

Recalling its persistent concern that their incommunicado detention, which the African Commission on Human and Peoples' Rights already unequivocally condemned in 2003, amounts to severe physical and mental torture and causes their families unbearable anguish; *considering* recurring rumours that some or even all of the persons concerned may have died in the meantime,

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

Bearing in mind that scant official information is available on the human rights situation in Eritrea and that the Eritrean authorities have constantly failed to report to the United Nations human rights mechanisms on respect for human rights and fundamental freedoms in their country; however, many human rights organizations have reported extensive and serious human rights concerns in Eritrea, including the harsh treatment of prisoners,

1. *Is appalled* by the continued silence of the Eritrean authorities to its persistent pleas to end the prolonged incommunicado detention of the former parliamentarians in flagrant breach of their fundamental rights under the Constitution of Eritrea and under the African Charter on Human and Peoples' Rights;
2. *Urges* the authorities once again to put an end to this shocking situation, which is an utter affront to human dignity, by releasing the former parliamentarians forthwith;
3. *Is deeply concerned* that, in the past five years, there has been no official information about the physical state of the 11 former parliamentarians, and that repeated attempts to establish a dialogue with the Eritrean authorities, including through Committee member Senator Mahoux and the Eritrean Ambassador, have failed, the Ambassador cancelling scheduled meetings at the last minute; *fears* that this situation may lend some credibility to rumours that the persons concerned are in fact no longer alive, and *earnestly hopes* that a meeting between the Eritrean Ambassador and Senator Mahoux can be arranged as early as possible for the sake of clarity in this respect;
4. *Reaffirms* that the international community, and more specifically parliaments and their members, can and must do much more by exerting pressure to this end on the Eritrean authorities; *appeals again* particularly in this respect to the authorities of the African Union, the African Parliamentary Union and the Pan-African Parliament to do their utmost to ensure that the State of Eritrea respects the authority of the African Commission and the African Charter on Human and Peoples' Rights in this case; *also calls on* the competent United Nations mechanisms to make every effort to ascertain the well-being and whereabouts of the persons concerned and to obtain their immediate release;
5. *Requests* the Secretary General to inform the authorities and other interested parties accordingly;
6. *Requests* the Committee to continue examining this case and report to it at its next session, to be held on the occasion of the 122nd IPU Assembly (March-April 2010).

CASE No. IQ/59 - MOHAMMED AL-DAINY - IRAQ

Resolution adopted unanimously by the IPU Governing Council at its 185th session (Geneva, 21 October 2009)

The Governing Council of the Inter-Parliamentary Union,

Referring to the case of Mr. Mohammed Al-Dainy, a member of the Council of Representatives of Iraq, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/185/11(b)-R.1), and to the resolution adopted at its 184th session (April 2009),

Noting that at the session it held during the 121st Assembly, the Committee met with a member of the Iraqi delegation; *taking into account* the letters from the President of the Higher Judicial Council and the First Deputy Speaker of the Council of Representatives, in addition to information provided by the source,

Recalling the following:

- Mr. Al-Dainy, a member of the National Dialogue Front, was elected in March 2006 to the Council of Representatives of Iraq. As an MP, he concentrated on human rights issues,

investigating in particular conditions of detention in Iraq and the existence of secret detention facilities. In October 2008, he shared the information he had gathered with competent United Nations human rights bodies in Geneva;

- On 22 February 2009, the spokesperson for Baghdad's military security command accused Mr. Al-Dainy of masterminding the 12 April 2007 suicide bombing in parliament, which killed a member of parliament. On 25 February 2009, parliament lifted his immunity in a procedure which has been challenged by Mr. Al-Dainy's lawyer but found to be in accordance with relevant rules by the Federal Court. Earlier the same day (25 February), a plane bound for Jordan with Mr. Al-Dainy and other members of parliament on board had been returned and an attempt made to arrest Mr. Al-Dainy. However, failing an arrest warrant and the lifting of immunity, the arrest did not take place. Mr. Al-Dainy subsequently left the airport in the company of another member of parliament and disappeared. Fears that he might have been the victim of an enforced disappearance proved to be unsubstantiated when Mr. Al-Dainy himself declared in an interview with a private TV channel that he had gone abroad for fear of his life;
- Ten members of Mr. Al-Dainy's family, including his 85-year-old father, and another nine members of his staff (mainly escorts) were arrested in different stages during February 2009 and detailed information has been provided by the source about the circumstances of their arrest without warrants, their ill-treatment and the ransacking of their homes. Apart from his father and two of his staff, all the other persons have reportedly remained in detention,

Noting that, according to the authorities, the following accusations have been brought against Mr. Al-Dainy: (a) bombing of the Parliament; (b) launching mortar shells into the international zone during the visit of the Iranian President and murdering one of the inhabitants of the neighbourhood from where the shells were launched; (c) detonating car bombs; (d) using his convoy of vehicles to carry the weapons that were used for crimes; (e) murdering two jewellery store owners in the Al-Mansour area; (f) killing 115 people from Al-Tahweela village who were buried alive; (g) fabricating arrest warrants; (h) murdering seven persons in the Al Yarmuk area; (i) murdering Captain Ismail Haqi Al-Shamary,

Considering in this respect the following:

- On 22 February 2009, Mr. Al-Dainy's nephew and secretary, Ryad Ibrahim Jasem, and the head of his security detail, Mr. Alaa Khayr Allah Al Maliki, appeared on the public TV channel Al Iraqia and confessed to belonging to a terrorist organization set up by Mr. Al-Dainy. They appeared to be tired and drugged and visibly under duress; on 14 September 2009, they were reportedly given a life sentence at the closure of a hearing which reportedly lasted just a few minutes;
- On 22 June 2009, Mr. Mahmoud Karim Farhan, a family member of Mr. Al-Dainy arrested on 22 February 2009 was released; he had been held in incommunicado detention in Baghdad Brigade Prison in the city's Green Zone; in July 2009 he publicly testified to the circumstances of his arrest and that of other bodyguards and the torture inflicted on them to testify against Mr. Al-Dainy; Mr. Farhan and other members of the group suffered serious injuries to their shoulders and on different parts of their bodies because of this treatment;
- In late July 2009, Mr. Haqi Al-Qasi, a lawyer of Mr. Al-Dainy's bodyguards, was assassinated;
- On 4 August 2009, the Mayor and notables of Kanaan district certified that Army Captain Haqi Ismael Al-Shamary, whom Mr. Al-Dainy is accused of having killed, was in fact alive and working normally,

Considering that the 2005 Constitution of Iraq contains a human rights catalogue guaranteeing the following fundamental rights: Article 15: right to life, security and liberty, Article 17 (para. 2): sanctity of the home; homes may not be entered, searched or put in danger except by a judicial decision and in accordance with the law; Article 19 (para. 12): prohibition of unlawful detention and detention in places not designed for it,

Considering that Iraq is a party to the International Covenant on Civil and Political Rights (ICCPR), which it ratified in 1971; that the Covenant guarantees the right to life and security, prohibits torture arbitrary arrest and detention and stipulates fair trial guarantees; *noting* in this respect the concerns which the

United Nations Special Rapporteur on the independence of judges and lawyers has voiced on many occasions regarding the observance of those rights in Iraq,

1. *Thanks* the Iraqi delegate with whom the Committee met for his cooperation; *also thanks* the parliamentary authorities and the President of the Higher Judicial Council of Iraq for their cooperation;
2. *Is relieved to note* that Mr. Al-Dainy has reappeared and that fears of an enforced disappearance have proved unsubstantiated;
3. *Is deeply concerned* that the accusation against Mr. Al-Dainy may indeed be based entirely on testimony extracted under torture and be wholly fabricated; *emphasizes* that by virtue of the international human rights treaties ratified by Iraq, evidence obtained under torture must be dismissed, and that otherwise proceedings are fundamentally flawed for that reason alone; *urges* the authorities, as is their duty, to investigate the torture allegations in this case without further delay and to take serious account of the testimony provided by Mr. Farhan; *calls on* the parliament to monitor this case and to consider setting up a parliamentary inquiry to this end;
4. *Is appalled* that Ryad Ibrahim Jasem and Alaa Khayr Allah Al Maliki may have been given a life sentence after a hearing lasting just a few minutes, and *wishes* to receive official information regarding their trial, the evidence gathered to sustain the accusation against them, and to receive a copy of the judgment handed down on them;
5. *Remains deeply concerned* at the reports concerning the arrest and incommunicado detention of Mr. Al-Dainy's family members and staff, their alleged ill-treatment at the hands of military personnel and the ransacking of their homes; *recalls* that Iraq is bound to respect the right to liberty and security of the person, which require the existence of sufficient legal grounds to charge persons with a recognizable criminal offence, respect for the right of detainees to have access to a lawyer, to their family and to a medical doctor and to challenge the legality of their detention before a court; *wishes to ascertain* their situation and *urges* the parliament once again to seek this information from the authorities;
6. *Is likewise alarmed* at the killing of the lawyer of Mr. Al-Dainy's bodyguards and *wishes* to ascertain whether an investigation into his killing has been instituted and its result, if any;
7. *Affirms* that the fact that one of the accusations brought against Mr. Al-Dainy has turned out to be false, compounded by the treatment inflicted on his family members and staff, only serve to heighten concerns over the fabrication of the charges against him;
8. *Requests* the Secretary General to convey this resolution to the parliamentary authorities and to the Prime Minister, inviting them to provide the requested information;
9. *Requests* the Committee to continue examining this case and report to it at its next session, to be held on the occasion of the 122nd IPU Assembly (March-April 2010).

CASE No. LEB/01 - GIBRAN TUENI) LEBANON
CASE No. LEB/02 - WALID EIDO)
CASE No. LEB/03 - ANTOINE GHANEM)
CASE No. LEB/04 - PIERRE GEMAYEL)

***Resolution adopted unanimously by the IPU Governing Council at its 185th session
(Geneva, 21 October 2009)***

The Governing Council of the Inter-Parliamentary Union,

Referring to the case of Mr. Gibran Tueni, Mr. Walid Eido, Mr. Antoine Ghanem and Mr. Pierre Gemayel, members of the National Assembly of Lebanon, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/185/11(b)-R.1), and to the resolution adopted at its 184th session (April 2009),

Recalling the following:

- Mr. Tueni, Mr. Eido, Mr. Ghanem and Mr. Gemayel were all outspoken critics of the Syrian Arab Republic and its allies in Lebanon and were all killed between 2005 and 2007 in car-bomb attacks, except for Mr. Gemayel, who was gunned down;
- Following Mr. Tueni's assassination, the National Assembly associated itself with the court action taken by the public prosecutor in his case,

Recalling that the Special Tribunal for Lebanon entrusted with trying those responsible for Mr. Hariri's assassination started its work in March 2009, that it may decide to examine other attacks that took place in Lebanon between 1 October 2004 and 12 December 2005, and that crimes committed after 12 December 2005 may be eligible for inclusion in the Tribunal's jurisdiction should it be so decided by the Government of Lebanon and the United Nations, and with the consent of the Security Council,

Considering that on 29 April 2009 the Special Tribunal ordered the release of the four Lebanese generals who had been in the custody of the Lebanese authorities since September 2005 in connection with Mr. Hariri's assassination,

Bearing in mind that Lebanon is a State party to the International Covenant on Civil and Political Rights and is thus bound to guarantee the right to life,

1. *Observes* that, as long as the Special Tribunal does not examine the cases at hand, it falls to the Lebanese authorities to take full charge of the investigations and proceedings to ensure justice;
2. *Trusts* therefore that the authorities are making every effort to identify and prosecute those who murdered the parliamentarians concerned; *wishes* to ascertain the stage reached in the investigations and progress made towards identifying the presumed culprits;
3. *Reaffirms* that the National Assembly has a special responsibility for and interest in ensuring that justice is done in this case; *regrets* therefore that the Speaker of the National Assembly has not responded to its request for information on steps taken by parliament to monitor the investigations and to associate itself, as in the case of Mr. Tueni, with the court action by the public prosecutor in the other three cases; *eagerly awaits* receipt of such particulars;
4. *Requests* the Secretary General to convey this resolution to the competent parliamentary and judicial authorities of Lebanon, to the Prosecutor of the Special Tribunal for Lebanon and to the source;
5. *Requests* the Committee to continue examining this case and report to it at its next session, to be held on the occasion of the 122nd IPU Assembly (March-April 2010).

