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107th Inter-Parliamentary Conference

The proceedings of the 107th Inter-Parliamentary Conference began at the *Palais des Congrès* of Marrakech on the morning of Monday, 18 March with the election by acclamation of Mr. Abdelwahed Radi, President of the House of Representatives of Morocco, as President of the Conference.

In the morning of Tuesday, 19 March, during the General Debate on the political, economic and social situation in the world, the Conference heard an address by the Moroccan Prime Minister, Mr. Abderrahman Youssoufi, which was delivered by Mr. Mohamed Bouzoubaa, Minister in charge of Relations with Parliament.

The Prime Minister emphasised the need to strengthen the multilateral system by establishing and consolidating international rules accepted by all, particularly in the trade, monetary and environmental fields. As a quasi universal institution, the Inter-Parliamentary Union had a vocation to contribute to a more human and less exclusive form of globalisation that showed greater respect for the plurality of lifestyles and cultures. He said that because it was a prestigious multilateral political forum, the Inter-Parliamentary Union had to work in conformity with the spirit of its founders to promote peace, particularly in the Middle East, on the basis of international law and the relevant United Nations resolutions.

During the same sitting, the Conference heard an address by the Director-General of the United Nations Educational, Scientific and Cultural Organization (UNESCO), Mr. Koichiro Matsuura. He emphasised the fact that for some globalisation threatened cultural standardisation and domination; for others it threatened to accelerate the demise of local cultures and indigenous languages. He said that lawmakers had a vital role to play in improving inter-cultural dialogue and underlined the importance of cooperation between the Inter-Parliamentary Union and UNESCO.

1. Inaugural Ceremony

The 107th Inter-Parliamentary Conference was inaugurated on 17 March at a ceremony in the *Palais des Congrès* in the presence of His Majesty King Mohamed VI. Inaugural addresses were delivered by Mr. Abdelwahed Radi, President of the House of Representatives of Morocco, Mr. Ruud Lubbers, Representative of the Secretary-General of the

United Nations and UN High Commissioner for Refugees, and Dr. Najma Heptulla, President of the Council of the Inter-Parliamentary Union. The ceremony concluded with an address by the King, who declared the 107th Conference of the Inter-Parliamentary Union officially open.

2. Participation

Delegations of the Parliaments of the following 126 countries took part in the work of the Conference¹: Albania, Algeria, Andorra, Angola, Argentina, Armenia, Australia, Austria, Bangladesh, Belarus, Belgium, Benin, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Bulgaria, Burkina Faso, Burundi, Cambodia, Cameroon, Canada, Cape Verde, Chile, China, Colombia, Congo, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Denmark, Djibouti, Ecuador, Egypt, El Salvador, Estonia, Ethiopia, Finland, France, Gabon, Georgia, Germany, Ghana, Greece, Guatemala, Guinea, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Israel, Italy, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Lao People's Democratic Republic, Latvia, Lebanon, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Malawi, Malaysia, Mali, Malta, Mauritania, Mexico, Monaco, Mongolia, Morocco, Mozambique, Namibia, Nepal, Netherlands, New Zealand, Niger, Nigeria, Norway, Panama, Peru, Philippines, Poland, Portugal, Republic of Korea, Romania, Russian Federation, Rwanda, Samoa, San Marino, Sao Tome and Principe, Senegal, Singapore, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Sudan, Suriname, Sweden, Switzerland, Syrian Arab Republic, Tajikistan, Thailand, The former Yugoslav Republic of Macedonia, Togo, Tunisia, Turkey, Uganda, Ukraine, United Kingdom, Uruguay, Venezuela, Viet Nam, Yemen, Yugoslavia, Zambia.

The following Associate Members also took part in the Conference: the Andean Parliament, the Central American Parliament, the European Parliament, the Latin American Parliament, and the Parliamentary Assembly of the Council of Europe.

The observers included representatives of: (i) Palestine; (ii) United Nations system: United Nations, United Nations High Commissioner for Refugees (UNHCR), United Nations Development

¹ For the complete list of IPU membership, see page 20.

Programme (UNDP), United Nations Framework Convention on Climate Change (UNFCCC), United Nations Children's Fund (UNICEF), United Nations Volunteers (UNV), Food and Agriculture Organization (FAO), International Labour Organization (ILO), United Nations Educational, Scientific and Cultural Organization (UNESCO), as well as the World Bank, and the International Monetary Fund (IMF); (iii) League of Arab States, African Union, African Parliamentary Union (APU), Amazonian Parliament, Arab Inter-Parliamentary Union, Assembly of the Western European Union (WEU), Association of Asian Parliamentarians for Peace (AAPP), Association of European Parliamentarians for Africa (AWEPA), Maghreb Consultative Council, Nordic Council, Parliamentary Assembly of the Black Sea Economic Cooperation (PABSEC), Parliamentary Assembly of the OSCE, Parliamentary Assembly of the Union of Belarus and the Russian Federation, Parliament of the Economic Community of West African States (ECOWAS), Parliamentary Assembly for Euro-Arab Cooperation (PAEAC), Parliamentary Union of the OIC States (PUOICM), Southern African Development Community Parliamentary Forum (SADC); (iv) Amnesty International, International Committee of the Red Cross (ICRC), the International Federation of Red Cross and Red Crescent Societies.

Of the total of 1349 delegates who attended the Conference, 663 were members of national parliaments. The parliamentarians included 46 presiding officers of parliament, 34 deputy presiding officers and 152 women parliamentarians (23 %).

3. Choice of a Supplementary Item

The Conference had before it ten requests for the inclusion of a supplementary item which were presented within the statutory deadline by the delegations of Cuba, Egypt, Germany (supported by Belgium, Canada, Denmark, France, Hungary, Norway and the United Kingdom), India, the Islamic Republic of Iran, Iraq, Israel, Italy, Kuwait and South Africa.

At the beginning of the consideration of the item, the President announced that the delegations of Egypt, Germany, India, and the Islamic Republic of Iran had agreed to merge their proposals and present their subject under the following wording: *Terrorism – a threat to democracy, human rights and civil society: the contribution of parliaments to combating international terrorism and addressing its causes in order to maintain international peace and security.*

The President also informed the Conference that the delegations of Cuba, Israel, Italy, Kuwait and South Africa had withdrawn their proposals in support of the new wording on the question of terrorism.

Two proposals remained for consideration by the Conference. The President gave the floor to the delegation of Iraq, which after making a statement on its proposal, withdrew it.

After consulting the Conference, the President declared the newly worded proposal on terrorism adopted unanimously.

4. Choice of an Emergency Supplementary Item

The Conference had before it a proposal submitted by the delegation of Morocco entitled: *The role of Parliaments in supporting implementation of resolution 1397 adopted by the United Nations Security Council on 12 March 2002 and particularly the paragraph in which the Council expresses its attachment to "a vision of a region in which two States, Israel and Palestine, live side by side within secure and recognised borders."*

The Conference decided by consensus on Tuesday, 19 March, to include this item on its agenda. After its inclusion, the delegation of the Syrian Arab Republic expressed its reservations on this item as the wording referred only to Resolution 1397 of the United Nations Security Council.

5. Proceedings and Decisions of the Conference and its Study Committees

(a) General Debate on the political, economic and social situation in the world (Item 3)

The General Debate on the political, economic and social situation in the world took place on the morning and afternoon of Monday, 18 March, on the morning of Tuesday, 19 March, on the afternoon of Wednesday, 20 March and on the morning of Thursday, 21 March. A total of 135 speakers from 124 delegations took part in the debate, which was chaired by the President of the Conference. During the various sittings, the President invited the Vice-Presidents from the delegations of Algeria, Angola, Chile, China, Tunisia, Uganda, and the United Kingdom to replace him in the chair.

(b) The role of parliaments in developing public policy in an era of globalisation, multilateral institutions and international trade agreements
(Item 4)

This item was considered on 19 and 21 March by the First Study Committee (Political Questions, International Security and Disarmament), that met in two sittings with its President, Mr. A.H. Hanadzlah (Malaysia), in the chair. The Committee had before it 11 memoranda submitted by the delegations of Argentina, Canada, Chile, Congo, Egypt, France, Hungary, Russian Federation, Sudan, Tunisia and the Parliamentary Assembly of the Council of Europe. The Committee also had before it 19 draft resolutions submitted by the delegations of Algeria, Argentina, Canada, Chile, Congo, Cuba, Egypt, France, Germany, Guatemala, Indonesia, Iraq, Philippines, Republic of Korea, Sudan, Switzerland, United Kingdom, and by the Parliamentary Assembly of the Council of Europe and the Meeting of Women Parliamentarians.

A total of 69 speakers from 55 countries took the floor in the two sessions. The meeting also heard statements from representatives of the European Parliament and the World Bank. The Committee subsequently appointed a drafting committee composed of representatives from Canada, Colombia, Egypt, France, Indonesia, Mexico, Nigeria, Republic of Korea, South Africa and Switzerland.

The drafting committee, after electing Ms. C. September (South Africa) as chairperson and Mr. D. Oliver (Canada) as rapporteur, met throughout the day on 20 March. It used the draft resolution prepared by the delegation of Indonesia as the basis for its deliberations but also drew extensively on many of the other texts before it and on the proposals and ideas put forward during the debate in Committee. The consolidated draft was adopted by consensus.

On 21 March, the Committee reviewed the draft resolution paragraph by paragraph. Five amendments were put forward by the representatives of Canada, Italy, Japan and the United Kingdom. Four were accepted without a vote and one was rejected after a vote.

On the afternoon of 22 March, Mr. Oliver submitted the First Committee's draft resolution to the Conference. The resolution was adopted by consensus (see page 21 for the text of the resolution). After its adoption, a member of the delegation of Iceland stated that his delegation

joined the consensus but regretted what it perceived as a negative tone with regard to globalisation.