CASE No. MAG/05 - LANTONIAINA RABENATOANDRO) MADAGASCAR
CASE No. MAG/06 - HENRI RANDRIANJATOVO)
CASE No. MAG/07 - MAMISOA RAKOTOMANDIMBY)
CASE No. MAG/08 - RAYMOND RAKOTOZANDRY)
CASE No. MAG/09 - RANDRIANATOANDRO RAHARINAIVO)
CASE No. MAG/10 - ELIANE NAIKA)

***Resolution adopted unanimously by the IPU Governing Council at its 185th session
(Geneva, 21 October 2009)***

The Governing Council of the Inter-Parliamentary Union,

Having before it the case of the aforementioned six members of the Parliament of Madagascar, which has been the subject of a study and report of the Committee on the Human Rights of Parliamentarians following the Procedure for the treatment by the Inter-Parliamentary Union of communications concerning violations of the human rights of members of parliament,

Taking note of the report of the Committee on the Human Rights of Parliamentarians, which contains a detailed outline of the case (CL/185/11(b)-R.1),

Taking into account the meeting the Committee held with Ms. Eliane Naika on 18 October 2009 during the 121st Assembly,

Considering that the case in question has to be considered in the following political context:

- In March 2009, following two months of clashes, the former mayor of Antananarivo, Mr. Andry Rajoelina, seized power with the backing of the army and established a self-proclaimed High Transitional Authority (HAT), presided over by him; the HAT suspended the National Assembly and the Senate and forced the elected President, Marc Ravalomanana, to leave the country; on 23 April 2009, the High Constitutional Court declared itself incompetent to consider several petitions to declare the suspension of parliament unconstitutional; the coup d'état has been widely condemned by the international community;
- A political dialogue, coordinated by the Joint Mediation Support Team for Madagascar under the auspices of the African Union, SADC (Southern African Development Community), OIF and the United Nations was set up to endeavour to restore constitutional order, peace and stability to Madagascar; on 9 August 2009, the four leaders of the political movements of Madagascar reached an agreement on the establishment of an inclusive, consensual, neutral and peaceful transition (Maputo Agreement); the Agreement also provides for the annulment of all administrative and criminal sanctions concerning political offences handed down on politicians, civilians or the military during the period December 2002 to August 2009; a meeting in late August 2009, called Maputo II, ended in failure as no agreement could be reached as to the presidency during the transitional period,

Noting that the parliamentarians concerned all belong to the so-called legalist group, which favours the return to the constitutional order and supports President Ravalomanana,

Considering the following information on file regarding the situation of Mr. Lantoniaina Rabenatoandro, Mr. Henri Randrianjatovo, Mr. Mamisoa Rakotomandimby and Mr. Raymond Rakotozandry:

- The four parliamentarians were arrested on 23 April by soldiers acting on the orders of the HAT just before they reportedly attempted to open the regular session of parliament scheduled for 2 May 2009;
- According to the source, the arrest took place in the following conditions: after searching them and stealing everything, the soldiers forced the parliamentarians concerned to kneel by the side of the road with a board bearing the words "*SE M. le Président Marc Ravalomanana*" tied around their necks; Senator Rabenatoandro and Deputy Randrianjatovo were both slapped twice and the other deputies were butted with Kalashnikovs; once they had been seen by the journalists, they were taken by truck from the *gendarmerie* to several places before being brought, at 5.30 p.m., to Ambohibao to the office of the Joint National Commission of Inquiry; after being searched a third time, they were locked up and held until Saturday, 25 April 2009, in separate cells measuring 1.50 m x 2.50 m, then taken to the court in Anosy to appear before the prosecutor of the Court of First Instance; the latter informed them of the charges against them, namely distribution of weapons, distribution of money, incitation to civil war and public unrest, and destruction of public property; they denied all the charges; a committal order was issued and they were transported to Antanimora prison, where they were held; according to the source, at no time did they have the benefit of counsel;
- The Foreign Minister has provided the following information: there is no contesting the lawfulness of the deputies' arrest or prosecution, as the charges against them are governed by Articles 89, 91.1 and 318.1 of the Penal Code; they have been indicted for plotting and incitement to civil war and charged with having committed acts liable to disrupt public order; the rules of penal procedure were also respected and the judicial measures taken, including their detention on remand, were justified by the need not only to halt the physical clashes

between the two rival camps, but also and above all to prevent the clashes from continuing and spreading; steps were taken to expedite the handling of their cases and the investigative phase was nearing completion;

- Regarding the parliamentarians' state of health, in particular that of Senator Rabenatoandro, and their conditions of detention, the Foreign Ministry reported that all four men had been seen by a doctor on admission to the Central Prison and that the chief physician had established individual medical follow-up plans for them; the parliamentarians, who were being held in the section reserved for VIP prisoners, were free to receive visits from their lawyers and families; according to the source, the parliamentarians concerned have been visited by the ambassadors of the United States of America, Germany, South Africa and France;
- On 18 August 2009 they were released after having been sentenced to a 12-month suspended prison term; an appeal is pending,

Considering the information on file regarding Mr. Randrianatoandro Raharinaivo:

- According to the source, Mr. Raharinaivo was arrested on 15 September 2009 after having, the same day, been summoned by the *gendarmerie* for questioning; He was taken to the competent prosecutor, who issued a committal order for him, after which he was transferred to the Central Prison of Antanimora; several accusations have reportedly been brought against him, but only one is known, namely incitement to "take to the streets"; the source affirms that his arrest is politically motivated and linked to his affiliation to the political movement of President Ravalomanana,

Considering the information on file regarding Ms. Eliane Naika:

- On 12 September 2009 at around 11 a.m., Senator Naika was arrested by a group of heavily armed military under the command of Major Charles Randrianasoavina of the Special Intervention Forces (FIS) when she was at an Antananarivo hotel where parliamentarians not from the capital usually stay; in a drunken state, the military burst into the hotel, broke open the doors of the rooms and ransacked them, taking anything they fancied; on reaching the room of Ms. Naika, they beat her up and took her away, without any arrest warrant, to the *gendarmerie* of Betongolo, where she was questioned; the prosecutor issued a committal order and she was taken to Manjakandriana prison;
- Senator Naika is accused, inter alia, of organizing or attending an illegal gathering, causing damage to public property, aggression (battery), assault on police and rebellion; although she was not arrested in *flagrante delicto*, the *flagrante delicto* procedure was reportedly applied to her;
- On 18 September 2009, the Anosy court granted her provisional release and her trial was scheduled for 13 October 2009; however, she left the country on 20 September 2009,

Considering that arrest warrants have been issued for 18 other members of parliament who have gone into hiding,

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

1. *Thanks* the Ambassador and Permanent Representative of Madagascar to the United Nations Office and other international organizations at Geneva for his cooperation;
2. *Expresses deep concern* at the arrest of the six parliamentarians which, given the circumstance, it can only consider to be arbitrary and unlawful, if for no other reason than that the regime itself has no basis in law and the arresting officers no authority to carry out arrests; *considers* that the manner in which these arrests were carried out show that the army was intent on causing maximum mental suffering and instilling fear and humiliation; *is alarmed* at the brutal force used in Ms. Naika's arrest and *urges* the de facto authorities to hold to account the perpetrators, whose identity is known;

3. *Notes* that Mr. Rabenatoandro, Mr. Randrianjatovo, Mr. Rakotomandimby and Mr. Rakotozandry were arrested, according to the authorities, above all in order “to bring a halt to the physical clashes between the two rival camps”; consequently *concludes* that the accusations against them concern potential crimes and that neither the accusations nor the judicial proceedings against them are based on law or facts, but rather spring from political considerations; *observes*, moreover, that the humiliating circumstances of the arrests are evidence that they were political and arbitrary in nature;
4. *Urges* the de facto authorities to release Mr. Raharinaivo forthwith, as they have so pledged by signing the Maputo Agreement;
5. *Is alarmed* that arrest warrants are pending against 18 parliamentarians and *stresses* that their arrest would be in violation of the Maputo Agreement and *calls therefore* on the de facto authorities to respect their commitments under that agreement and hence to cancel the warrants;
6. *Stresses* that their suspension from parliament does not deprive the persons concerned of their status as parliamentarians and, most importantly, does not deprive them of the fundamental rights to which they are entitled under the Constitution and the International Covenant on Civil and Political Rights, to which Madagascar is a party, such as freedom of expression and assembly, freedom from arbitrary arrest and detention and freedom from torture and ill-treatment;
7. *Requests* the Secretary General to contact the Joint Mediation Support Team for Madagascar and organizations involved in the dialogue process with a view to ensuring respect for the fundamental rights of the parliamentarians concerned;
8. *Requests* the Committee to examine the possibility of carrying out a mission to Madagascar, to continue examining this case and report to it at its next session, to be held on the occasion of the 122nd IPU Assembly (March-April 2010).

CASE No. MON/01 - ZORIG SANJASUUREN - MONGOLIA

Resolution adopted unanimously by the IPU Governing Council at its 185th session (Geneva, 21 October 2009)

The Governing Council of the Inter-Parliamentary Union,

Referring to the case of Mr. Zorig Sanjasuuren, a member of the State Great Hural of Mongolia who was murdered in October 1998, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/185/11(b)-R.1), and to the resolution adopted at its 184th session (April 2009),

Taking into account the letter from the Vice-Chairman of the State Great Hural and Chairman of the Executive Committee of the Mongolian Inter-Parliamentary Group, dated 17 October 2009, and of information provided by the Japanese parliament,

Recalling that the Mongolian Government has requested technical assistance with analysing certain evidence available in the case of Mr. Zorig’s murder and that the German authorities have provided such assistance and remain at the disposal of the Mongolian authorities for further assistance; *considering* that the Japanese Government has also agreed to provide technical assistance in this case to the Mongolian authorities; that, however, a diplomatic formality has still to be completed by the Mongolian authorities and that, in June 2009, the Japanese Government requested the Mongolian authorities to fulfil this formality,

Considering that, according to the letter from the Vice-Chairman of the State Great Hural, in order for the investigation to make progress, access to new high-tech technology would be needed that is not available in Mongolia and requested the IPU to call on member parliaments to give assistance in analysing evidence by "mitotyping technology" and to consider providing assistance in the training of Mongolian forensic experts in this technology and advanced methods used in conducting examination of evidence,

Recalling further that, by a resolution of the Speaker of the State Great Hural of March 2009, the parliament renewed the mandate of the working group set up by the previous legislature “to acquaint itself with the investigation into Mr. Zorig’s murder and to provide it with the necessary assistance and support” and, in early October 2009, held a meeting with the investigation working group on this case to discuss progress,

1. *Thanks* the Vice-Chairman of the State Great Hural for his letter;
2. *Draws the attention* of member parliaments to the request for assistance, especially as regards mitotyping technology and training of Mongolian forensic experts therein, and *asks* the Secretary General to take the necessary follow-up action in this respect;
3. *Notes with satisfaction* that the Japanese investigative authorities have now also agreed to assist their Mongolian counterparts in this case, and *encourages* the Mongolian authorities to fulfil the required formality as early as possible to enable the necessary assistance to materialize;
4. *Is confident* that the parliamentary working group is actively following the investigation and ensuring that any necessary support is provided; and *would appreciate* being kept informed of its work;
5. *Requests* the Committee to continue examining this case and report to it at its next session, to

MYANMAR

Parliamentarians reportedly still serving their sentences:

CASE No. MYN/35 - SAW HLAING	CASE No. MYN/258 - MYINT KYI
CASE No. MYN/104 - KYAW KHIN	CASE No. MYN/261 - U NYI PU
CASE No. MYN/236 - KHUN HTUN OO	CASE No. MYN/262 - TIN MIN HTUT
CASE No. MYN/237 - KYAW SAN	CASE No. MYN/263 - WIN MYINT AUNG
CASE No. MYN/238 - KYAW MIN	CASE No. MYN/264 - THAN LWIN
CASE No. MYN/241 - KHIN MAUNG WIN	CASE No. MYN/265 - KYAW KHAING
CASE No. MYN/242 - KYAW KYAW	

Parliamentarians who died in custody or soon after their release:

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

Parliamentarians assassinated:

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

Resolution adopted unanimously by the IPU Governing Council at its 185th session (Geneva, 21 October 2009)

The Governing Council of the Inter-Parliamentary Union,

Referring to the case of the above-mentioned members-elect of the Pyithu Hluttaw (People's Assembly) of the Union of Myanmar, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/185/11(b)-R.1), and to the resolution adopted at its 184th session (April 2009),

Recalling its long-standing concerns about the complete disregard for the results of the election of 27 May 1990, in which the National League for Democracy (NLD) won 392 of the 485 seats, and about the continual removal from the political process of parliamentarians-elect, including through the prolonged

³ On 2 April 2008, MPU-Burma announced that Mr. Myint Thein had died following his release, his health having greatly worsened in detention.

imprisonment of 13 of them who continue to languish in jail having been sentenced on the basis of “rogue” laws through procedures falling short of minimum fair trial guarantees,

Recalling also in particular its concern at the fact that the National Convention, an assembly of members hand-picked by the authorities, drafted a new Constitution giving the military sweeping and overriding powers, without allowing a free exchange of opinions and ideas and penalizing any criticism of its work, which was adopted by referendum in May 2008 in an entirely military-run exercise and that the military authorities, on the basis of that text, have announced that elections will take place in 2010; *recalling furthermore* that the NLD and key ethnic parties rejected the referendum results and declared that they would not stand in the elections unless the regime agreed to establish an inclusive commission to review and amend the Constitution,

Recalling finally that both the Special Envoy of the United Nations Secretary-General and the United Nations Special Rapporteur on the human rights situation in Myanmar travelled to Myanmar in early 2009 and subsequently reiterated their concerns about respect for fundamental freedoms and the need for meaningful political change, and that the United Nations Secretary-General, on 12 November 2008, called once again for all citizens of Myanmar to be allowed to participate freely in their country’s political future as part of an inclusive national reconciliation process,

Considering that, on 13 May 2009, Aung San Suu Kyi was arrested and later taken to Insein Prison for violating the terms of her house arrest because she allowed an uninvited visitor, Mr. John William Yettaw, who had swum across Inya Lake to her house, to stay for two days before he attempted to swim back; on 11 August 2009, the court sentenced her to a further 18 months of house arrest, which sentence was upheld on appeal; the trial and its outcome have been widely seen as a move by the military rulers to exclude her from the 2010 elections and have been condemned internationally,

Considering that the IPU Secretary General attempted - in vain - to arrange a meeting with the Deputy Attorney General of Myanmar during the 30th session (3-7 August 2009) of the ASEAN Inter-Parliamentary Assembly (AIPA) in Pattaya, Thailand, to discuss the case of the parliamentarians-elect,

1. *Condemns* the continued disregard of the Myanmar authorities not only for its persistent concerns and pleas in this case, but also for the pleas of the international community to release all political prisoners;
2. *Reaffirms* that the Constitution fails to reflect the democratic values to which the people of Myanmar have long aspired and that elections are doomed to be a sham in a climate of fear and repression of all freedom of expression and political activity and the exclusion of 13 parliamentarians-elect and many other political prisoners from the political process;
3. *Urges* the authorities once again to put an unconditional and immediate end to the prolonged incarceration of the parliamentarians concerned on the basis of legal provisions that blatantly disregard their most basic rights, and to engage shortly in a meaningful dialogue with Aung San Suu Kyi and all concerned parties and ethnic groups by accepting the proposal for an inclusive political process to review the Constitution;
4. *Appeals* to IPU Member Parliaments, in particular those of China and India as neighbouring countries, and the Association of South-East Asian Nations (ASEAN), to lend their full support to promoting these objectives, in particular given that, with the scheduled elections in Myanmar drawing close, time is running out;
5. *Requests* the Secretary General to convey this resolution to all parties concerned;
6. *Requests* the Committee to continue examining this case and report to it at its next session, to be held on the occasion of the 122nd IPU Assembly (March-April 2010).

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

***Resolution adopted unanimously by the IPU Governing Council at its 185th session
(Geneva, 21 October 2009)***

The Governing Council of the Inter-Parliamentary Union,

Referring to the case of Mr. Marwan Barghouti, an incumbent member of the Palestinian Legislative Council, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/185/11(b)-R.1), and to the resolution adopted at its 184th session (April 2009),

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

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

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

1. *Reaffirms*, in the light of Mr. Foreman's report, that Mr. Barghouti was transferred to Israel in breach of the Fourth Geneva Convention of 1949 and the Oslo Accords; consequently *once again urges* the Israeli authorities to hand Mr. Barghouti over immediately to the Palestinian authorities;
2. *Reaffirms further*, in the light of the compelling legal arguments put forward in Mr. Foreman's report, on which the Israeli authorities have not provided observations, that Mr. Barghouti's trial did not meet the fair trial standards which Israel, as a State party to the International Covenant on Civil and Political Rights (ICCPR), is bound to respect and that his guilt has therefore not been established;
3. *Deplores* the extremely limited family visiting rights enjoyed by Mr. Barghouti and, in particular, the arbitrariness of decisions authorizing or denying visits; *is particularly dismayed* that his mother was not allowed to visit him and that she died in 2007 without having seen her son again;
4. *Recalls* that Article 37 of the United Nations Standard Minimum Rules for the Treatment of Prisoners stipulates that "prisoners shall be allowed ... to communicate with their family and reputable friends at regular intervals, both by correspondence and by receiving visits"; *calls on* Israel to conform to those rules;
5. *Reiterates* its long-standing wish for the Committee to be granted permission for a private visit to Mr. Barghouti and *hopes* that such a visit can be arranged in the near future; *recalls* that television crews have obtained authorization to visit him and *considers* that Committee

members fall into the category of reputable friends and that consequently, in conformity with the Minimum Standard Rules referred to above, permission to visit should be granted them;

6. *Requests* the Committee to continue examining this case and report to it at its next session, to be held on the occasion of the 122nd IPU Assembly (March-April 2010).

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

Resolution adopted unanimously by the IPU Governing Council at its 185th session (Geneva, 21 October 2009)

The Governing Council of the Inter-Parliamentary Union,

Referring to the case of Mr. Ahmad Sa'adat, elected in January 2006 to the Palestinian Legislative Council, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/185/11(b)-R.1), and to the resolution adopted at its 184th session (April 2009),

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

Recalling the following:

- On 14 March 2006, Mr. Sa'adat, whom the Israeli authorities had accused of involvement in the October 2001 murder of Mr. R. Zeevi, the Israeli Minister of Tourism, was abducted by the Israeli Defence Forces from Jericho jail and transferred to Hadarim in Israel together with four other prisoners suspected of involvement in the murder; the Israeli authorities concluded one month later that he had not been involved in the killing and charged the other four suspects with the murder; subsequently 19 other charges were brought against Mr. Sa'adat, all of which arise from his leadership of the Popular Front for the Liberation of Palestine (PFLP), considered a terrorist organization by Israel, and none of which allege direct involvement in crimes of violence;
- Mr. Sa'adat refused to recognize the jurisdiction of the court, and only in the hearing held after his conviction, but before the handing down of the sentence, did he offer a political rather than legal defence; during the proceedings, the court heard 37 prosecution witnesses, all fellow prisoners, but, according to Mr. Sa'adat's lawyer, was unable to produce any proof of his direct or indirect involvement in or responsibility for any violence; on 25 December 2008, Mr. Sa'adat was sentenced to 30 years' imprisonment;
- Mr. Sa'adat was held in Hadarim prison and transferred in mid-March 2009 to Ashkelon prison; he suffers from cervical neck pain, high blood pressure and asthma and has reportedly not been examined by a physician; at the beginning of his detention the Israeli authorities refused to let his wife visit him; for the first seven months, Mr. Sa'adat received no family visit; his children with Palestinian ID cards have not been allowed to visit their father since his arrest, for reasons unknown; Mrs. Sa'adat has now been authorized to visit her husband twice a month; the first time in March 2009, she was unable to visit him because she was in hospital and, when she tried to visit him in April 2009, she was unable to do so because he had been transferred to Ashkelon jail and was in solitary confinement,

Considering that the solitary confinement imposed on him in March 2009 was to last until June 2009; this measure together with other restrictions was reportedly taken to punish prisoners for the failure of the negotiations regarding the release of Gilad Shalit, the Israeli soldier captured in June 2006 during a cross-border attack on Israeli military installations; *considering* further that, in protest against his solitary confinement, Mr. Sa'adat went on a nine-day hunger strike, which ended on 14 June 2009; that the administration of Ashkalon Prison held a hearing on the matter which Mr. Sa'adat refused to attend, as a result of which the prison administration reportedly imposed yet another set of very harsh restrictions on him, including denial of family visits and banning him from visiting the prison canteen and smoking, fined him 200 shekels and made him serve a further week in solitary confinement,

1. *Deplores* the long-term imposition of solitary confinement on Mr. Sa'adat as it may gravely impair his physical and psychological health, and *is appalled* that it may have been imposed not for any valid disciplinary reason but as retaliation for the failure of political negotiations;
2. *Recalls* that solitary confinement may have serious effects on the health of prisoners and that international human rights bodies have in various instances concluded that prolonged periods of solitary confinement may amount to torture; *urges* the authorities to refrain from imposing it again and to restore Mr. Sa'adat's rights to regular visits by his family and the rights accorded other prisoners;
3. *Recalls* that, in conformity with the United Nations Standard Minimum Rules for the Treatment of Prisoners, no prisoner shall be punished except in accordance with the terms of a law or regulation and that, in its Article 7, the Basic Principles for the Treatment of Prisoners recommend the abolition of solitary confinement; *calls on* Israel to respect these principles and rules;
4. *Reaffirms* that Mr. Sa'adat's abduction and transfer to Israel was related not to the murder charge but rather to his political activities as PFLP General Secretary, and that the proceedings against him were therefore based on extra-legal considerations; *considers* that the imposition of the extremely harsh sentence on him is further evidence of the political motives for his arrest and prosecution as the leader of a political party; *calls on* Israel to release him forthwith;
5. *Points out* that Mr. Sa'adat was tried by a military court and *recalls* in this respect the consistent concerns which United Nations human rights treaty bodies and special procedures have expressed regarding the compliance of military courts with fair trial guarantees, such as most recently in the report of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, on his visit to the Occupied Palestinian Territories (A/HRC/6/17/Add.4, 16 November 2007);
6. *Deeply regrets* the silence of the parliamentary authorities with regard to the human rights concerns the IPU has expressed in this case and which reflect general human rights concerns regarding the treatment of Palestinian prisoners by the Israeli authorities; *affirms* that the Knesset has a duty to ensure respect for human rights and for Israel's obligations as a party to international human rights treaties not only within Israel but also in the Territories that Israel occupies;
7. *Requests* the Secretary General to inform the Israeli and Palestinian authorities and any other interested parties of this resolution;
8. *Requests* the Committee to continue examining this case and report to it at its next session, to be held on the occasion of the 122nd IPU Assembly (March-April 2010).