(c) Ten years after Rio: Global degradation of the environment and parliamentary support for the Kyoto Protocol (Item 5)

This item was considered on 20 and 22 March by the Fourth Study Committee (Committee on Education, Science, Culture and Environment), which met with its President, Mr. J.A. Coloma (Chile) in the chair. The Committee had before it 14 memoranda submitted by the delegations of the following countries: Argentina, Benin, Canada, Chile, Congo, Egypt, Hungary, Iraq, Japan, Morocco, Russian Federation, Sudan and Tunisia and by the Parliamentary Assembly of the Council of Europe; three information documents presented by the Secretariat of the United Nations Framework Convention on Climate Change (UNFCCC), United Nations Volunteers (UNV) and the United Nations Environment Programme (UNEP); and 20 draft resolutions submitted by the delegations of the parliaments of the following countries: Algeria, Argentina, Chile, Cuba, Egypt, France, Germany, Guatemala, Hungary, Indonesia, Iraq, Japan, Philippines, Republic of Korea, Sudan, United Kingdom, Uruguay and Venezuela and by the Meeting of Women Parliamentarians and the Parliamentary Assembly of the Council of Europe.

A total of 72 speakers from 64 countries and three observers participated in the debate that took place on the morning and afternoon of 20 March. During the debate, the Committee appointed a drafting committee comprising representatives of the parliaments of the following ten countries: Egypt, Gabon, Germany, Iran, Japan, Malaysia, New Zealand, United Kingdom, Uruguay and Venezuela. At the invitation of the Committee President, representatives of the Secretariat of the Framework Convention on Climate Change, United Nations Volunteers, the United Nations Development Programme and UNESCO participated in the work of the drafting committee as advisors.

After electing Ms. M. Ganseforth (Germany) as chairperson and Ms. F. Al-Refaie (Egypt) as rapporteur, the drafting committee met on 21 March. It took the draft resolution submitted by the delegation of the United Kingdom as a basis for its work but also drew extensively on the other texts before it and on the proposals and ideas put forward during the debate in the Committee plenary. The resulting consolidated draft was adopted following two votes on amendments.

On the morning of 22 March, the Fourth Committee examined the text submitted to it by the drafting committee and made various additions and amendments. Following a vote, two amendments, the former to delete a specific reference to the United States of America and the latter to delete a paragraph relating to the link between population and sustainable development, were rejected. The Committee then adopted the draft resolution as a whole.

On the afternoon of 22 March, Ms. F. Al-Refaie (Egypt) submitted the Fourth Committee's draft resolution to the 107th Conference, which adopted it by consensus following the rejection of an amendment to delete a specific reference to the United States of America (see page 23 for the text of the resolution and page 27 for the results of the roll-call vote).

- (d) Terrorism – a threat to democracy, human rights and civil society: the contribution of parliaments to combating international terrorism and addressing its causes in order to maintain international peace and security (Item 6)

Having decided to add this item to its agenda as a supplementary item, the Conference referred it to the First Study Committee (Political Questions, International Security and Disarmament).

The Committee held two sittings on 20 March and 22 March with its President, Mr. A.H. Hanadzlah (Malaysia), in the chair. He was assisted by the two Vice-Presidents of the Committee, Mr. A. Ogunlewe (Nigeria) and Ms. E. Papadimitriou (Greece). The Committee had before it ten draft resolutions submitted by Cuba, Germany, Guatemala, India, Islamic Republic of Iran, Kuwait, Philippines, Romania, Switzerland and the Meeting of Women Parliamentarians. It also had before it two information documents submitted by the United Nations Security Council Counter-Terrorism Committee and the United Nations Office of Drug Control and Crime Prevention.

During the debate on the item at the Committee's sitting of 20 March, 47 speakers took the floor. The Committee then appointed a drafting committee comprising representatives of parliaments of the following countries: Algeria, Argentina, Côte d'Ivoire, Cuba, Egypt, France, Germany, India, Islamic Republic of Iran and Romania. At the beginning of its work on 21 March, the drafting committee elected Ms. A. Koester-Lossack (Germany) as chairperson and Ms. M. Alva (India) as rapporteur. It

took the draft resolution submitted by Germany as a basis for its work. It then supplemented the draft with parts of the other draft resolutions as well as proposals put forward by members of the drafting committee. The resulting draft was then adopted unanimously.

On the morning of 22 March, the First Committee examined the text, introducing several amendments proposed by members.

On the afternoon of 22 March, the Conference adopted the resolution by consensus. Following the adoption of the resolution by the Conference, the delegation of Israel expressed a reservation to the reference, in preambular paragraph 4, to the word 'State'. It also expressed a reservation to the reference, in operative paragraph 8, to "*putting an end to occupation*" (see page 28 for the text of the resolution).

- (e) The role of Parliaments in supporting implementation of Resolution 1397 adopted by the United Nations Security Council on 12 March 2002 and particularly the paragraph in which the Council expresses its attachment to "a vision of a region in which two States, Israel and Palestine, live side by side within secure and recognised borders". (Item 7)

On Tuesday 19 March, the Conference decided to include this topic in its agenda under an emergency supplementary item. It then decided to refer it to a drafting committee set up by the Conference Steering Committee.

The Steering Committee appointed Mr. E. Gudfinnsson (Iceland), President of the Third Study Committee, as chairman of a drafting committee composed of a representative of the delegation of Israel, a representative of the delegation of Palestine and a representative of each geopolitical group (Belarus, Egypt, France, Mexico, Morocco, Thailand). The Committee met during the morning of 20 March to prepare a draft resolution.

The draft resolution was adopted by consensus by the Conference at its closing sitting on 22 March. After adoption, the delegations of Lebanon and the Syrian Arab Republic announced that they could not join the consensus, while the delegation of the Islamic Republic of Iran expressed reservations on those elements of the text which might be construed to imply recognition of Israel (see page 31 for the text of the resolution).

170th session of the Council of the Inter-Parliamentary Union

The Council of the Inter-Parliamentary Union held its 170th session at the Marrakech *Palais des Congrès* on 18, 19, 21 and 23 March 2002. The first three sittings were chaired by the President of the Council, Dr. N. Heptulla. In the absence of the President, the last sitting was chaired by the Vice-President of the Executive Committee, Mr. M. Tjitendero.

The sitting on 19 March was devoted to a debate on reform of the IPU. The debate continued at the sitting of 23 March.

The Council noted the written and oral reports by Dr. Heptulla on her activities and meetings since the end of the 169th session in September 2001. The Council also noted an oral report by the President on the activities of the Executive Committee during its 236th (Geneva) session and by the Vice-President on the 237th (Marrakech) session (see page 11). Moreover, the Council noted the written report of the Secretary General on the activities of the Union in 2001.

At its sitting on 23 March, the Council paid a tribute to the Assistant Secretary General, Ms. Christine Pintat, who would shortly be leaving the Secretariat, for her long-standing and invaluable contribution to the furtherance of the mission of the Inter-Parliamentary Union.

1. Membership of the Union

The Council did not receive any requests for affiliation or reaffiliation to the Union. It noted with concern that five Members fell under the terms of Article 4.2 of the Statutes and would face suspension at the 171st session of the Council in September 2002 if there were no change in their respective situations in the intervening period.

2. Financial results for 2001

The Council had before it the financial results of the Union for 2001 and the report of the External Auditor. It heard the report by its own Auditors, Mr. O.R. Rodgers (Suriname) and Mr. N. Enkhbold (Mongolia), presented by the latter. Several delegations commended the Secretary General's efforts to reduce spending, as pointed out by the External Auditor, while urging the Secretariat to broaden such actions, taking into account the

delicate financial situation of the Union. The Secretary General informed the Council that efforts were under way to overhaul the Union's financial administration system in order to address some of the concerns raised by the External and Internal Auditors. Having noted all the clarifications offered by the Secretary General, the Council approved the Union's accounts for 2001 and the Secretary General's financial administration for that year.

3. Reform of the Inter-Parliamentary Union

The IPU has been involved in an active reform process ever since the reform debate was initiated by the Executive Committee in Amman in April 2000. In Marrakech, the Council held a special debate on reform in order to build on the latest detailed report submitted to it by the Executive Committee. The Council was keenly aware that the future of the organisation depended on its efforts to make the Union more relevant on the international scene and more responsive to the calls for parliamentary involvement in multilateral issues, and it showed a clear intent to steer it in that direction.

The two Executive Committee co-rapporteurs on reform are Mr. M. Tjitendeo (Namibia) and Mr. G. Versnick (Belgium). At the opening of the debate, Mr. Tjitendero made an impassioned plea to the members to help build an organisation that was more relevant in the modern world and consequently more respected in the intergovernmental fora to which it sought to provide a parliamentary dimension. He also dwelt on the need to ensure that its debates and work involved the members of parliament who were active in the corresponding issues in their own parliaments.

Mr. Versnick then gave a detailed presentation of the IPU as it had evolved over the years and of its intended future structures, with particular emphasis on financial aspects.

There followed a debate in which 40 speakers took the floor and from which a consensus emerged on the need for a reformed IPU, although opinions diverged on certain aspects. The debate will be resumed at the September session of the Council.

4. Construction of New Headquarters for the Union

The Council received a progress report on the project from which it noted that the first instalments of the SF 9.5 million loan granted by the Federal Government of Switzerland for the construction of the Union's headquarters, amounting to SF 2.5 million, had been received in 2001. The Secretary General also informed the Council that investments in the new headquarters in 2001 were in the order of SF 750,000. The Council also learned that fundraising efforts were being conducted in order to finance a portion of the costs of the new building and that several parliaments had showed interest in funding specific projects within the construction project. The Secretary General also told the Council that under-spending could be expected on the total budget approved and that the probable date for inauguration of the building would be in December 2002, several months earlier than previously forecast.

5. Cooperation with the United Nations system

The Council approved the general approach and operational details of the Inter-Parliamentary Union's contribution to the work of the United Nations (see page 32). The Council discussed and approved the draft resolution (see page 34) entitled "*Cooperation between the United Nations and the Inter-Parliamentary Union*" which it hoped would be adopted by the 57th session of the United Nations General Assembly. Member parliaments were encouraged to discuss its contents with their foreign ministries to obtain support for its adoption. The tabling of the draft resolution should, however, await the Council's next session in September 2002.

The Council took note of the Secretary General's report on follow-up to the resolution which it adopted in Havana on *Support for the United Nations International Year of Volunteers: 2001*, and the recommendations included on further cooperation with the UN Volunteers and the International Federation of Red Cross and Red Crescent Societies (see page 35 for the text of the report).

6. Relations with Inter-Parliamentary Organisations, Assemblies and Networks

The Council considered a report on relations with inter-parliamentary associations, assemblies and networks, prepared by the Executive Committee with a view to forging a strategy to govern IPU relations with such bodies. The report was a response to the recent growth in their number, especially that of the informal networks. The

Council adopted a series of criteria that would apply when handling requests from such bodies for different kinds of collaborative ventures with the Union.