PALESTINE / ISRAEL

CASE No. PAL/16 - OMAR MATAR

(aka OMAR ABDEL RAZEQ)

CASE No. PAL/17 - NAYEF AL-ROJOUN

CASE No. PAL/18 - YASER MANSOOR

CASE No. PAL/19 - HUSNY AL-BURIENY

CASE No. PAL/20 - FAT'HY QARA'WI

CASE No. PAL/21 - IMAD NAWFAL

CASE No. PAL/22 - ANWAR ZBOUN

CASE No. PAL/23 - MAHMOUD AL-KHATEEB

CASE No. PAL/24 - ABDULJABER AL-FUQAHAA

CASE No. PAL/25 - KHALED YAHYA

CASE No. PAL/26 - KHALED SULAIMAN

CASE No. PAL/27 - NASER ABDULJAWAD

CASE No. PAL/28 - MUHAMMAD ABU-TEIR

CASE No. PAL/29 - AHMAD 'ATTOUN

CASE No. PAL/30 - MUHAMMAD TOTAH

CASE No. PAL/31 - IBRAHIM SAED ABU SALEM

CASE No. PAL/32 - BASEM AHMED ZAARER

CASE No. PAL/33 - IBRAHIM MOHAMED DAHBOOR

CASE No. PAL/34 - MOHAMED MAHER BADER

CASE No. PAL/35 - MOHAMED ISMAIL AL-TAL

CASE No. PAL/36 - FADEL SALEH HAMDAN

CASE No. PAL/37 - ALI SALEEM ROMANIEN

CASE No. PAL/38 - SAMEER SAFEH AL-KADI

CASE No. PAL/39 - REYAD ALI EMLEH

CASE No. PAL/41 - REYAD MAHMOUD RADAD

CASE No. PAL/42 - KALI MUSA RBAE KHALIL

CASE No. PAL/43 - M. MOTLAK ABU JHEASHEH

CASE No. PAL/44 - WAEL MOHAMED ABDEL RUMAN

CASE No. PAL/45 - MAHMOUD IBRAHIM MOSLEH

CASE No. PAL/46 - AHMED ABDEL AZIZ MUBARAK

CASE No. PAL/47 - HATEM QFEISHEH

CASE No. PAL/48 - MAHMOUD AL-RAMAHI

CASE No. PAL/49 - ABDERRAHMAN ZAIDAN

CASE No. PAL/51 - AYMAN DARAGHMEH

CASE No. PAL/52 - NIZAR RAMADAN

CASE No. PAL/53 - AZZAM SALHAB

CASE No. PAL/54 - KHALED TAFISH

*Resolution adopted unanimously by the IPU Governing Council at its 185th session
(Geneva, 21 October 2009)*

The Governing Council of the Inter-Parliamentary Union,

Referring to the case of the above-mentioned parliamentarians, all of whom were elected to the Palestinian Legislative Council (PLC) in January 2006, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/185/11(b)-R.1), and to the resolution adopted at its 184th session (April 2009),

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

Recalling the following:

- The parliamentarians concerned, elected on the Change and Reform list in the January 2006 PLC elections, were arrested on or after 29 June 2006 in the occupied West Bank and subsequently charged with standing in the election on the Change and Reform list, which, in the view of the Israeli prosecution authorities, is Hamas, and hence being a member of a terrorist organization, holding a position on behalf of Hamas by assuming membership in parliament on behalf of Hamas and providing services to a terrorist organization by assuming membership in parliamentary committees and supporting an illegal organization; that not a single charge relates to any violent activity and no accusation whatsoever was advanced in that respect; the arrests came in the context of Israeli military operations in the Gaza Strip to obtain the release of Gilad Shalit, an Israeli soldier kidnapped on 25 June 2006 in a cross-border attack on Israeli military installations which the Israeli Government blames on Hamas and the Palestinian Authority;

- The cases of the parliamentarians concerned were heard separately by the Ofer and Salem Israeli military courts and, following a recommendation by the appeal court, most of them were sentenced to about 40 months' imprisonment, and two parliamentarians were found not guilty but nevertheless taken into administrative detention; the most important substantive defence argument in these cases was that the Israeli authorities knew and had accepted that Hamas was standing in the election; in one of the cases, the defence attempted to call as a witness the head of Shabac and the adviser to the Prime Minister, Dov Weissglass, who had been responsible for negotiations with the Palestinian Authority regarding the elections, precisely for the purpose of showing Israel's knowledge and approval of Hamas's participation in the elections; while the prosecution had objected to that request by the defence, the military court judge had approved it; however, on the day before they were due to give evidence, a military order from the Head of the Army stated that any information about relations between Israel, the European Union, the United States of America and the Palestinian Authority was classified, including discussions concerning the elections, and that such evidence would be damaging to the security of the State of Israel, for which reason the witnesses in question would have been unable to respond to any question; in determining their judgment, the courts finally relied on what they termed an "expert report" by a Shin Beit member (called "Ivory" during the proceedings), who testified that Change and Reform was indeed Hamas; virtually none of the appeals succeeded; on the contrary, sentences were increased and often doubled,

Considering that 15 of the PLC members concerned have meanwhile been released, namely Omar Matar (case 16), Yaser Mansoor (18), Husny Al-Burieny (19), Fat'hy Qara'wi (20), Imad Nawfal (21), Khaled Yahya (25), Khaled Sulaiman (26), Naser Abduljawad (27), Ibrahim Saed Abu Salem (31), Ibrahim Mohamed Dahboor (33), Reyad Mahmoud Radad (41), Motlak Abu Jheasheh (43), Mahmoud Ibrahim Mosleh (45), Mahmoud Al-Ramahi (48) and Abderrahman Zaidan (49),

Recalling further the following:

- In the West Bank, administrative detention is authorized under Military Order 1226, which empowers the military commanders in the area to detain an individual for up to six months if they have "reasonable grounds to presume that the security of the area or public security requires detention"; the Order neither defines the terms "security of the area" and "public security" nor stipulates a maximum cumulative period of administrative detention. It thus allows indefinite arbitrary detention; charges against prisoners, including the parliamentarians in question, are usually those of being a "security threat", but the area and nature of the threat are not specified and evidence is not disclosed; although administrative detainees have the right to appeal, this is somewhat absurd as the detainee and his lawyers lack access to the information on which the orders are based; they are therefore unable to present a meaningful defence; in late March 2009, after the failure of the negotiations regarding the release of Gilad Shalit, Israel arrested or rearrested a number of Palestinians, including four Change and Reform parliamentarians, namely Ayman Daraghme (case 51), Nizar Ramadan (52), Azzam Salhab (53) and Khaled Tafish (54), who had all been released earlier, and took them into administrative detention;
- Prisoners enjoy limited visiting rights; family members need permits, which can be restricted and cancelled for various, especially security-related reasons; in many cases, wives of prisoners are not authorized to meet their husbands; such for example was the case of Mr. Mahmoud Al-Ramahi, former PLC Secretary General (released on 31 March 2009); under the normal visiting procedure, if a permit is given by the Israeli authorities, the permit holder can visit the prisoner once every two weeks for a period of 45 minutes; prisoners are separated from their visitors by a glass partition and conversations are held by means of a telephone; permits are usually issued for a period of three months and need to be renewed; the food, which prisoners have to buy in prison shops, is very bad and medical care is often delayed; moreover, following the failure of the negotiations regarding the release of Gilad Shalit in March 2009, the Israeli Prison Service decided to impose additional restrictions on Palestinian political prisoners held in Israeli prisons, such as denying them family visits and not letting them watch television or read newspapers, reducing the time allowed in the open and restricting access to prison shops,

Recalling that on 30 June 2006, the Israeli Interior Minister revoked the East Jerusalem residence permits of Mr. Muhammad Abu-Teir, Mr. Ahmad Attoun and Mr. Muhammad Totah, on account of "breach of trust" owing to membership in a foreign parliament; they appealed against that decision in the Israeli Supreme Court; on 17 September 2008 the Supreme Court, ruling on the petition of Mr. Muhammad Abu-Teir, Mr. Ahmad Attoun and Mr. Muhammad Totah against the revocation of their East Jerusalem permanent residence status, decided to give them the opportunity to submit applications to the Israeli Minister of the Interior to reinstate their residence status and asked both parties to inform it of any developments in the case within 60 days, after which it would decide how to proceed with the case; *considering* that their residence status has not been restored, and that the Supreme Court will now rule on the merits,

Bearing in mind finally the consistent concerns which United Nations treaty bodies and special procedures, such the Special Rapporteur on the promotion and protection of human rights while countering terrorism (A/HRC/6/17/Add.4, 16 November 2007) and most recently the Committee against torture (CAT/C/ISR/CO2, June 2009) have expressed regarding the compliance of military courts and administrative detention, inter alia, with the obligations that Israel as a party to the ICCPR and the CAT, and other human rights treaties, is bound to respect,

1. *Reaffirms its position* that the arrest, detention and prosecution of the parliamentarians concerned is politically motivated and hence arbitrary, since Israel was undoubtedly aware of and accepted the participation of Hamas in the election, which was recognized by the international community as free and fair;
2. *Takes note* of the fact that 15 of the parliamentarians concerned have now been released, but *observes* that 19 more continue to languish in jail and that four of those freed have subsequently been taken into administrative detention; *continues to fear* that their rearrest following the failure of the negotiations regarding the release of Gilad Shalit and the simultaneous restriction of the rights of political prisoners suggests that Israel is in fact holding the PLC members concerned as hostages;
3. *Calls on* the Israeli authorities to release the 19 remaining PLC members forthwith;
4. *Remains appalled* at the practice of administrative detention in Israel which means that any Palestinian, including PLC members, can be arrested at any time on undefined security grounds, and be held for indefinite periods without charge, being unable to defend themselves since the charge and the evidence are not disclosed; *considers* that it makes a mockery of judicial proceedings since people can be arrested upon acquittal or after having served their prison sentences; and *urges* Israel to heed the recommendations made by the international human rights bodies and procedures to refrain from such practices and to bring them into conformity with the State's international obligations in the field of human rights;
5. *Deplores* the extremely limited family visiting rights enjoyed by Palestinian prisoners, including the PLC members concerned, and more specifically the arbitrariness of decisions authorizing or denying visits; *recalls* that Article 37 of the United Nations Standard Minimum Rules for the Treatment of Prisoners stipulates that "prisoners shall be allowed to communicate with their family and reputable friends at regular intervals, both by correspondence and by receiving visits"; *calls on* Israel to abide by those Rules;
6. *Deeply regrets* the silence of the parliamentary authorities with regard to the human rights concerns the IPU has expressed in this case and which reflect general human rights concerns regarding the treatment of Palestinian prisoners by the Israeli authorities; *affirms* that the Knesset has a duty to ensure respect for human rights and for Israel's obligations as a party to international human rights treaties not only within Israel but also in the Territories that Israel occupies;
7. *Closes* the case of the 15 parliamentarians who were released while deploring their arrest, detention and the proceedings brought against them, which were arbitrary;

8. *Requests* the Secretary General to inform the Israeli and Palestinian authorities accordingly;
9. *Requests* the Committee to continue examining the case of the remaining members of parliament and report to it at its next session, to be held on the occasion of the 122nd IPU Assembly (March-April 2010).

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

***Resolution adopted unanimously by the IPU Governing Council at its 185th session
(Geneva, 21 October 2009)***

The Governing Council of the Inter-Parliamentary Union,

Referring to the case of Dr. Abdel Aziz Dweik, Speaker of the Palestinian Legislative Council (PLC), as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/185/11(b)-R.1), and to the resolution adopted at its 184th session (April 2009); *referring* also to its report on the case PAL/16-PAL/51 and to the resolution adopted by the Governing Council at its 184th session on that case,

Recalling the following: Dr. Dweik, Speaker of the Palestinian Legislative Council, was elected in January 2006 on the Change and Reform (Hamas) list; he was arrested during the night of 5 to 6 August 2006 by the Israeli Defence Forces and later charged with membership in a terrorist organization, namely Hamas, and leadership in that organization by way of membership in the PLC and by way of assuming the role of Speaker in the PLC; on 16 December 2008, the judge handed down her verdict, finding him guilty of membership of an unauthorized organization and leadership by way of membership of the PLC on behalf of that organization and, on account of his poor health, sentenced him to 36 months' imprisonment, the release date being set for 17 June 2009; the prosecution appealed against the sentence on the grounds that the sentence was too lenient and that Dr. Dweik had not been convicted for leadership in an unauthorized organization by way of assuming the role of PLC Speaker,

Considering that at the appeal hearing of 1 June, at which an IPU trial observer was present, the court rejected the defence counsel's application for recusal of the presiding judge, the defence counsel then announced that he would appeal against that decision in the Supreme Court, and the prosecution made an application for Dr. Dweik to be detained beyond the conclusion of his sentence pending a ruling on the defence appeal against the court's refusal to recuse the presiding judge and pending determination of its own sentence appeal; the hearing was adjourned with no date being set for hearing the prosecution application for Dr. Dweik's continued incarceration; *noting* that a hearing was subsequently set for 7 June 2009 and that Dr. Dweik's lawyer decided not to appeal against the courts refusal to recuse the presiding judge; that, according to widespread media coverage, on 17 June the court decided to reject the prosecution appeal and not to entertain the prosecution's application to increase his sentence from 36 to 42 months; that Dr. Dweik was released on 23 June 2009,

1. *Notes with satisfaction* the ruling of the court on the prosecution's appeal and *welcomes* Dr. Dweik's release; nevertheless *deeply regrets* his arrest, detention and prosecution on purely political grounds as spelled out in the resolution it adopted in April 2009;
2. *Decides* to close this case.

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

***Resolution adopted unanimously by the IPU Governing Council at its 185th session
(Geneva, 21 October 2009)***

The Governing Council of the Inter-Parliamentary Union,

Referring to the case of Mr. Saturniño Ocampo, Mr. Teodoro Casiño, Ms. Liza Maza and Mr. Rafael Mariano, incumbent members of the House of Representatives of the Philippines, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/185/11(b)-R.1), and to the resolution adopted at its 184th session (April 2009),

Recalling that, in January 2006, President Gloria Macapagal Arroyo issued Executive Order 493 establishing the Inter-Agency Legal Action Group (IALAG) to prepare cases of rebellion and sedition against suspected enemies of the State, and that, in this context, the parliamentarians concerned were charged with rebellion in February 2006; that the Supreme Court dismissed the charges on 1 June and concluded that "the obvious involvement of political considerations in the accusations of the respondent Secretary of Justice and respondent prosecutors brings to mind an observation we made in another equally politically charged case. We reiterate what we stated then, if only to emphasize the importance of maintaining the integrity of criminal prosecutions in general and preliminary investigations in particular. We cannot emphasize too strongly that prosecutors should not allow, and should avoid, giving the impression that their noble office is being used or prostituted, wittingly or unwittingly, for political ends",

Recalling that, in his report of 29 April 2009 (A/HRC/11/2/Add.8), the United Nations Special Rapporteur on enforced disappearances reiterated his earlier recommendation that the Inter-Agency Legal Action Group (IALAG) be abolished,

Recalling lastly that, since the dismissal of the rebellion charges, new cases have been brought against the parliamentarians concerned, also called the "Batasan Four", and *considering* their current stage:

- The Leyte multiple murder case brought in February 2007 against Mr. Ocampo and others is still awaiting resolution of the petition for certiorari and prohibition he filed with the Supreme Court in March 2007;
- On 19 May 2009, the prosecutor who is conducting the preliminary investigation in two murder cases, closely linked to the Leyte murder case, which were brought against Rep. Ocampo in August 2008, granted Rep. Ocampo's petition to suspend the preliminary investigation in these cases pending resolution, by the Supreme Court, of his petition in the Leyte murder case;
- On 18 April 2008, two counts of murder (having allegedly conspired in the murder of Carlito Bayudang and Jimmy Peralta) were filed in the Regional Trial Court of Palayan City against the four parliamentarians concerned, in addition to one count of kidnapping and murder of Danilo Felipe in the Regional Trial Court of Guimba; on 5 August 2008 the latter ordered that the charge of kidnapping with murder be dismissed, having found the extrajudicial confessions of prosecution witnesses to be inadmissible evidence; however, the Regional Trial Court of Palayan City did not dismiss the two murder charges pending before it, even though they are based on the same evidence, and ordered the provincial prosecutor to conduct a new preliminary investigation; on 2 December 2008, the Court denied a motion for partial reconsideration of that order; on 27 March 2009, the parliamentarians concerned filed a petition with the Supreme Court challenging the orders of the Court imputing to the judge grave abuse of discretion amounting to lack or excess of jurisdiction; the Government has provided its comments on the petition, which is pending before the Supreme Court for resolution; the four Representatives have also filed perjury cases against the complainants in this case;

- In May 2007, four days before the 14 May 2007 elections, Mr. Casiño was charged with obstruction of justice for allegedly preventing the arrest of Mr. Vincent Borja, a presumed member of the CPP/NPA; Mr. Casiño filed his counter-affidavit on 27 June 2007, after which a clarificatory hearing was conducted; the case is still awaiting resolution by the prosecutor although, according to the source, the Rules of Court require that within 10 days after the preliminary investigation, the investigating officer shall determine whether or not there are sufficient grounds to hold the respondent for trial;
- In March 2008, a petition for Writ of Amparo was filed against top officials of the CPP and Mr. Ocampo, which is pending before the Regional Trial Court of Basey, Western Samar, in connection with alleged threats by communist rebels against the life, liberty and security of Dennis Gacuma, whose mother was reportedly abducted; Mr. Ocampo filed his answer to the petition; the first hearing of the case has been reset several times,

Recalling that the House of Representatives has adopted a series of resolutions to inquire into politically motivated killings, summary executions and enforced disappearances, urging the Government inter alia to sign and ratify forthwith the United Nations International Convention for the Protection of All Persons from Enforced Disappearance; that in Resolution 118, it directed the House Committee on Civil, Political and Human Rights inter alia to “conduct an investigation into the various forms of human rights violations and attacks against members and leaders of the Anakpawis Party list and other progressive parties and organizations ... and to put an end to political repression of the party lists they belong to”,

1. *Thanks* the House of Representatives for its cooperation and for the information provided;
2. *Remains deeply concerned* at the new cases laid against the Representatives concerned as the information brought to its attention tends to suggest that the accusations in question are not based on sound evidence;
3. *Points out* in this respect in particular the failure of the prosecution to resolve the obstruction of justice case against Mr. Casiño brought against him more than two years ago, the filing of another murder case against Representative Ocampo, which is already part of the multiple murder case brought against him earlier, and hence in breach of the principle that no one shall be tried twice for the same offence (under the double jeopardy principle) and the differing treatment by courts of the admissibility of extrajudicially obtained confessions as evidence;
4. *Recalls* in this connection once again that the rebellion charges, initially filed against them by IALAG following nine months of preparation, were finally dismissed by the Supreme Court as clearly being politically motivated; *wishes to ascertain* in this context what, if any, action has been taken to implement the recommendation of the United Nations Special Rapporteur on enforced disappearances to abolish the IALAG;
5. *Observes* that the many cases brought against the parliamentarians concerned can only impair their capacity to exercise their parliamentary mandate freely and effectively, and *is confident* that the House of Representatives will continue to monitor the proceedings against the parliamentarians concerned;
6. *Urges* the authorities once again either to proceed with the cases brought against the parliamentarians concerned diligently, as is their duty, or to drop the charges forthwith; *reaffirms* also that the prosecution and judicial authorities have a duty not to proceed with any case on the basis of political considerations;
7. *Requests* the Secretary General to inform the competent authorities and the sources accordingly;
8. *Requests* the Committee to continue examining this case and report to it at its next session, to be held on the occasion of the 122nd IPU Assembly (March-April 2010).

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

***Resolution adopted unanimously by the IPU Governing Council at its 185th session
(Geneva, 21 October 2009)***

The Governing Council of the Inter-Parliamentary Union,

Referring to the case of Senator Trillanes of the Philippines, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/185/11(b)-R.1), and to the resolution adopted at its 184th session (April 2009),

Recalling that Navy Lieutenant Antonio Trillanes was arrested in July 2003 and, along with many others, charged with an attempted coup d'état; that while in detention he was allowed to stand in the May 2007 Senate elections and was elected, having obtained the 11th highest number of votes; that, while he was initially granted broad visiting rights and even allowed to hold inside prison a first meeting of the Senate Committee he was elected to chair, a few months after his election his situation changed drastically, making him virtually unable to carry out his parliamentary mandate; that his applications to be allowed to attend Senate sessions have been rejected at final instance; *considering*, however, that the terms of his confinement have meanwhile reportedly been somewhat relaxed, so that he is now able to receive staff, enabling him to file bills, resolutions and other legislative measures in the Senate; he has, however, recently not been allowed to hold a Committee hearing in prison, against which decision of the prison authorities he reportedly lodged an appeal,

Recalling that, apart from adopting resolution No. 3 "Expressing the Sense of the Senate that Senator Antonio Trillanes IV be Allowed to Participate in the Sessions and other Functions of the Senate in Accordance with the Rule of Law", adopted on 25 July 2007, a majority of Senators (14 out of 23), in November 2008 filed Resolution No. 765 "Amending The Rules of the Senate By Incorporating A Rule "To Allow Senators to Participate in Senate sessions, Hearings and/or Meetings Through Remote or Electronic means"..."; *considering* that, however, the implementation of that Resolution is being delayed, reportedly owing to three Senators close to President Gloria Macapagal Arroyo and that consequently Majority Floor Leader Senator Miguel Zubiri has not yet submitted the required report on the Resolution; that, despite this, the Committee on Ways and Means of the Philippine Senate carried out work on the proposed Senate Video Conferencing Project and issued its report on the matter, which was approved by the Senate President on 15 June 2009 with the necessary budget in place,

Considering, with regard to the proceedings in the attempted coup d'état case, that according to the source the prosecution, after four and a half years, finished presenting its evidence and that it is now the turn of the defence to present its evidence; that, thereafter, both sides will be given the opportunity to present rebuttal evidence, for which reason, the source fears, the case will drag on for many years,

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

1. *Appreciates* the initiative taken by the Senate to amend the Rules in a manner such as would allow Senator Trillanes to exercise his mandate to some extent; *deeply regrets*, however, that the Resolution has not yet been implemented, which continues to prevent Senator Trillanes from exercising his mandate meaningfully and deprives his electorate of representation in parliament;
2. *Consequently calls on* the competent Senate authorities to ensure that the Resolution is implemented without further delay;

3. *Remains deeply concerned* that Senator Trillanes has now been on trial and been kept in detention for more than six years, which period, in the light of international jurisprudence, may well violate his fundamental rights under Article 9, paragraph 3, and Article 14, paragraph 3(c), of the ICCPR;
4. *Recalls* once again that it is a well-established principle that a person must be released pending trial unless the State can show that there are relevant and sufficient grounds for continued detention; *continues to believe* that there are ample grounds, especially in the light of judicial precedent, for Senator Trillanes's release pending trial and, even more so, ample grounds for allowing him to conduct meetings of the Committee he chairs even inside prison, to attend Senate sessions, even under guard if necessary, and to be granted the necessary facilities to exercise his mandate meaningfully;
5. *Reiterates* its wish to ascertain whether parliament has launched any investigation into the allegations of graft and corruption within the Armed Forces made by Senator Trillanes and his co-accused;
6. *Requests* the Secretary General to convey this resolution to the authorities;
7. *Requests* the Committee to continue examining this case and report to it at its next session, to be held on the occasion of the 122nd IPU Assembly (March-April 2010).