The criteria stipulated that the body should be a formal one, established on the basis of statutes and rules, which shared the objectives and working methods of the IPU. Such working methods should be transparent, and decision-making procedures should involve the entire membership. The body's core funding should come from public sources. The applicant bodies must demonstrate that the activity they were proposing was complementary to the Inter-Parliamentary Union and could not be performed without a collaborative agreement being reached. The implementation of the activity should always ultimately serve the statutory objectives of the Inter-Parliamentary Union.

7. Strengthening Democracy and Parliamentary Institutions

The Council took note of developments in the Union's Programme for the Study and Promotion of Representative Institutions. It noted that the Union was implementing some 11 projects in 10 parliaments intended to strengthen the capacity of the parliaments concerned. The projects, many of which covered several years, were worth some US\$3.3 million.

The Council also took note of efforts to mobilise resources for the establishment of a Parliamentary Resource Centre at IPU Headquarters, using modern information technology.

The Council also took note that the Secretary General, in conformity with the mandate entrusted to him by the governing bodies in Havana in 2001, had been able to secure resources from the United Nations Development Programme to fund a short-term consultant position in the Secretariat.

Finally, the Council was informed of the Secretary General's plans to design umbrella projects along the same lines as that concluded with the UNDP in 1998 and to approach donors for funding. These projects would include activities to strengthen the capacity of parliaments, promote gender partnership and enhance the role of parliament as guardian of human rights.

On learning that the Constituent Assembly of East Timor had adopted its Constitution, for which the IPU had provided technical assistance in the drafting phase, the Council decided to send a message of

congratulations to the Parliament and the people of East Timor (see page 40).

8. Recent Specialised Conferences and Meetings

The Council took note of the results of the Regional Seminar for French, Arabic and Portuguese speaking countries in Africa on "*Parliament and the budgetary process, including from the gender perspective*", which was held in Bamako (Mali) from 1 to 3 November 2001 at the invitation of the National Assembly of Mali. The Seminar, which was preceded by a three-day national seminar on the budget, had been organised in cooperation with the United Nations Development Programme (UNDP) under the IPU/UNDP parliamentary support programme to promote democracy and good governance. It also had support from the World Bank. The meeting included joint sessions for all categories of participants alongside parallel sessions, some of which were reserved for parliamentarians and others for parliamentary staff. Under the guidance of experts, it provided an opportunity for an exchange of views and experiences on the respective roles and functions of parliament and government in the budgetary process, parliamentary oversight and the need for responsibility and transparency in the budgetary process and ways of ensuring equity between men and women through the budget. At the close of proceedings, the participants unanimously adopted a document underscoring the main themes of the debates (see the IPU Web site www.ipu.org for the text of the report).

The Council also noted the results of the Parliamentary Meeting on the occasion of the Fourth WTO Ministerial Conference, held in Doha (Qatar) on 11 November 2001. Convened by the IPU and the European Parliament, the MPs present in Doha adopted a Declaration in which they proposed that the WTO's transparency be increased by associating parliaments more closely with its work. The Declaration also proposed the establishment of a steering group to prepare a conference on international trade, to be held in 2002, and which, among other objectives, would prepare options for the establishment of a parliamentary dimension for WTO.

Finally, the Council also took note of the results of the Conference on International Humanitarian Law for the Protection of Civilian Populations during Armed Conflict in Africa – the first of its kind in the region – held in Niamey from 18 to 20 February 2002, at the invitation of the National Assembly of

Niger. Organised by the African Parliamentary Union, and sponsored by the Inter-Parliamentary Union and the International Committee of the Red Cross, it benefited from the financial support of the Governments of Canada, Norway and Switzerland. After a lively debate, moderated by experts, the Conference unanimously adopted a Declaration summarising the views and commitments of the participants to implement IHL and International Refugee Law (see the text on the IPU Web site www.ipu.org). The preparatory committee, which had become the follow-up committee, then met on the 21 March during the Marrakech Conference (see page 15 on the Committee to Promote Respect for IHL).

9. Reports of Plenary Bodies and Subsidiary Committees

At its sitting on 21 March, the Council took note of the reports on the activities of the Committee for Sustainable Development and the Gender Partnership Group (see pages 14 and 17). The reports of the other plenary bodies and subsidiary committees, namely the Meeting of Women Parliamentarians, the Meeting of Representatives of Parties to the CSCM Process, the Committee on the Human Rights of Parliamentarians, the Committee on Middle East Questions, the Committee to Promote Respect for International Humanitarian Law, and the Group of Facilitators for Cyprus were taken at its sitting on 23 March.

The Council then proceeded to fill the vacant positions on the different bodies (see page 18).

When it approved the report of the Meeting of Women Parliamentarians, the Council also adopted a motion of support calling for a pardon for Ms. Safiya Husseini (Nigeria) who is under sentence of death by stoning for adultery (see page 47 for the text of the motion). The motion was passed to the delegation of Nigeria attending the Conference.

After hearing the report of the Committee on Middle East Questions, the Council heard statements by the representatives of Palestine, Israel and Egypt. Acting in his capacity as Committee President, Mr. Y. Tavernier (France) then accepted clarifications proposed by the representative of Egypt and the observer from Palestine. The Council subsequently noted the report and authorised expenditure for a mission by the Committee to Sharm-el-Sheikh to attend a meeting organised by the Speaker of the People's Assembly of Egypt, at the initiative of the President of the National Assembly of France.

When noting the report on the Meeting of Representatives of Parties to the CSCM Process, the Council also noted the request of the Parliament of Germany to be made an associate participant of the CSCM process, and the concern expressed that the reform proposals did not provide for the Meeting of Representatives to sit during the second statutory meeting of the year.

The Council approved the resolutions presented by the Committee on the Human Rights of Parliamentarians concerning 24 cases of human rights violations affecting 118 MPs or former MPs of 18 countries (see pages 52 to 92 for resolutions). The delegation of Malaysia expressed a reservation with respect to the resolution on Mr. Anwar Ibrahim, and in particular its paragraph 5. While expressing its appreciation for the work of the Committee, the delegation stated that Mr. Ibrahim's trial was being conducted in accordance with the law, and requested the Committee to review its position on the case. The resolution was nonetheless adopted without amendment.

10. Future Inter-Parliamentary Meetings

The Council approved the dates for the future Statutory Conferences to be held in Santiago de Chile and London. It also approved the list of future meetings and other activities (see page 48).

The Council adopted the modalities for its special session, to be held in Geneva in September 2002 (see page 50). The session will include a prior meeting of the Executive Committee and the Committee on the Human Rights of Parliamentarians. The three-day session will be divided into two parts, consisting of two sittings of the 171st session of the Council, and a special Council session, of four sittings, under the provisions of Article 17.2 of the Statutes. The special session will include a panel discussion on a theme relating to the subject of financing for development, to which the head of an international institution will be invited. The Council also appointed three co-rapporteurs, from Iceland, Thailand and South Africa, to prepare a report for the special session (see page 19 on Elections). The Council also approved a sitting of the Committee on Middle East Questions and a sitting of the Coordinating Committee of Women Parliamentarians.

237th Session of the Executive Committee

The Executive Committee held its 237th session in Marrakech on 14, 15, 16 and 21 March 2002. In the absence of the President, Dr. N. Heptulla, the first three meetings were chaired by the Vice-President of the Committee, Mr. M. Tjitendero (Namibia). Dr. Heptulla chaired the meeting on 21 March. The following members and substitutes took part in the session: Mr. M. Al-Saqer (Kuwait), Mr. N. Enkhbold (Mongolia), Ms. J. Fraser (Canada), Ms. P. Larsen (Denmark), Ms. G. Mahlangu (South Africa), Mr. J. Máspoli (Uruguay), substituting for Mr. W. Abdala, Mr. G. Nzouba-Ndama (Gabon), Mr. B. Ople (Philippines) who was substituted by Mr. J. de Venecia at the meeting on 21 March, Ms. Z. Ríos-Montt (Guatemala), Mr. Y. Tavernier (France) and Mr. G. Versnick (Belgium). Mr. I. Ostash (Ukraine) was unable to attend.

The proceedings of the Executive Committee were devoted to discussing and making recommendations on agenda items to be addressed by the Council (see page 8 on Council). The other matters considered by the Committee are summarised below.

The Committee examined a request for observer status from the International Association of Business and Parliament (IABP) and recommended that it be

turned down because the body was not sufficiently geographically representative.

It discussed a request for full membership status from the European Parliament and the Central American Parliament. The Committee considered that the time was not ripe to make any recommendation on the request from the former, while the latter did not have the requisite legislative powers. It also cautioned against the double representation of certain countries that would result from any favourable decision. It would, however, continue its examination of this question.

The Committee took note of a status report on the situation of the transitional parliaments of Angola, Burundi, Congo and Rwanda.

The Committee returned to the question of alternative sources of funding to the Union and instructed the Secretary General to prepare a set of guidelines that would govern the acceptance of such contributions.

The Committee noted an invitation from the Director-General of the World Trade Organization to a workshop in Geneva on 30 April 2002 on the role of parliamentarians in international trade negotiations. It appointed Mr. G. Versnick of Belgium to act as the IPU focal point for the event.

The Committee held a brief sitting on Saturday, 16 March, to meet the Bureau members of the Parliamentary Assembly of the Council of Europe to discuss avenues for closer cooperation between the

two organisations. At the same sitting, it also received a delegation from the Consultative Council of Saudi Arabia.

Meeting and Coordinating Committee of Women Parliamentarians

The Seventh Meeting of Women Parliamentarians took place on 17 March 2002 and brought together some 120 women and several men from the following 75 countries: Albania, Algeria, Andorra, Angola, Armenia, Australia, Belarus, Belgium, Bulgaria, Burkina Faso, Burundi, Cambodia, Canada, Chile, China, Côte d'Ivoire, Cuba, Cyprus, Czech Republic, Egypt, Estonia, Ethiopia, Finland, France, Gabon, Germany, Ghana, Greece, Guatemala, Hungary, Iceland, India, Iran (Islamic Republic of), Iraq, Israel, Italy, Japan, Jordan, Kazakhstan, Kenya, Libyan Arab Jamahiriya, Mali, Mexico, Monaco, Mongolia, Morocco, Mozambique, Namibia, Nepal, New Zealand, Nigeria, Norway, Poland, Republic of Korea, Romania, Russian Federation, Rwanda, San Marino, Slovakia, South Africa, Spain, Sri Lanka, Sudan, Suriname, Sweden, Switzerland, Tajikistan, Thailand, The former Yugoslav Republic of Macedonia, Togo, Tunisia, United Kingdom, Uruguay, Yugoslavia and Zambia. Observers from Palestine, the United Nations Volunteers, the League of Arab States, the Parliament of the Economic Community of West African States, and the Southern African Development Community Parliamentary Forum also attended the proceedings.

Following a brief opening speech by the Acting President of the Coordinating Committee, Ms. Z. Ríos-Montt (Guatemala), the President of the House of Representatives of Morocco, Mr. A. Radi, welcomed the participants. His address was followed by a speech delivered by the President of the Council of the Inter-Parliamentary Union, Dr. N. Heptulla, and a speech by the Minister for questions concerning the family, women, children and the disabled, Ms. N. Chekrouni.

The Meeting then elected Ms. B. Skalli (Morocco), as President, who briefly described the role played by Moroccan women in politics.

The Meeting subsequently heard the report on the work of the Coordinating Committee of Women Parliamentarians, presented by its second Vice-President, Ms. G. Mahlangu (South Africa) and took note of the positive evaluation of the achievements of the outgoing Committee members during their two year term.

In order to contribute to the work of the 107th Conference, participants had the following three themes on their agenda, which they debated in three working groups:

- *Promoting women's involvement and a gender perspective in multilateral negotiations* (Chair: Ms. Z. Ríos-Montt (Guatemala); Rapporteur: Ms. N. Djaaffar (Algeria))
- *Impact of environmental degradation on women and children* (Chair: Ms. G. Mahlangu (South Africa); Rapporteur: Ms. M. Alva (India))
- *Role of women parliamentarians in averting national and international terrorism and building peace* (Chair: Ms. J. Fraser (Canada); Rapporteur: Ms. M. Xavier (Uruguay))

The reports of the three working groups were subsequently presented in plenary and provided a basis for the draft resolutions which were submitted on behalf of the Meeting of Women Parliamentarians to the competent Conference Committees.

Mr. M. Tjitendero, Rapporteur of the IPU Gender Partnership Group, reported on the Group's work in Marrakech. His report raised much interest and elicited women's unanimous support for the Group's proposed amendments to the IPU Statutes (see page 43). Mr. Tjitendero also conveyed the Group's proposal to meet during the week with the Coordinating Committee of Women Parliamentarians for a joint discussion. This meeting took place on 18 March 2002 and led to agreement, in principle, on the proposals made by the Group. The Coordinating Committee also reiterated its concern that delegations to Council sessions be composed of men and women and that the Coordinating Committee members be included *ex officio* on the delegations.

Women parliamentarians also had a dialogue with the United Nations High Commissioner for Refugees, Mr. Ruud Lubbers (see page 18).

At the initiative of the delegate from Belgium, the Meeting unanimously adopted a motion of support for Ms Safiya Husseini of Nigeria (see page 47) .

Lastly, the Meeting of Women Parliamentarians expressed its gratitude to the IPU Assistant Secretary General, Ms. Christine Pintat, who would be leaving the Union, for her work, dynamism and long-standing support for the activities of women MPs.

The Coordinating Committee of Women Parliamentarians met on 17 and 22 March. The sitting of 17 March, chaired by Ms. Z. Ríos-Montt, Acting President of the Committee, served to prepare and facilitate the work of the Meeting of Women Parliamentarians.

At a special sitting on 22 March 2002, the Meeting elected new regional representatives to the Coordinating Committee. It also elected the new Committee President and Vice-Presidents (see page 19 for results). The newly elected Committee then met and assessed the results of the Marrakech

Meetings. It decided to add to the programme of the next Meeting of Women Parliamentarians to be held in Santiago (Chile) in 2003, a special segment for a dialogue between men and women parliamentarians on the theme "*The best ways to account for women's contribution to the economy and the general welfare of society, and to assess it at its full value*". This decision follows a recommendation in the report of the Gender Partnership Group.

Finally, taking into consideration a request expressed during the Panel on the Worst Forms of Child Labour (see page 45), the Coordinating Committee expressed the wish that a Panel on "*Trafficking in young girls*" be included in the programme of the 108th Inter-Parliamentary Conference.

Subsidiary Bodies and Committees of the Council of the Inter-Parliamentary Union

1. Meeting of Representatives of the Parties to the CSCM Process

The representatives of the parties to the process of the Inter-Parliamentary Conference on Security and Cooperation in the Mediterranean (CSCM) held their twentieth meeting in Marrakech on Wednesday, 20 March 2002, with Mr. M.A. El Hafidi Alaoui, First Vice-President of the Moroccan Chamber of Representatives, in the Chair. The session was attended by:

- Representatives of the following main participants: Algeria, France, Greece, Italy, Jordan, Lebanon, Malta, Monaco, Morocco, Portugal, Slovenia, Spain, Syrian Arab Republic, The former Yugoslav Republic of Macedonia, Tunisia and Turkey;
- Representatives of the following associate participants: (i) Russian Federation and United Kingdom; (ii) Palestine; and (iii) Arab Inter-Parliamentary Union and the Maghreb Consultative Council;
- Observers from the following parliaments: Bulgaria, Germany and Switzerland.

The session was preceded by a meeting of the Mediterranean Women Parliamentarians' Task Force chaired by Ms. A. Vassiliou (Cyprus), whose term as President of the Task Force was extended for a further two years. In that capacity, she is automatically a member of the Coordinating Committee.

The session was also preceded by a meeting of the CSCM Coordinating Committee, held on the previous day, with Mr. M. Vauzelle, Executive President of the French Group, in the Chair. It was attended by all members: the representatives of Algeria, Egypt, France, Italy, Malta, Morocco, Spain, Slovenia, Syrian Arab Republic, Tunisia and the representative of the Mediterranean Women Parliamentarians' Task Force.

At all the above meetings, discussions were dominated by serious concern over the Middle East situation. The representatives of the parties to the CSCM process instructed the President of the Coordinating Committee to consult with the President of the Committee on Middle East Questions on the possibility of a joint contribution to peace and security in the region. Depending on the results of the consultation, of which the participants wished to be informed as soon as possible, practical arrangements could be made at the next session.

The participants adopted an instrument on the establishment, in the long term, of a Parliamentary Assembly of Mediterranean States (see page 37). They again recognised, however, that politically speaking the time had not come to envisage the early establishment of such an assembly, in view of the situation in the Middle East. They agreed that discussions on prospects for establishing an assembly on the basis of the said instrument should continue in the future.

The participants agreed to continue to address implementation of the Final Document of the Third CSCM as an exhaustive and relevant working tool to consolidate Mediterranean partnership. They had before them seven memoranda on: *Co-development and partnership – the question of direct investment and the debt problem*. The memoranda had been prepared by Professor D. Khrouz of Morocco, and the delegations of Italy, Tunisia, Algeria, France, Malta, and The former Yugoslav Republic of Macedonia. After a brief exchange of views, they instructed the Italian delegate to prepare a summary of the memoranda, which will be sent out by the Secretary General as soon as possible with an invitation to comment on it. The participants were encouraged to bring the memoranda and the final version of the summary to the attention of their relevant parliamentary committees.

The participants reiterated their unanimous wish for longer and more frequent sessions than were feasible in the existing Inter-Parliamentary Conferences. In that connection, they expressed their concern about the proposed reforms of the Inter-Parliamentary Union which made no provision for a plenary CSCM meeting or even a Coordinating Committee meeting at the second annual session in Geneva. They asked for the matter to be reconsidered with a view to the reform providing for, at least, a session of the Coordinating Committee.

The participants agreed to the principle that, in future, CSCM activities outside IPU statutory meetings should be financed by a special budget of the parties to the CSCM process. In addition to more frequent meetings of the Conference proper on security and cooperation in the Mediterranean, they voiced a wish to meet to discuss issues of major interest to the Mediterranean, such as environment, migration, economic cooperation and debt.

Lastly, the parties to the process postponed taking a decision on a request from the Parliament of Germany to become an associate participant of the process. The Coordinating Committee wished to re-examine the criteria for granting such status before coming to a decision.

2. Committee on the Human Rights of Parliamentarians

The Committee held its 97th session from 17 to 22 March 2002 in Marrakech. The session was chaired by Mr. J.P. Letelier (Chile), President of the

Committee, with the participation of Ms. A. Clywd (United Kingdom) and Ms. V. Nedvedova (Czech Republic) as titular members and Mr. I. Cotler (Canada) in his capacity as substitute member.

The Committee held eight *in camera* meetings during which it studied 56 cases concerning 182 serving or former parliamentarians from 34 countries in all regions of the world. Taking advantage of the presence in Marrakech of delegations from several of the countries concerned, the Committee conducted 15 *in camera* hearings. In addition, the Committee asked its members individually to seek information from other delegations attending the 107th Conference regarding two cases before it.

The Committee examined nine new cases from six countries; after thoroughly examining the allegations and information submitted to it, it declared seven of them admissible. It decided to submit to the Council a report and recommendations on a total of 24 cases concerning 118 serving or former members of Parliament in the following 18 countries: Belarus, Burundi, Cambodia, Colombia, Ecuador, Gambia, Guinea, Honduras, Indonesia, Madagascar, Malaysia, Mongolia, Myanmar, Pakistan, Singapore, Sri Lanka, Turkey and Zimbabwe (see pages 52 to 92 for text of resolutions). The case of three Senators from Cambodia and that of seven MPs from Zimbabwe were presented to the Council for the first time. The Committee also brought to the attention of the Council for the first time the case of a former MP from Singapore, with a recommendation to close it on the same occasion. In one case concerning an MP from Sri Lanka, the Committee recommended to the Council that it return to its confidential procedure. The Committee also recommended that the Council close one case regarding a parliamentarian from Belarus and one regarding two parliamentarians from Burundi.