CASE No. RW/06 - LEONARD HITIMANA - RWANDA

Resolution adopted unanimously by the IPU Governing Council at its 185th session (Geneva, 21 October 2009)

The Governing Council of the Inter-Parliamentary Union,

Referring to the case of Mr. Léonard Hitimana, a member of the Transitional National Assembly of Rwanda dissolved on 22 August 2003, who disappeared in April 2003, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/185/11(b)-R.1), and to the resolution adopted at its 184th session (April 2009),

Taking into account the letter of the Speaker of the Chamber of Deputies of Rwanda of 24 June 2009,

Recalling that Mr. Léonard Hitimana disappeared during the night of 7 to 8 April 2003, the day before he was to have refuted in parliament accusations of fomenting ethnic divisions; while the sources believe that he was abducted by the Rwandan intelligence service, the authorities, for their part, have long stated their belief that Mr. Hitimana had fled to a neighbouring country and were very optimistic that he would soon be located, which has not been the case,

Recalling that, in his letter of 11 April 2008, the then Speaker of the Chamber of Deputies stated that the authorities were exploring all lines of inquiry and that the Chamber was anxious to see the matter settled; in her letter of 9 February 2009, the new Speaker stated that parliament had no new information on the investigation into Mr. Hitimana's disappearance; *considering* that the Speaker reiterated this in her latest letter,

Recalling the many reports concerning harassment of Mr. Hitimana's family, including his 80-year-old father, who, after being declared innocent by a Gacaca court, was only released on 26 March 2007 thanks to the intercession of the National Human Rights Commission; that he was reportedly rearrested arbitrarily on the

strength of "new information" brought to the attention of the Gacaca court and, according to information provided in March 2009, was close to death in the central prison of Gisovu,

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

1. *Thanks* the Speaker of the Chamber of Deputies for her communication;
2. *Is deeply concerned* that, in the complete absence of any results in the more than six years since Mr. Hitimana was last seen, the authorities have thus far, contrary to their obligation, failed to act with the necessary resolve to elucidate his fate; *is concerned* that there is no sign that Parliament is taking action to ensure that the competent police and judicial officers are held to account for the scant investigation carried out thus far;
3. *Firmly believes* that, after all these years, the only remaining plausible explanation of Mr. Hitimana's disappearance is that he was indeed the victim of an enforced disappearance; *considers* that the United Nations Human Rights Committee's views highlight the seriousness of this allegation;
4. *Is therefore deeply concerned* that the authorities have yet to give due consideration to this increasingly likely explanation of what befell Mr. Hitimana; *recalls* that forced disappearances are a serious violation of human rights; *reaffirms* that the forced disappearance of a member of parliament, if not elucidated and punished, stands as a threat to parliament, to all its members and, in the final analysis, to the people it represents, as it can only encourage the repetition of such acts;
5. *Urges* the authorities, in line with the concluding observations of the United Nations Human Rights Committee, to pursue the investigation into Mr. Hitimana's disappearance with the necessary vigour and diligence by seriously examining the increasingly likely hypothesis that Mr. Hitimana was the victim of a forced disappearance; *urges once* again the parliament to make use of its oversight function to ensure that real efforts are made to this end; and *wishes to ascertain* the action it will take to this end; *wishes* also to be kept informed of any investigative steps that may now be taken;
6. *Regrets* the absence of any official information about the plight of Mr. Hitimana's father; *earnestly hopes* that the National Human Rights Commission will again intercede to ensure that his human rights are fully respected;
7. *Requests* the Secretary General to convey this resolution to the parliamentary authorities, to the President of the National Human Rights Commission, and to the source;
8. *Requests* the Committee to continue examining this case and report to it at its next session, to be held on the occasion of the 122nd IPU Assembly (March-April 2010).

SRI LANKA

CASE No. SRI/12 - JAYALATH JAYAWARDENA

CASE No. SRI/50 - GAJENDRAKUMAR PONNAMBALAM

CASE No. SRI/51 - SELVARAJAH KAJENDREN

CASE No. SRI/52 - SENATHIRAJAH JAYANANDAMOORTHY

CASE No. SRI/54 - SIVANATHAN KISHORE

CASE No. SRI/55 - T. KANAGASABAI

CASE No. SRI/57 - THANGESWARI KATHIRAMAN

CASE No. SRI/58 - P. ARIYANETHRAN

CASE No. SRI/59 - C. CHANDRANEHRU

CASE No. SRI/62 - MANO GANESAN

Resolution adopted unanimously by the IPU Governing Council at its 185th session (Geneva, 21 October 2009)

The Governing Council of the Inter-Parliamentary Union,

Referring to the case of the above-mentioned parliamentarians of Sri Lanka, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/185/11(b)-R.1), and to the resolution adopted at its 184th session (April 2009),

Taking note of the report of the Committee on the Human Rights of Parliamentarians, which contains a detailed outline of the case (CL/185/11(b)-R.1),

Referring also to the report on the mission to Sri Lanka which the Committee carried out in February 2008 (CL/183/12(b)-R.2),

Taking note of the meeting the Committee held with Mr. Mahinda Samarasinghe, Minister for Disaster Management and Human Rights and with Dr. Jayawardena during the 121st Assembly, and of the documents they provided,

Recalling that the members of parliament concerned, except for Dr. Jayalath Jayawardena and Mr. Mano Ganesan, belong to the Tamil National Alliance and have been the target of death threats and harassment, of attempts on their lives or attacks on their property, or both, and that the investigations in these cases have been to no avail; that at least three of the parliamentarians concerned have reportedly gone into exile, and *noting* in this connection that the Standing Orders of the Parliament of Sri Lanka stipulate that parliamentarians forfeit their seat in the event of unjustified absence for three consecutive months,

Recalling more particularly the following:

- In December 2007, relatives of Mr. Ariyanethran and Mr. Jayanandamoorthy and a member of Ms. Kathiraman's staff were abducted, reportedly by the paramilitary group Pillayan, and they were warned that the abducted persons would be killed should they vote against the budget. According to the information provided by the authorities in October 2008, the evidence available was recorded by the police; however, neither the victims nor the police were able to identify the culprits, nor the places where they were held, or to establish a logical motive for their abduction. They were all released on 15 December 2007. As to Mr. Kanagasabai, on 18 November 2007 he lodged a complaint with the police regarding the alleged abduction of his son-in-law, who was released on 19 November. According to the authorities, the victim was unable to give consistent explanations of the motive for the abduction or the identity of the perpetrators. However, investigations were continuing under judicial review;
- Mr. Kajendren's brother was abducted on 24 March 2009 by armed persons inside the high security area in Madiwela/Colombo while he was returning to Mr. Kajendren's home; eyewitnesses reported that he was stopped by a police sentry for a routine check; a little later, a van and more police officers arrived at the scene and he was bundled into the vehicle before it sped off; this occurred reportedly barely 48 hours before the TNA was to decide whether or not to accept an invitation for direct talks with President Rajapakse; Mr. Kajendren's brother reappeared in April 2009, but was warned by his abductors not to divulge any information; the police report conveyed by the Ministry for Disaster Management and Human Rights on 17 June 2009 states that Mr. Kajendren's brother "was unable to furnish any useful information to identify the abductors or to locate the place where he was kept". An inquiry was being conducted by Mirihana Police to identify the abductors;

- Mr. Kajendren's driver, Mr. Kones, was reportedly arrested on 10 May 2009 at Karunayake International Airport. He was about to leave for Switzerland, where he had been granted political asylum in view of the death threats he had been receiving, reportedly from the Elam People's Democratic Party (EDPD) and army intelligence, ever since he started working for Mr. Kajendren in 2004. He was reportedly arrested by the Terrorism Investigation Division and is currently detained at Pusa Prison in Galle. No charges have reportedly been brought against him and the source fears that charges may be fabricated. Mr. Kones's wife and child are reportedly in a refugee detention camp in Vavuniya and cannot therefore file a case against the arrest and detention. The source believes that Mr. Kones's arrest is intended to intimidate Mr. Kajendren,

Considering that Dr. Jayawardena has repeatedly sought permission to visit the IDP camps set up following the defeat of the Liberation Tigers of Tamil Eelam (LTTE); that, however, permission has been denied by the Defence Minister although it had been granted to a group of British and Indian parliamentarians; that, likewise, permission for him and members of Parliament's human rights group which he had founded, to visit welfare centres and government hospitals in the districts of Mannar and Vavuniya was denied; that, moreover, in the last five months the TNA parliamentarians were reportedly unable to visit their constituencies as no permission was given by the Defence Minister; *noting* that according to Minister Samarasinghe only two opposition members had applied for permission; that a request by Mr. Amaratunga MP, to visit the IDP camps was granted, but that Mr. Amaratunga failed to provide a date for the visit; that security concerns had to be taken into account when granting permits as the authorities had to be careful about whom to let into the camps; that, however, requests by MPs to visit the camps would be facilitated; *noting* also that, according to Mr. Samarasinghe, the Government was making every effort to ensure that IDPs can leave the camps and return to their homes as quickly as possible and that there was hope that by the end of January 2010 the bulk of the resettlement process would be completed,

Bearing in mind that the war in the north is over and that the Sri Lankan Government is now in control of the entire State territory and that elections will take place in 2010,

1. *Thanks* the Minister for Disaster Management and Human Rights for his cooperation and for the information he provided;
2. *Is alarmed* at the restriction of freedom of movement of members of parliament, in particular those belonging to the opposition, who have been prevented from visiting the people who elected them and who are now living in the IDP camps which they are not allowed to leave; *calls on* the Government to grant members of parliament access to the IDP camps and to respect their freedom of movement so that they can carry out the mandate entrusted to them by the people whom they represent and can campaign in the next elections;
3. *Remains deeply concerned* at the repeated abductions of family members and staff of TNA parliamentarians and *urges* the authorities to make every effort to elucidate those crimes and to bring the perpetrators to justice so as to prevent the recurrence of such crimes; *recalls* that there are clear leads as to the group behind the abductions in 2007 and its motives; *considers* that sufficient eyewitness reports exist of the recent abduction of Mr. Kajendren's brother so that the police need not rely on testimony from him as he may have been threatened into not revealing any information;
4. *Is concerned* that Mr. Kajendren's driver has now been arrested and is being detained reportedly without charge; and *wishes to ascertain* on what legal grounds he is being held; *recalls* that Sri Lanka, as a party to the International Covenant on Civil and Political Rights, which guarantees freedom from arbitrary arrest, must respect the right of arrested persons to be informed of the accusation brought against them, to have access to a lawyer, to be brought promptly before a judge, and to be entitled to challenge their detention;

5. *Notes* that the investigation into the other incidents covered by this case have been to no avail, and that no further complaints were submitted to the Committee in this respect; *notes* also that the security concerns regarding Dr. Jayawardena have been addressed and that the Minister for Disaster Management and Human Rights pledged to settle the only outstanding issue concerning the provision of appropriate communication equipment for his security guards; *requests* the Committee therefore to continue, where appropriate, to examine these incidents under its confidential procedure;
6. *Requests* the Secretary General to inform the authorities and the sources accordingly;
7. *Requests* the Committee to continue examining this case and report to it at its next session, to be held on the occasion of the 122nd IPU Assembly (March-April 2010).

CASE No. SRI/49 - JOSEPH PARARAJASINGHAM - SRI LANKA

***Resolution adopted unanimously by the IPU Governing Council at its 185th session
(Geneva, 21 October 2009)***

The Governing Council of the Inter-Parliamentary Union,

Referring to the case of Mr. Joseph Pararajasingham, assassinated on 24 December 2005, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/185/11(b)-R.1), and to the resolution adopted at its 184th session (April 2009),

Referring also to the report on the on-site mission to Sri Lanka which the Committee carried out in February 2008 (CL/183/12(b)-R.2),

Noting that the Committee met with Mr. Mahinda Samarasinghe, Minister for Disaster Management and Human Rights during the 121st IPU Assembly,

Recalling the following:

- Mr. Pararajasingham was shot dead on 24 December 2005 during the Christmas Eve Mass at St. Mary's Church in Batticaloa by unidentified gunmen in the presence of some 300 persons; the investigation has remained at a virtual standstill despite the fact that St. Mary's Church was located in a high-security zone between two military checkpoints and that, at the time of the murder, additional security forces were on duty, so that the culprits could have escaped only with the complicity of the security forces; during the on-site mission, it transpired that there was no agreement on whether or not President Rajapakse had been given the name of a possible suspect; that, however, the delegation provided the name of the person in question to President Rajapakse and to the Minister for Disaster Management and Human Rights;
- The police progress report of April 2009 merely repeated information provided earlier, adding that there was neither sufficient evidence nor enough public support to achieve better results and that, in addition, the witnesses were being intimidated by the killers;
- In late 2006, President Rajapakse set up a "Presidential Commission of Inquiry to investigate and inquire into serious human rights violations", including the murder of Mr. Pararajasingham,

Considering that, according to the information provided by Mr. Samarasinghe and contained in the police progress report forwarded by him, one of the main problems was the question of witnesses as the priest playing the organ had been unable to identify any suspects and that, in the absence of a witness protection law, witnesses were afraid of coming forward; that the police had been unable to establish the bona fide of the information suggesting that a certain "Ravi" was the killer as the Tamil National Alliance (TNA) parliamentarians who had provided the name were unable to give an address; *recalling* in this

connection that, according to the sources, Ravi was a member of the Karuna group and well known in the region; *noting* that, according to Mr. Samarasinghe, a witness protection bill, providing inter alia for video-conferencing of witnesses living abroad, has been prepared in a long consultative process and is pending before parliament and that, before its consideration in parliament, the party leaders would have to fix a date,

Noting that, according to the police progress report, the investigation has come to a standstill owing to lack of evidence and lack of public support because witnesses fear reprisals by the killers; however, the investigation was continuing and there was hope that the draft bill on witness protection and the improved situation in the east, where elections were held in May 2008, would increase public confidence and enable witnesses to come forward,

Considering lastly that the Commission of Inquiry has never investigated the case of Mr. Pararajasingham and has de facto ceased to function,

1. *Thanks* the Minister for Disaster Management and Human Rights for the information provided and for his cooperation;
2. *Deeply regrets* that no progress has been made in the investigation, which it continues to find highly disturbing given the special circumstances of Mr. Pararajasingham's murder; *regrets* that the investigation regarding the possible involvement of a certain "Ravi", apparently well known in the region as a member of the paramilitary Karuna group, has not been pursued because TNA parliamentarians were unable to provide an address for him;
3. *Urges* the parliament to conduct a thoroughgoing debate on the witness protection bill as a matter of priority since a witness protection bill respecting fundamental principles of witness protection may indeed encourage witnesses to come forward;
4. *Reaffirms* that Mr. Pararajasingham's murderers could have escaped only with the complicity of the security and army personnel posted around the Cathedral and in the area, and *agrees* with the authorities that it should therefore be much easier for the investigating authorities to identify and apprehend them, now that Batticaloa province has returned to a democratic system, the war in the north has ended, and violence has receded;
5. *Can but reaffirm* the conclusion of the mission report that there can be no better deterrent for violence targeting members of parliament, and indeed the public at large, than combating impunity and ensuring that those responsible for assassinations and other crimes are identified, apprehended and brought to justice, and *urges* the authorities to take firm action to this end;
6. *Requests the Secretary General* to convey this resolution to the authorities, inviting them to keep the Committee informed of the investigation;
7. *Requests the Committee* to continue examining this case and report to it at its next session, to be held on the occasion of the 122nd IPU Assembly (March-April 2010).

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

***Resolution adopted unanimously by the IPU Governing Council at its 185th session
(Geneva, 21 October 2009)***

The Governing Council of the Inter-Parliamentary Union,

Referring to the case of Mr. Nadarajah Raviraj, a member of the Parliament of Sri Lanka who was assassinated on 10 November 2006, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/185/11(b)-R.1), and to the resolution adopted at its 184th session (April 2009); *referring also* to the report on the on-site mission to Sri Lanka carried out by the Committee in February 2008 (CL/183/12(b)-R.2,

Noting that the Committee met with Mr. Mahinda Samarasinghe, Minister for Disaster Management and Human Rights during the 121st IPU Assembly,

Recalling that Mr. Raviraj, a member of the Tamil National Alliance, was shot dead in Colombo in the morning of 10 November 2006 along with his security officer while travelling in his vehicle along a main road in Colombo; two suspects were arrested and interrogated in this case and, according to the police progress report forwarded in August 2008, were subsequently released on bail; arrest warrants have been issued for two other persons suspected of having aided and abetted the commission of the murder,

Recalling further that the police progress report forwarded in April 2009 reiterates essentially the information provided in August 2008, namely that two main suspects and two other suspected accomplices were identified; according to the report they are strongly suspected of having gone to the areas then controlled by the Liberation Tigers of Tamil Eelam (LTTE); *considering* that the same information is contained in the progress report forwarded by the Sri Lankan delegation to the 121st IPU Assembly; *noting* that, according to Mr. Samarasinghe, the case will be called again in court on 20 January 2010,

Considering that the above report mentions that a team from Scotland Yard which arrived in Sri Lanka on 4 January 2007 conducted investigations and recommended that further tests be carried out; *noting also* that the report mentions President Rajapakse's request to include the case of Mr. Raviraj in the mandate of the Commission of Inquiry which he instituted in November 2006, but fails to mention that the Commission has de facto ceased to function and has never investigated the case of Mr. Raviraj,

Recalling that, at the meeting held during the 120th IPU Assembly (April 2009), the Sri Lankan delegation stated that about only 20km² were still under the control of the LTTE, the Sri Lankan Army being in control of the rest, and that, in the delegation's view, this would also make it easier for the authorities to apprehend suspects who have fled to LTTE-controlled areas; *noting* that the Sri Lankan army defeated the LTTE and is now in control of the entire State territory and that Mr. Samarasinghe also expressed the view that this would make it easier to apprehend the suspects in this case; that he undertook to check the identity of the suspects against the names of the Internally Displaced Persons (IDPs) in the camps,

1. *Thanks* the Minister for Disaster Management and Human Rights for the information provided and for his cooperation;
2. *Deeply regrets* that no further progress has been made in this case, which has thus remained unpunished; *regrets* in particular that there is no indication in the latest progress report of any investigative action taken and that reference is made to the work of the Commission of Inquiry, which has never investigated this case;
3. *Would appreciate* being kept informed of the efforts made to establish the truth in this case, in particular the outcome of the court hearing scheduled for 20 January 2010, and *wishes to ascertain* in this respect whether the tests recommended by Scotland Yard were indeed conducted; *also reiterates its wish* to know the identity of the persons at present suspected of involvement in the crime and whether or not the investigative authorities have ever taken account of the information and evidence gathered by non-governmental organizations, in particular University Teachers for Human Rights, regarding the murder of Mr. Raviraj;
4. *Reaffirms* the conclusion of the mission report that there can be no better deterrent for violence targeting members of parliament, and indeed the public at large, than combating impunity and ensuring that those responsible for assassinations and other crimes are identified, apprehended and brought to justice, and *urges* the authorities to take firm action to this end;
5. *Requests* the Secretary General to convey this resolution to the authorities, inviting them once again to provide the requested information;
6. *Requests* the Committee to continue examining this case and report to it at its next session, to be held on the occasion of the 122nd IPU Assembly (March-April 2010).

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

***Resolution adopted unanimously by the IPU Governing Council at its 185th session
(Geneva, 21 October 2009)***

The Governing Council of the Inter-Parliamentary Union,

Referring to the case of Mr. Thiyagarajah Maheswaran, a member of the Parliament of Sri Lanka who was assassinated on 1 January 2008, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/185/11(b)-R.1), and to the resolution adopted at its 184th session (April 2009),

Referring also to the report on the mission to Sri Lanka carried out by the Committee in February 2008 (CL/183/12(b)-R.2),

Noting that the Committee met with Mr. Mahinda Samarasinghe, Minister for Disaster Management and Human Rights during the 121st IPU Assembly,

Recalling the following information on file:

- Mr. Maheswaran voted against the budget on 14 December 2007 and soon after the vote the number of security guards assigned to him was cut from 18 to two; he had openly made several statements in and outside parliament to the effect that the reduction of his security detail put his life seriously at risk and had made repeated requests to the Government to enhance his security, to no avail; on 1 January 2008, while attending a religious ceremony in a Hindu temple in Colombo, he was shot and later died in a Colombo hospital; the attack came after he had stated in a television interview that, at the resumption of parliamentary sittings on 8 January 2008, he would describe in detail the terror campaign that the Government was pursuing in Jaffna, particularly how abductions and killings were managed;
- The authorities arrested Johnson Colin Valentirio alias "Wasantha", from Jaffna, who had been identified as the gunman on the strength of a DNA analysis; the investigators were able to conclude that the assailant was a Liberation Tigers of Tamil Eelam (LTTE) activist who had been specifically sent to Colombo to kill Mr. Maheswaran; a video recording of the presumed culprit's confession existed, and his parents confirmed that he was an LTTE member; according to the police progress report forwarded in August 2008, the Attorney General filed an indictment and the case was to be called on 19 August 2008; the police progress report of April 2009 merely repeated that information,

Considering that, according to the information provided by Mr. Samarasinghe and the police progress report forwarded by him, after the conclusion of the inquiry, the file was forwarded to the Attorney General for advice, favouring filing of indictment against the presumed assassin in the High Court of Colombo on charges of murder; the case was to be called on 16 October 2009 for the service of indictment and listing of the case for hearing,

1. *Thanks* the Minister for Disaster Management and Human Rights for the information provided and for his cooperation;
2. *Appreciates* the fact that the investigation has been completed so that an indictment can be issued; *wishes* to be kept informed of the trial proceedings;
3. *Reaffirms* the conclusion of the mission report that there can be no better deterrent for violence targeting members of parliament, and indeed the public at large, than combating impunity and ensuring that those responsible for assassinations and other crimes are identified, apprehended and brought to justice, and *urges* the authorities to take firm action to this end;
4. *Requests* the Secretary General to invite the authorities to keep the Committee informed of the trial proceedings;
5. *Requests* the Committee to continue examining this case and report to it at its next session, to be held on the occasion of the 122nd IPU Assembly (March-April 2010).