3. Committee for Sustainable Development

The Committee for Sustainable Development held two sittings which were attended by Committee members present at the 107th Conference. With Mr. P. Günter (Switzerland) in the Chair, Mr. G. Asvinvichit (Thailand) and Mr. T. Colman (United Kingdom), titular members, and Mr. M. Sani (Ethiopia), substitute member, it reviewed all activities relating to sustainable development which had been undertaken by the Inter-Parliamentary Union since the 106th Conference or would be carried out by the Union in 2002. The Committee first took note of the *Declaration on the role of*

members of parliament in addressing the linkages between poverty and sustainable development, particularly desertification, within the framework of the implementation of the United Nations Convention to Combat Desertification adopted at the fourth Round Table of Parliamentarians held on 4 and 5 October 2001 in Geneva, on the occasion of the fifth Conference of Parties to the Convention (COP-5).

With regard to the IPU's contribution to "World Food Summit: Five years later" (June 2002), the Committee recommended that the Council approve the holding of a Parliamentary Day on that occasion, it being understood that it would have no financial implications for the IPU, and it finalised the text of a parliamentary message to the Summit which it transmitted to the Council for approval.

As for the parliamentary contribution to the International Conference on Financing for Development (FfD) (Monterrey, Mexico, 18-22 March 2002), the Committee members took note that the Mexican Congress had held a Parliamentary Forum on 16 March in Mexico City before the opening of the Intergovernmental Conference. The IPU contribution to the Parliamentary Forum took the form of a declaration read in Marrakech by the Vice-President of the IPU Executive Committee and broadcast live to the Forum in Mexico. After stressing the importance of the FfD Conference to future development efforts, the Committee recommended that the Special Session of the IPU Council to be held in Geneva next September focus on follow-up to the Monterrey Conference, in particular the debt issue.

The Committee took note of the preparations for the Parliamentary Day to be hosted on 9 April 2002, in Madrid, by the Spanish Parliament with the assistance of the IPU on the occasion of the Second World Assembly on Ageing. It reviewed the draft statement prepared by the IPU Secretariat for the Parliamentary Day and finalised the text.

Finally, with regard to the World Summit on Sustainable Development (Johannesburg, South Africa, 26 August – 4 September 2002), the Committee considered that the *Rio+10 Summit* would inevitably draw a large number of parliamentarians to Johannesburg and that legislators would want to have a parliamentary meeting. The Committee therefore recommended that the IPU organise such a meeting during the Summit, preferably during the first part. It also recommended that the IPU ask the South African Parliament and other inter-parliamentary

organisations, such as Globe, to join the IPU in organising the event.

4. Committee on Middle East Questions

The Committee met on 18 and 21 March under the presidency of Mr. Y. Tavernier (France). The other titular members present were Mr. T. Hadjigeorgiou (Cyprus), Mr. S. El-Alfi (Egypt), Ms. P. Chagsuchinda (Thailand) and Ms. A.O. Starrfelt (Norway). Mr. R. Ahouadjinou (Benin) was absent. The Committee welcomed the opportunity to contribute to the dialogue between Israeli and Palestinian representatives and was encouraged by the quality of the debate. Its 18 March session benefited from the presence of the Speaker of the Knesset, the Deputy Speaker of the Palestinian Legislative Council, the Speaker of the People's Assembly of Egypt and the Head of the Foreign Affairs Committee of the Palestinian Legislative Council. The Committee welcomed the ongoing initiatives in support of the continued dialogue between the parties, including the initiative launched by the President of the French National Assembly and its follow-up in Sharm-el-Sheikh under the auspices of the Speaker of the People's Assembly of Egypt (see report on page 41).

5. Committee to Promote Respect for International Humanitarian Law

The members of the Committee to Promote Respect for International Humanitarian Law (IHL), Ms. B. Mugo (Kenya), President, and Mr. R. Vázquez (Argentina) met on 18 and 20 March. The third member, Mr. J. McKiernan (Australia) was unable to attend the meetings.

The Committee examined the results of its world survey on "*Parliamentary awareness and action in the field of international humanitarian law and related issues*". In October 2000, the Committee launched a new phase of this survey and sent out a new questionnaire customised for each State. Sixty-three parliaments responded to the questionnaire which aimed at assessing the status of parliaments' involvement in IHL issues, collecting updated information on the ratification status of the relevant international instruments and setting up parliamentary mechanisms for IHL issues. The Committee came to the conclusion that implementation of international humanitarian law was hampered by the fact that parliaments were neither familiar with that branch of public international law nor aware of the role that they

could play and the resources available to them to do so. It further concluded that other hindrances to the ratification and implementation of some IHL treaties are a lack of political will, obstacles resulting from a country's constitution and/or legal system, financial constraints, and security considerations. Lastly, it noted that the most common request in the responses was for technical assistance to parliaments from either the ICRC or the United Nations, and hoped that such requests would be actively followed up by those bodies.

In addition, the Committee examined the results of the Conference on *"International Humanitarian Law for the Protection of Civilians during Armed Conflict in Africa"*, held in Niamey from 18 to 20 February 2002, at the invitation of the National Assembly of Niger (see page 10). The Committee welcomed the Declaration adopted by the Conference (see the Union's Website for the full text of the Declaration at www.ipu.org), which it viewed as a comprehensive African action plan to secure respect for IHL. The Committee urged African MPs to bring the Declaration to the attention of their parliaments and ensure that the issues addressed in it were debated and the recommendations acted upon. It noted with satisfaction that the African Parliamentary Union had set up a group to follow up the Declaration and welcomed its association *ex officio* with the follow-up process through its President. It invited the IPU Council to endorse such association, which the Council subsequently did on 23 March by adopting the Committee's report. The Committee was convinced that the organisation of events of the kind in Africa and other parts of the world responded to the above-mentioned requests for assistance and would help to develop a true parliamentary culture in the field.

Finally, in the light of its mandate and experience, the Committee discussed the question of involving the UNHCR in its deliberations in the future on a consultative basis, and addressing specific situations.

As Officers of the Second Study Committee, Ms. Mugo and Mr. Vázquez took stock of the situation regarding three Handbooks for parliamentarians. They had worked closely with their colleague, Mr. McKiernan, in the drafting of those Handbooks.

The Committee noted that the Handbook for parliamentarians on *"Respect for international humanitarian law"* produced jointly by the IPU and the ICRC in 1999 had met with great success. Thanks to the support of various parliaments and the ICRC, the Handbook was available in English,

French, Spanish, Arabic, Russian, Japanese, Indonesian, German and Serbian, and translations into Chinese, Farsi, Greek, Hebrew, Hindi, Mongolian, Portuguese, Swahili, Thai and Turkish were foreseen. The Committee encouraged other parliaments to follow suit in order to ensure the widest possible dissemination of the Handbook.

It also noted that the Handbook prepared by IPU and the Office of the United Nations High Commissioner for Refugees on *"Refugee protection: A guide to international refugee law"* had been presented in December 2001, in English and French, at the Ministerial Meeting for the 50th Anniversary of the 1951 Refugee Convention, and that its parliamentary launch had taken place at the Marrakech Conference, in the presence of Mr. Ruud Lubbers, High Commissioner for Refugees (see page 18). It noted the arrangements made for it to be distributed to parliaments, governments, and international parliamentary assemblies, as well as to HCR offices throughout the world. It also noted that the publication would soon be appearing in Arabic, Spanish and Russian and that the Hindi translation had begun.

It welcomed the launch of the Handbook entitled *"Eradicating the Worst Forms of Child Labour: A practical guide to ILO Convention No. 182"*, jointly published with the ILO, and more particularly its specialised programme, IPEC. The Handbook was launched in Marrakech at the 107th Inter-Parliamentary Conference, during a special Panel held on Wednesday, 20 March 2002 (see page 45) and was also presented in English, French and Spanish during the March 2002 session of the ILO Governing Body. It also expressed the hope that it would be distributed at certain parliamentary meetings organised by the IPU on the occasion of the intergovernmental meetings. It would be disseminated in large quantities at the Special Session of the United Nations General Assembly on Children in May 2002 in New York and at the ILO Annual Conference in Geneva in June 2002.

Convinced that the three publications were invaluable tools for parliamentarians and all who work with them, the Officers of the Second Study Committee invited parliaments to ensure the widest possible distribution of the Handbooks and their translation into other languages. It also recommended that they be brought to the attention of the relevant parliamentary committees and Ministries and other institutions. It recommended that there should be public launches for the Handbooks which should be followed by parliamentary debates on the subject. Finally, it

stressed the importance of setting up committees or sub-committees in parliament to discuss the various subjects and the organisation of workshops or specialised seminars for parliamentarians, which could be run with support from IPU and the organisations concerned.

6. Group of Facilitators for Cyprus

With the support of the Group, the delegation of the Republic of Cyprus to the Conference and the representatives of four political parties of northern Cyprus met for a dialogue on 19 March. The discussions were encouraged by the fact that talks between the two leaders, Glafkos Clerides and Rauf Denktaş, had resumed on 4th December 2001 under the auspices of the UN, after being stalled since November 2000. The Group appealed to all political parties in Cyprus to attend the meetings on the island between political parties from the two sides and urged them to try to hold such meetings more regularly.

7. Gender Partnership Group

The Gender Partnership Group held its 9th session in Marrakech. Those participating were Ms. J. Fraser (Canada), Mr. J. Máspoli (Uruguay), substituting for Mr. W. Abdala, and Speaker M. Tjitendero (Namibia), who acted as moderator.

In order to test the ideas and suggestions it has formulated, the Group organised – as it had done in

Ouagadougou in September 2001 and intends to continue doing in the future – a joint brainstorming session with the Coordinating Committee of Women Parliamentarians. In the same spirit, the Group passed on its proposals to the coordinators of the six geopolitical groups of the IPU, indicating that the Group was available for an exchange of views; these consultations have not yet taken place.

The Group studied the composition of delegations in Marrakech and at previous IPU Conferences (1999-2002). Concerned by the findings of its study, the Group confirmed the relevance and validity of its report that was submitted to the IPU Council at its Ouagadougou session in September 2001. It further decided the following:

- (i) To submit its Ouagadougou report to the Council once again for a thorough discussion that should nurture and contribute to the wider discussions on the reform of the IPU. In that connection, the Group was happy to note that one of its proposals (increasing to three delegates per IPU Member the membership of the IPU Council) was already included in the reform proposals currently before the Council;
- (ii) To formally invite the Council to take a stand on the four proposals for amendment to the IPU Statutes (see page 43);
- (iii) To propose adjustments to the Rules and to the functioning of the Meeting of Women Parliamentarians (see page 44).

Other events

1. Meeting of the study group on combating female genital mutilation (FGM)

A discussion session on female genital mutilation (FGM) was held on 19 March 2002. It was coordinated by the African Group and chaired by the African Parliamentary Union (APU) and the Inter-Parliamentary Union as part of the follow-up to the Panel on "*Violence against women: Female genital mutilation*" held in Ouagadougou during the 106th Conference. The session brought together a large number of men and women parliamentarians, both from countries where FGM is still routinely practised and from host countries to emigrants from these countries. The debate was launched by three MPs, Mr. E. Bare Shill (Kenya), Ms. E. Beyene (Ethiopia) and Ms. M. Roe (United Kingdom), and by the Secretary General of the APU, Mr. I. Fall, while

Ms. R. Kadaga (Uganda), acted as moderator. The presentations prompted a very lively exchange of information on the situation in the various countries concerned and on the legislation, programmes and best practices to be promoted in response to this complex phenomenon. The participants also discussed ways in which they could strengthen the cooperation between their countries to prevent situations where girls from emigrant communities may be mutilated in their country of origin during their holidays there, or in countries where FGM is not yet banned and sanctioned. They noted that following the Ouagadougou Panel, the IPU had created a page on its Website (<http://www.ipu.org/wmn-e/fgm.htm>) and agreed to help in updating and completing it.

Participants agreed on the need to pursue such discussions and urged the UPA and the IPU to

organise further sessions of the study group, notably on the occasion of the 108th Conference in Santiago (Chile) in April 2003. They further requested the UPA and the IPU jointly to organise as soon as possible a conference on parliamentary action to address FGM which could lay the foundations for the preparation of an international convention for the eradication of such practices. They hoped that such a conference would bring together MPs, religious and traditional leaders, NGOs and, former practitioners of FGM. A group involving the following parliamentarians was established to coordinate preparations for that event, for which funds would have to be raised from donor countries: Ms. K. Andersen (Norway), Mr. E. Bare Shill (Kenya), Mr. A. Fall (Senegal), Ms. R. Kadaga (Uganda), Ms. G.K. Abdul-Razaq (Nigeria) and Ms. M. Roe (United Kingdom).

2. Panel on the worst forms of child labour

A Panel on the worst forms of child labour was organised on 20 March 2002 in close cooperation with the ILO's International Programme on the Elimination of Child Labour (IPEC) and the Moroccan Parliament; UNICEF was also associated with the event. Placed under the patronage of HRH Princess Lalla Meryem and chaired by the Moroccan Minister for questions concerning the family women, children and the disabled, the Panel provided an opportunity for the launching of the Handbook *"Eradicating the worst forms of child labour: A practical guide for the implementation of ILO Convention No. 182"*.

The Panellists included Mr. F. Röselears, Director of the IPEC; Mr. A. Fyfe, Senior Specialist on Child Labour, UNICEF; Professor J. El-Jai, Moroccan National Observatory for Children's Rights; Mr. M. Ahlibiou, President of the Association Oued Srou (AOS), a Moroccan NGO; Ms. I. Allende, a member of the Chilean Chamber of Deputies; Ms. B. Mugo,

a member of the Kenyan National Assembly and Ms. Y. Kamikawa, a member of the Japanese House of Representatives. The Panel was such a success that, owing to time constraints, nearly half of those who had expressed their wish to speak were unable to take the floor. However, the three hours of discussions were very productive, and the summary, which was prepared by Professor A. Akchichine, of the Moroccan National Observatory for Children's Rights, is reproduced on page 45.

The participants expressed the hope that the debate could be pursued during future parliamentary events organised by the IPU, and during the International Labour Conference to be held by the ILO in June in Geneva. They hoped also that a similar event could be organised within the framework of the 108th IPU Conference, due to take place in Santiago (Chile) in 2003. Subsequently, at its sitting on 22 March, the Coordinating Committee of Women Parliamentarians expressed the hope that this second Panel might take up the subject of trafficking in young girls.

3. Hearing of the United Nations High Commissioner for Refugees

At the initiative of the President of the Second Committee, Ms. B. Mugo (Kenya), and the Coordinating Committee of Women Parliamentarians, the women MPs had a dialogue with the United Nations High Commissioner for Refugees within the framework of their Meeting on 17 March. This session, which lasted nearly one hour, provided an opportunity to launch the Handbook for parliamentarians on: *"Refugee protection: A guide to international humanitarian law"*, published jointly by the IPU and UNHCR.

Elections and Appointments

1. Office of President of the 107th Inter-Parliamentary Conference

Mr. A. Radi, President of the House of Representatives of Morocco, was elected President of the Conference.

2. Executive Committee

The Council elected Ms. J. Fraser (Canada) and Ms. P. Larsen (Denmark) until the expiry of their respective predecessors' terms, in September 2003

and May 2004.

3. Study Committees of the Inter-Parliamentary Conference

The First Committee (Political Questions, International Security and Disarmament), re-elected Mr. A.H. Hanadzlah (Malaysia) as President and re-elected Mr. A. Ogunlewe (Nigeria) and Ms. E. Papadimitriou (Greece) as Vice-Presidents for a one-year term.

The Fourth Committee (Education, Science, Culture

and Environment) re-elected Mr. J.A. Coloma (Chile) as President and re-elected Ms. B. Gadiet (Switzerland) and Ms. L.E. Motsumi (Botswana) as Vice-Presidents for a one-year term.

4. Committee for Sustainable Development

The Council elected Mr. B. Ekholm (Sweden) as substitute member for a four-year term until March 2006.

5. Committee on the Human Rights of Parliamentarians

The Council elected Mr. J. Lefevre (Belgium) as substitute member for a five-year term until March 2007.

6. Committee on Middle East Questions

The Council elected Mr. F.M. Vallersnes (Norway) as titular member for a four-year term until March 2006.

7. Group of Facilitators for Cyprus

The Council elected Ms. L. Chappuis (Switzerland) as member of the Group.

8. Rapporteurs for the Special Session of the Council

The Council appointed Mr. E. Gudfinnsson (Iceland), Ms. G. Mahlangu (South Africa) and Mr. G. Asvinvichit (Thailand) as co-rapporteurs, responsible for preparing a report and draft resolution to the special session of the Council (Geneva, September 2002).

9. CSCM Coordinating Committee

The Mediterranean Women Parliamentarians' Task Force re-elected Ms. A. Vassiliou (Cyprus) as President for a further two years. Ms. Vassiliou thus becomes an *ex officio* member of the CSCM Coordinating Committee.

10. Gender Partnership Group

The Executive Committee elected Ms. J. Fraser (Canada) to the Group.

11. Coordinating Committee of Women Parliamentarians

Officers

President and ex officio member of the IPU Executive Committee

Ms. G. Mahlangu (South Africa) March 2004

First Vice-President

Ms. Y. Kamikawa (Japan) March 2004

Second Vice-President

Ms. A. Möller (Iceland) March 2004

Members of the Executive Committee

(ex officio, for the duration of their term on the Executive Committee)

Ms. J. Fraser (Canada) October 2003

Ms. P. Larsen (Denmark) May 2004

Ms. Z. Ríos-Montt (Guatemala) October 2004

Chairpersons of the Meeting of Women

Parliamentarians (ex officio for two years)

Ms. B. Skalli (Morocco) March 2004

Ms. M.M. Ouedraogo (Burkina Faso) Sept. 2003

Ms. V. Espin Guillois (Cuba) April 2003

Ms. I. Murti (Indonesia) Sept. 2002

Regional representatives (elected for two years)

Group of African countries

Titular representatives

Ms. G. Mahlangu (South Africa)

Ms. J. d'A. Nsabimana (Burundi) March 2004

Substitute representatives

Ms. F.D. Aya (Nigeria)

Ms. A. Mounkaila (Niger) March 2004

Group of Arab countries

Titular representatives

Ms. K. Kaabi (Tunisia)

Ms. S. Damen-Masri (Jordan) March 2004

Substitute representatives

Ms. K. Al-Nattah

(Libyan Arab Jamahiriya)

Ms. M. Osman Gaknoun (Sudan) March 2004

Group of Asia and Pacific countries

Titular representatives

Ms. Y.S. Lee (Rep. of Korea)

Ms. Y. Kamikawa (Japan) March 2004

Substitute representatives

Ms I. Murti (Indonesia)

Ms. M. Alva (India) March 2004

Eurasia Group

Titular representatives

Ms. Y. Grigorovich (Belarus)

Ms. F. Ziyatdinova

(Russian Federation) March 2004

Substitute representatives

Ms. H. Hakobyan (Armenia)

Ms. N. Kayupova (Kazakhstan) March 2004

Group of Latin American countries

Titular representatives

Ms. L. Pavón (Mexico)
 Ms. M. Xavier (Uruguay) March 2004

Substitute representatives

Ms. S. Villalobos Barahona
 (Costa Rica)
 Ms J. Valenzuela C. de Zea (Peru) March 2004

Titular representatives

Ms. L. Klaar (Estonia)
 Ms. A. Möller (Iceland) March 2004

Substitute representatives

Ms. P. Ernstberger (Germany)
 Ms. T. Heberlein (Switzerland) March 2004

Twelve Plus Group

Membership of the Union *

Members (142)

Albania, Algeria, Andorra, Angola, Argentina, Armenia, Australia, Austria, Azerbaijan, Bangladesh, Belarus, Belgium, Benin, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Bulgaria, Burkina Faso, Burundi, Cambodia, Cameroon, Canada, Cape Verde, Chile, China, Colombia, Congo, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Denmark, Djibouti, Ecuador, Egypt, El Salvador, Estonia, Ethiopia, Finland, France, Gabon, Georgia, Germany, Ghana, Greece, Guatemala, Guinea, Guinea-Bissau, 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, Liberia, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Malawi, Malaysia, Mali, Malta, Marshall Islands, Mauritania, Mauritius, Mexico, Monaco, Mongolia, Morocco, Mozambique, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Rwanda, Samoa, San Marino, Sao Tome and Principe, Senegal, Singapore, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Sudan, Suriname, Sweden, Switzerland, Syrian Arab Republic, Tajikistan, Thailand, The former Yugoslav Republic of Macedonia, Togo, Tunisia, Turkey, Uganda, Ukraine, United Arab Emirates, United Kingdom, United Republic of Tanzania, United States of America, Uruguay, Uzbekistan, Venezuela, Viet Nam, Yemen, Yugoslavia, Zambia, Zimbabwe