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

***Resolution adopted unanimously by the IPU Governing Council at its 185th session
(Geneva, 21 October 2009)***

The Governing Council of the Inter-Parliamentary Union,

Referring to the case of Mr. D.M. Dassanayake, Minister of Nation-Building and a member of the Parliament of Sri Lanka, who was assassinated on 8 January 2008, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/185/11(b)-R.1), and to the resolution adopted at its 184th session (April 2009),

Referring also to the report on the mission carried out by the Committee in February 2008 (CL/183/12(b)-R.2),

Noting that the Committee met with Mr. Mahinda Samarasinghe, Minister for Disaster Management and Human Rights during the 121st IPU Assembly,

Recalling that Mr. Dassanayake was killed, along with a bodyguard, in a roadside bomb attack in the town of Ja-Ela, north of Colombo, which also left 10 people wounded; although no one has claimed responsibility, the Liberation Tigers of Tamil Eelam (LTTE) are widely suspected of being behind the attack,

Recalling also that, according to the progress report forwarded by the parliament in August 2008, police inquiries led to the arrest on 10 June 2008 of a suspect with links to the LTTE, who divulged vital incriminating material relevant to Mr. Dassanayake's assassination; *noting* that, according to the information provided by Mr. Samarasinghe, the arrest of a key LTTE suspect operating in Colombo led to the arrest of other suspects whose revelations resulted in the recovery of the remote control device used to detonate the explosive device triggering the explosion which killed Mr. Dassanayake; that the investigation has since been completed and that the relevant file will be transmitted to the Attorney General to filing of indictment; the case was to be called in court on 14 October 2009,

1. *Thanks* the Minister for Disaster Management and Human Rights for the information provided and for his cooperation;
2. *Is pleased to note* that the investigation has been completed and *wishes* to be kept informed of the ensuing criminal proceedings;
3. *Reaffirms* the conclusion of the mission report that there can be no better deterrent for violence targeting members of parliament, and indeed the public at large, than combating impunity and ensuring that those responsible for assassinations and other crimes are identified, apprehended and brought to justice, and *urges* the authorities to take firm action to this end;
4. *Requests* the Secretary General to invite the authorities to keep the Committee informed of the proceedings;
5. *Requests* the Committee to continue examining this case and report to it at its next session, to be held on the occasion of the 122nd IPU Assembly (March-April 2010).

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

***Resolution adopted unanimously by the IPU Governing Council at its 185th session
(Geneva, 21 October 2009)***

The Governing Council of the Inter-Parliamentary Union,

Referring to the case of Mr. Kiddinan Sivanesan, a member of parliament for Jaffna belonging to the Tamil National Alliance (TNA), killed in a Claymore mine attack on 6 March 2008, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/185/11(b)-R.1), and to the resolution adopted at its 184th session (April 2009),

Referring also to the report on the mission to Sri Lanka carried out by the Committee in February 2008 (CL/183/12(b)-R.2),

Noting that the Committee met with Mr. Mahinda Samarasinghe, Minister for Disaster Management and Human Rights during the 121st Assembly,

Recalling the following:

- At the parliamentary session of 21 February 2008, which the Committee's delegation to Colombo attended, Mr. Sivanesan had raised a privilege issue regarding the fact that he had been intimidated by the "threatening deployment of dogs" by the security personnel who checked his vehicle at Madawachi while he was on his way to Colombo on Monday that week;
- Mr. Kiddinan Sivanesan was killed some two weeks later, on 6 March 2008, in a Claymore mine attack shortly after he had crossed into the Vanni region; his vehicle was targeted when he was returning to his residence in Mallawi after attending parliamentary sessions in Colombo; the attackers reportedly detonated four mines in a row; Mr. Sivanesan's driver was killed instantly and Mr. Sivanesan died of his injuries while being rushed to hospital; the Liberation Tigers of Tamil Eelam (LTTE) has claimed that the killing was the work of deep penetration units of the Sri Lankan military, an allegation denied by the military, who have blamed it on the LTTE;
- According to the police report forwarded on 1 April 2009, inquiries revealed that the attack occurred in Mallawi, an area unlawfully occupied by the LTTE and not accessible to the police; the claim by the LTTE that the killing had been carried out by the Sri Lankan forces was simply meant to discredit the Government; the attack had not been reported to the Jaffna or Vavuniya police and the police were unable to visit the area as it was under LTTE control,

Noting that the Committee's meeting with Mr. Samarasinghe revealed that the case has remained at a standstill; that, according to the progress report forwarded by him, the area then being unlawfully occupied by the LTTE, "the aggrieved party may have been in fear to make a complaint against the LTTE,

Considering that the war is over and that the area where Mr. Sivanesan was killed is now under government control, which means that an investigation can now be opened,

1. *Thanks* the Minister for Disaster Management and Human Rights for his cooperation;
2. *Earnestly hopes* that an investigation will now be opened, whether or not a complaint is filed regarding the killing of Mr. Sivanesan and his driver, and *would appreciate* being kept informed in this respect;
3. *Reaffirms* the conclusion of the mission report that there can be no better deterrent for violence targeting members of parliament, and indeed the public at large, than combating impunity and ensuring that those responsible for assassinations and other crimes are identified, apprehended and brought to justice, and *urges* the authorities to take firm action to this end;
4. *Requests* the Secretary General to invite the authorities to keep the Committee informed;
5. *Requests* the Committee to continue examining this case and report to it at its next session, to be held on the occasion of the 122nd IPU Assembly (March-April 2010).

CASE No. TK/55 - MEHMET SINÇAR - TURKEY

***Resolution adopted unanimously by the IPU Governing Council at its 185th session
(Geneva, 21 October 2009)***

The Governing Council of the Inter-Parliamentary Union,

Referring to the case of Mr. Mehmet Sinçar, a former member of the Grand National Assembly of Turkey, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/185/11(b)-R.1), and to the resolution adopted at its 184th session (April 2009),

Taking into account the letter of the President of the Turkish Inter-Parliamentary Group of 16 October 2009 and of the information provided by Mr. Sinçar's family on 10 August and 15 October 2009,

Recalling the following:

- Mr. Sinçar, of Kurdish origin, was a member of the Turkish Parliament elected in 1991, representing the south-eastern region of Turkey; he was shot dead at close range in September 1993 in Batman, where he had gone to attend the funeral of a member of the Democracy Party Bureau who had been assassinated in August 1993;
- In October 2006, the Turkish authorities reported that the persons initially suspected of the murder - members of a terrorist group - had all been acquitted for lack of evidence, except two persons who were at large;
- In January 2008, the President of the Turkish National Group reported that a criminal case regarding Mr. Sinçar's murder was pending before the 6th Assize Court of Diyarbakir. A hearing was scheduled for 21 February 2008 and another one for 8 May 2008. In his letter of 12 October 2008, the President of the Group reported that the indictment prepared by the Diyarbakir State Security Court dated 24 May 2000 (2000/59) contained no information about a complainant. The review of the investigation documents and documents pertaining to the legal proceedings showed that neither Mr. Sinçar's wife nor any other relative had been consulted as witnesses, that no notice was sent to Mrs. Sinçar, and that neither she nor any other relative had been informed of the proceedings or applied as "intervener" (civil party);
- In his letter of 6 April 2009, the President of the Group reported that, according to information supplied by the Ministry of Justice, Diyarbakir 6th Assize Court requested from the Court of Kiziltepe where Mr. Sinçar's family resides (his wife and three sons) to call them to be heard about the case. However, as at 12 March 2009, there had been no response from them,

Considering that the family reported that they had never received any summons to appear before court, which information was confirmed by the President of the Turkish Inter-Parliamentary Group, who in his most recent letter reported that the decision of the 6th Diyarbakir Assize Court dated 6 February 2009, ordering the First Instance Court of Kiziltepe to invite the registered members of Mehmet Sinçar's family in order to hear whether or not they wished to intervene in the case, has not yet been implemented,

1. *Thanks* the President of the Turkish Inter-Parliamentary Group for his letter and for his cooperation;
2. *Reiterates* its wish to receive the requested information on the proceedings pending before Diyarbakir Court in this case, especially regarding the identity of suspects, if any, their motives and the outcome of the hearings held so far;
3. *Trusts* that Mr. Sinçar's family members will now be contacted by the Court without further delay as their testimony may help advance the proceedings;
4. *Requests* the Secretary General to inform the authorities and Mr. Sinçar's family accordingly;
5. *Requests* the Committee to continue examining this case and report to it at its next session, to be held on the occasion of the 122nd IPU Assembly (March-April 2010).

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

***Resolution adopted by consensus by the IPU Governing Council at its 185th session⁴
(Geneva, 21 October 2009)***

The Governing Council of the Inter-Parliamentary Union,

Referring to the case of Mr. Roy Bennett, Mr. Job Sikhala, Mr. Tendai Biti, Mr. Paul Madzore and Mr. Nelson Chamisa, opposition members of the Parliament of Zimbabwe at the time of the submission of the complaint, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/185/11(b)-R.1), and to the resolution adopted at its 184th session (April 2009),

Recalling the following:

- The persons in question were members of parliament in the 2000-2005 period; while Job Sikhala did not stand in the 2005 elections and Roy Bennett was prevented from standing, Mr. Madzore, Mr. Biti and Mr. Chamisa were re-elected; Mr. Biti was rearrested on 12 June 2008 and charged with treason; the charge was dropped after he was appointed Minister of Finance in the Government of National Unity formed in February 2009; Mr. Chamisa was appointed Minister of Telecommunications and Information Technology in the Unity Government; as to Roy Bennett, he was nominated for the position of Deputy Minister of Agriculture;
- Mr. Sikhala and Mr. Madzore were tortured in January 2003 and March 2007 respectively; their torturers, although their identity is known or would be easy to establish, have to date not been brought to justice; Mr. Biti and Mr. Chamisa, together with many others who were attending a prayer meeting, were severely beaten by the police in March 2007 and, furthermore, Mr. Chamisa was badly injured in an attack on him later in the same month;
- Mr. Bennett and his family were the target of persistent harassment between 2002 and 2006; in October 2004, parliament sentenced him to one year in prison for having, in May 2004, pushed a Minister during a parliamentary debate and he served the sentence until his release in June 2005; Mr. Bennett was finally led to leave the country in 2006 for fear of his life and he was therefore unable to participate in the 2008 elections; upon his return to Zimbabwe, he was arrested on 13 February 2009 and first charged under the Immigration Act and, when the charge was dropped, a charge of treason was brought against him, which was also dismissed; he was finally charged under the Public Order and Security Act for allegedly possessing weaponry with the intention of using it for acts of banditry, sabotage or terrorism; he was granted bail and released on 12 March 2009,

Considering that Mr. Bennett was rearrested on 14 October 2009 and that his case was due to be heard on 19 October 2009,

Considering also that Mr. Paul Madzore filed a lawsuit against the Government claiming compensation for the prejudice he suffered during his detention and torture; that, however, the case seems to be at a standstill,

Recalling that at the hearing the Committee held with him during the 120th Assembly (April 2009), the Speaker of the House of Assembly stated that the parliament was concerned about human rights abuses and that the new political dispensation gave hope that there would be fairness and justice, and undertook to look into these cases and provide relevant information,

⁴ The delegation of Zimbabwe expressed its reservation regarding the resolution.

1. *Expresses deep concern* at Mr. Bennett's rearrest and the charges brought against him; *requests* the Secretary General to consider the possibility of sending an international observer to the proceedings;
2. *Remains deeply concerned* at the continuing impunity of the State officials responsible for the attacks on Mr. Biti and Mr. Chamisa, and the torture of Mr. Sikhala and Mr. Madzore; *can only reaffirm* that such impunity is highly detrimental to the rule of law and respect for human rights in the country and is bound to encourage the repetition of crime, which is all the more serious in the case of State officials being responsible for such crimes; *also expresses deep concern* that Mr. Madzore's compensation lawsuit is not advancing and *wishes* to receive detailed information on the proceedings;
3. *Affirms* that the parliament has a duty and has the competence, as part of its oversight function, to ensure that the rights of all its members are respected, and *urges* the House of Assembly to make every effort to ensure that the perpetrators of these crimes are identified and brought to justice and that the victims are paid due compensation; *requests* the Secretary General to share the information it has on file regarding the torture cases with the competent United Nations human rights mechanisms;
4. *Requests* the Secretary General to convey this resolution to the competent authorities and to the source;
5. *Requests* the Committee to continue examining this case and report to it at its next session, to be held on the occasion of the 122nd IPU Assembly (April 2010).