Associate Members (5)

Andean Parliament, Central American Parliament, European Parliament, Latin American Parliament, Parliamentary Assembly of the Council of Europe

* At the closure of the Conference

Resolutions, Decisions and Votes of the 107th Inter-Parliamentary Conference

THE ROLE OF PARLIAMENTS IN DEVELOPING PUBLIC POLICY IN AN ERA OF GLOBALISATION, MULTILATERAL INSTITUTIONS AND INTERNATIONAL TRADE AGREEMENTS

*Resolution adopted by consensus by the 107th Conference
(Marrakech, 22 March 2002)*

The 107th Inter-Parliamentary Conference,

Believing that globalisation brings both opportunities and challenges to all countries and affects peoples' daily lives,

Observing that in many countries, particularly the poorest, debt is a major constraint and a real impediment to development within the context of globalisation,

Noting the growing importance of international trade and its direct influence on the development and well-being of nations everywhere, and *concerned* that the current international trading system appears to be biased in favour of developed countries and creates problems for many developing countries,

Pointing out that, as a consequence of globalisation, many countries require enhanced protection in the areas of human rights, sustainable development and social needs,

Considering the importance of parliamentary participation and interaction in international trade issues in ensuring better representation of the people and creating a democratic multilateral trading system based on equality and transparency,

Recognising the vital role of parliaments and parliamentarians as the legitimate representatives of the people and as the link between citizens' needs, including those related to human rights and social, economic and environmental concerns, and related government policy, at national and international level,

Considering the constitutional duty of parliaments, where applicable, to ratify international agreements, enact legislation and oversee its implementation,

Considering also the importance of parliamentary inputs in multilateral institutions, particularly in the areas of trade, finance, sustainable development, human rights and the environment,

Convinced that globalisation makes women's participation in multilateral negotiations all the more essential,

The 107th Inter-Parliamentary Conference therefore:

1. *Emphasises the need* for parliaments and their members to take steps to ensure that globalisation also benefits developing countries so that their peoples attain greater social and economic prosperity;
2. *Calls on* parliaments to play a much more active role in the area of international trade, finance and environmental negotiations and to participate in shaping related policies;

3. *Pointing out* the urgent need for parliaments to contribute positively at all stages of trade negotiations, including follow-up, so as to ensure that they reflect the concerns and aspirations of all citizens;
 4. *Urges* the international community, particularly the World Trade Organization (WTO), to create a more democratic, fair, transparent, equitable, and non-discriminatory multilateral trading system;
 5. *Stresses* the need for:
 - (a) The international community, including the WTO, to take into account the different levels of development, particularly of developing countries, in the negotiation process by providing the special and differential treatment prescribed in various WTO agreements and assisting with capacity-building;
 - (b) The International Monetary Fund (IMF) and the World Bank and other multilateral development banks to do likewise;
 6. *Emphasises* that international trade should target people-centred development which includes greater market access for the exports of developing countries, increased development assistance and better access to technology;
 7. *Urges* the international community to reduce substantially the debt of the poorest countries and to cancel the public debt of the heavily indebted poor countries, while not neglecting opportunities to recover funds illegally sequestered by some rulers of those countries for their own personal gain;
 8. *Stresses* the need to include parliamentarians in delegations to multilateral negotiations and to see to it that such delegations comprise both men and women;
 9. *Calls on* parliaments to play an active role in monitoring decisions taken and activities carried out by the multilateral institutions, in particular those affecting the development of nations; in bringing trade- and finance-related multilateral institutions closer to the peoples they are meant to serve; and in making multilateral institutions more democratic, transparent and equitable;
 10. *Calls on* the IPU to undertake a general study on how parliaments address globalisation and its impact on their constituents;
 11. *Also calls on* the IPU to continue its efforts to provide a parliamentary dimension to the WTO and the Bretton Woods institutions.
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**TEN YEARS AFTER RIO: GLOBAL DEGRADATION OF THE ENVIRONMENT
AND PARLIAMENTARY SUPPORT FOR THE KYOTO PROTOCOL**

***Resolution adopted by consensus by the 107th Conference
(Marrakech, 22 March 2002)***

The 107th Inter-Parliamentary Conference,

Recalling and reaffirming parliamentary support for the commitment made by States at the United Nations Conference on Environment and Development (UNCED), held in Rio de Janeiro in 1992, to the principle of sustainable development as the blueprint for future policy development,

Noting that UNCED adopted the Rio Declaration, *Agenda 21* and the Statement of Principles for the Sustainable Management of Forests as well as two legally binding Conventions, the United Nations Framework Convention on Climate Change (UNFCCC) and the Convention on Biological Diversity, and that negotiations on a Convention to Combat Desertification and the Barbados Programme of Action for the Sustainable Development of Small Island Developing States were initiated there and subsequently concluded in 1994,

Recalling the adoption by the Inter-Parliamentary Union, at its 97th Inter-Parliamentary Conference (April 1997), of a resolution entitled "Measures required to change consumption and production patterns with a view to sustainable development", which urges parliaments to honour the commitments undertaken in 1992,

Cognisant of the Declaration, adopted by that same Inter-Parliamentary Conference, in which the IPU *inter alia* cautions of the dangers of a "wait-and-see" policy and reaffirms that granting the developing countries new and additional financial resources remains one of the keys to sustainable development throughout the world,

Mindful of the Nineteenth Special Session of the UN General Assembly ("Rio + 5") in 1997, at which participants expressed general dissatisfaction with the advances made in the practical implementation of the Rio commitments and called for measurable progress and the formulation and elaboration of national strategies for sustainable development before the follow-up Conference ("Rio + 10") in 2002,

Aware of the outcome of the negotiations at the resumed Sixth Session of the Conference of the Parties to the United Nations Framework Convention on Climate Change (COP 6) in Bonn in July 2001 and at COP 7 in Marrakech in November 2001, which paved the way for the Kyoto Protocol's entry into force prior to the World Summit on Sustainable Development ("Rio + 10") in September 2002,

Noting the progress made in national and international environment policy (including the phasing-out of substances which deplete the ozone layer in the stratosphere) and the adoption of various global targets to combat poverty since 1992,

Deeply concerned that the high expectations raised by the international community's necessary and ambitious objectives in environment and development have not been met,

Worried that rising consumption and unsustainable methods of economic management continue to deplete the natural resource base, and that environmental pollution - especially air and water pollution - is increasing,

Underscoring that the ongoing destruction of habitats poses a threat to biological diversity and that poor historic and current agricultural management techniques have contributed to a decline in soil quality due to widespread soil degradation and erosion,

Alarmed that many natural resources (such as water, land and soil, forests and fish stocks) are already exploited beyond sustainable limits and that global health is under serious threat from waste products and harmful emissions,

Recognising that women have been primarily responsible for family subsistence, and that environmental degradation, including the rapid dwindling of natural resources such as water and firewood, have in many countries created conditions in which women struggle to meet the basic needs of their families and have had to become increasingly self-reliant heads of households as men have migrated to the cities in large numbers, following a decline in land productivity,

Alarmed that children, who are vulnerable in their early years, are liable to suffer permanent damage as a result of environmental pollution and unhealthy living conditions,

Reaffirming the resolution on volunteers adopted by the Inter-Parliamentary Union at its 105th Conference (April 2001) and *recognising* the important role that volunteerism plays in sustainable development,

Underlining the need to focus on practical measures for environmental protection and on sustainable development that engages civil society, especially businesses and NGOs in follow-up,

Welcoming the United Nations Millennium Declaration on 8 September 2000 and the establishment of the Millennium Development Goals, particularly the goal of environmental sustainability,

Deeply concerned that, despite the commitments made in 1992, global emissions of greenhouse gases have continued to rise, climate change is entrenched and ongoing, and the natural resources needed to sustain the growing world population are at risk,

CLIMATE CHANGE

1. *Urges* States to note the significance of the Third Assessment Report of the Intergovernmental Panel on Climate Change, which provides new and stronger evidence that most of the global warming observed over the last 50 years is attributable to human activities;
2. *Urges* States to expedite ratification of the Kyoto Protocol, taking into account the Marrakech Ministerial Declaration, in order to pave the way for its timely entry into force before the World Summit on Sustainable Development (26 August-4 September 2002, Johannesburg, South Africa) and to encourage others to do likewise;
3. *Encourages* all States, including the United States of America, to recognise that, being the first to industrialise, developed countries should also be the first to take action to reduce their greenhouse gas emissions and that the commitments provided for in the Kyoto Protocol are the vital first step towards addressing climate change;
4. *Also encourages* States to consider what further action, consistent with the principle of common but differentiated responsibilities, will be needed to meet the overall objective of the United Nations Framework Convention on Climate Change – the stabilisation of greenhouse gas concentrations in the atmosphere at a level that will prevent dangerous anthropogenic interference with the climate system;
5. *Further encourages* States to recognise the impact that climate change has on the frequency and severity of natural disasters, and *calls on* States to address the humanitarian issues of climate change by working with international organisations, local authorities and community-based organisations such as national Red Cross and Red Crescent societies;

6. *Calls on* States to agree on an action plan that will provide the necessary energy basis for achievement of the Millennium Development Goals;
7. *Encourages* States to create conditions enabling countries to maximise the use of renewable energy sources and, in pursuing their national environmental, economic, social and security objectives, to increase energy efficiency *inter alia* by emphasising the importance of improvement within the transport sector;

OTHER SUSTAINABLE DEVELOPMENT ISSUES

Poverty and environment

8. *Urges* States to support the implementation of the United Nations Millennium Development Goals, including those pertaining to environmental resources, by promoting understanding of the links between poverty and more effective management of environmental resources and incorporating environment issues into national poverty reduction strategies;
9. *Calls on* the industrialised countries to support the developing countries in their development process and in their efforts to accommodate environmental protection in their development policies, and, in particular, *recommends* adopting policies to lighten the debt burden of developing countries which, in order to service their debts, are bound to overexploit their natural resources, depleting them rapidly or endangering them;
10. *Encourages* States to ensure a sound enabling environment (including good governance) that will not only mobilise domestic resources, but also attract international private investment flows, realise the gains of trade integration and make best use of overseas development assistance (ODA);
11. *Calls on* States to ensure that poverty reduction figures prominently in international agreements and is addressed by organisations like the WTO and the international financial institutions;
12. *Calls on* States to improve the terms of trade for developing countries, aid effectiveness (through harmonisation, the de-linking of aid and focusing on capacity building to capitalise on the opportunities offered by globalisation), increase ODA to 0.7% of GNP as recommended by the United Nations (through a proposal such as the International Development Trust Fund to lever in private finance), and ensure that aid is better targeted according to the twin criteria of poverty and pro-poor policy;
13. *Urges* States to support the New Partnership for Africa's Development (NEPAD) to enable Africa to end its economic and social marginalisation, and similar efforts in other regions;

Water

14. *Calls on* States to ensure that water receives due recognition as a key to sustainable development; and *urges* States to implement actions in support of the Water Millennium Development Goal and to press for the adoption of the following targets, written into the Bonn Recommendations for Action:
 - To halve the proportion of people without access to appropriate sanitation by 2015;
 - To be in the process of developing water resource management plans by 2005;
 - To set appropriate targets for improving the equity and efficiency with which water resources are used;
 - To include water issues in poverty reduction strategies and other national plans;

15. *Urges* States to obtain agreement on how the international community can support action frameworks that respect national sovereignties and provide a credible path to achieving the Millennium Development goals, focused on the three key cross-cutting fields of:
 - Governance: sustainable water resources management, effective and transparent regulatory processes and cooperation across international boundaries;
 - Mobilising financial resources: new and more effective financing instruments that encourage all sources of funding for sustainable development;
 - Capacity building: sharing knowledge and good practice through collaboration and international partnerships;
16. *Calls on* States to recognise oceans as a key aspect of the sustainable development agenda, with important links to achieving the objectives of the World Summit for Sustainable Development (WSSD), and to embrace the idea of the "global commons"; and *urges* States to develop international initiatives and action on:
 - Sustainable fisheries (food security, and illegal fishing);
 - Marine protected areas (such as a possible network around the world, including coral reefs, tourism and fisheries);
 - Ocean governance and partnerships (new mandate for UN Oceans Consultative Process and Regional Seas strengthening and cooperation);
 - Restriction of emissions of nuclear waste which will eventually lead to radioactive pollution of the oceans;

Other key initiatives

17. *Urges* States to step up efforts to combat drought and desertification, find suitable solutions with regard to land management, and establish green belts to stop soil deterioration;
18. *Calls on* States to promote forest ecosystem management, to conserve and protect biological diversity and genetic resources and to support programmes targeting Persistent Organic Pollutants (POPs);
19. *Encourages* States to develop or strengthen non-coercive population management strategies consistent with the goals of sustainable development;
20. *Urges* States to raise awareness about the relationship between the environmental, social and cultural dimensions of sustainable development in order to meet the challenges of increasing economic and cultural deprivation, by promoting education, health, gender equality and cultural diversity, and *asks* UNESCO and other relevant agencies to work closely with IPU to deepen the international debate and assist in the formulation of national policies on these issues;
21. *Calls on* States to promote a framework for stimulating technological and social innovation to facilitate the economic progress required to tackle poverty and improve standards of living while respecting environmental limits; to de-link growth from environmental degradation; and to promote innovation and enterprise, needed to achieve gradual changes in sustainable development;
22. *Encourages* all States, particularly developed States, to use market-based tools to stimulate investment in alternative energy technologies and to promote environmentally sustainable practices in general, and in particular measures to encourage consumers to consider environmental costs when making purchasing decisions;
23. *Encourages* States to ensure that trade and other agreements do not contradict environmental instruments;

24. *Calls on States* to implement the precautionary principle and the "polluter pays" principle;
 25. *Believes* that it is the responsibility of all, especially those with access to the media and public forums, to encourage people to adopt environmentally sustainable lifestyles.
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**RESULTS OF ROLL-CALL VOTE ON THE PROPOSAL OF THE DELEGATION OF
CANADA
TO AMEND OPERATIVE PARAGRAPH 3 OF THE DRAFT RESOLUTION ON ITEM 5**

Results

Affirmative votes.....	441
Negative votes.....	804
Abstentions.....	40
Total of affirmative and negative votes.....	1245
Simple majority	623

Country	Yes	No	Abst.	Country	Yes	No	Abst.	Country	Yes	No	Abst.
Albania	11			Greece		13		Peru		10	
Algeria		14		Guatemala		12		Philippines	18		
Andorra	4	6		Guinea		10		Poland	15		
Angola		12		Hungary		absent		Portugal		absent	
Argentina		15		Iceland	10			Republic of Korea	16		
Armenia	10			India		23		Romania	10		
Australia	13			Indonesia		22		Russian Federation	10	10	
Austria		12		Iran (Islamic Republic of)		18		Rwanda		12	
Bangladesh		absent		Iraq		absent		Samoa	10		
Belarus	6	7		Ireland	11			San Marino			10
Belgium		12		Israel	12			Sao Tome and Principe		absent	
Benin		11		Italy		17		Senegal	10		
Bolivia		absent		Japan	18	2		Singapore		absent	
Botswana		11		Jordan		11		Slovakia	12		
Brazil		10		Kazakhstan		absent		Slovenia	5	6	
Bulgaria	9	3		Kenya		10		South Africa		16	
Burkina Faso		absent		Kuwait		absent		Spain	15		
Burundi	6	6		Lao People's Dem. Republic		10		Sri Lanka		absent	
Cambodia	13			Latvia		10		Sudan		15	
Cameroon	13			Lebanon		11		Suriname		10	
Canada	15			Libyan Arab Jamahiriya		11		Sweden	6	6	
Cape-Verde	10			Liechtenstein		absent		Switzerland		12	
Chile		10		Lithuania	11			Syrian Arab Rep.		13	
China		23		Luxembourg	5	5		Tajikistan	6	6	
Colombia		absent		Malaysia		14		Thailand		18	
Congo		10		Mali		absent		The fYR of Macedonia		10	
Costa Rica		absent		Malta		absent		Togo		absent	
Côte d'Ivoire		absent		Mauritania		12		Tunisia			12
Croatia	11			Mexico	5	14		Turkey		absent	
Cuba		13		Monaco		10		Uganda	13		
Cyprus		10		Mongolia	3	7		Ukraine		absent	
Czech Republic	13			Morocco	14			United Kingdom		17	
Denmark	12			Mozambique	3		10	Uruguay		11	
Ecuador		absent		Namibia	11			Venezuela		13	
Egypt		10	8	Nepal	14			Viet Nam		18	
El Salvador		absent		Netherlands		13		Yemen		13	
Estonia	6	5		New Zealand		11		Yugoslavia		13	
Ethiopia		16		Nigeria	5	15		Zambia		12	
Finland	5	7		Norway	3	8					
France		10		Panama		11					
Gabon		11									
Germany		19									
Ghana	13										

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

**TERRORISM – A THREAT TO DEMOCRACY, HUMAN RIGHTS AND CIVIL SOCIETY:
THE CONTRIBUTION OF PARLIAMENTS TO COMBATING INTERNATIONAL
TERRORISM AND ADDRESSING ITS CAUSES IN ORDER TO MAINTAIN
INTERNATIONAL PEACE AND SECURITY**

*Resolution adopted by consensus² by the 107th Conference
(Marrakech, 22 March 2002)*

The 107th Inter-Parliamentary Conference,

Recalling that the Inter-Parliamentary Union, at its 95th Conference (April 1996), condemned international terrorism as a danger to the social and political stability of States, a threat to the global development of democratic structures, and an assault on the safety and individual freedoms of citizens, and called on all States to adopt appropriate measures to tackle terrorism and its social, political and economic causes,

Also recalling that to struggle for national liberation and independence from foreign occupation is a legitimate right laid down in international resolutions and that such an objective does not of itself constitute a terrorist act, but *stressing* that no struggle can justify indiscriminate attacks, particularly involving innocent civilians, or any form of organised State terrorism,

Reaffirming its resolution entitled "Contribution of the world's parliaments to the struggle against terrorism", adopted at the 105th Inter-Parliamentary Conference (April 2001), which condemned terrorist acts as unjustifiable in any circumstances, whatever the political, philosophical, ideological, racial, ethnic, religious or other considerations that may be invoked to justify them, and urged all parliaments to adopt measures to combat international terrorism in conformity with resolution 55/158 of the United Nations General Assembly,

Convinced that any acts of violence perpetrated by an individual, an organisation or a State against one or more countries, their institutions or people with the intention of intimidating them and gravely impairing, undermining or destroying fundamental freedoms, democracy, respect for human rights, civil rights and the rule of law in that or those countries, as well as any support given by States to such acts, must be condemned as terrorist acts,

Also convinced that international terrorism blatantly violates the values and principles enshrined in international humanitarian law and various United Nations conventions, in particular the Universal Declaration of Human Rights (resolution 217 A (III) adopted by the United Nations General Assembly on 10 December 1948), which states that everyone has the right to life, liberty and security of person, and consistently reaffirmed by the Inter-Parliamentary Union,

Recalling United Nations Security Council resolution 1368 (2001) of 12 September 2001, which calls on all States to prevent and suppress terrorist attacks by means of increased cooperation and full implementation of the relevant international anti-terrorist conventions,

² The delegation of Israel expressed a reservation to the reference in preambular paragraph 4 to the word 'State'. It also expressed a reservation to the reference, in operative paragraph 8, to "putting an end to occupation".

N.B. Cette liste ne comprend pas une délégation qui ne pouvait pas participer aux votes en vertu des dispositions de l'Article 5.2 des Statuts.

Endorsing United Nations Security Council resolution 1373 (2001) of 28 September 2001, which calls on all States to adopt anti-terrorist measures in the fields of finance, criminal law and information technology, and to refrain from providing active or passive support to terrorists or terrorist groups,

Recalling the International Convention for the Suppression of the Financing of Terrorism, adopted by the United Nations General Assembly on 9 December 1999, which requires all Contracting States to extradite persons implicated in the funding of terrorist activities and adopt measures to investigate suspicious financial transactions,

Noting with concern that the growing links between terrorism and organised crime, including illicit trafficking in drugs, arms and human beings, and money laundering constitute major obstacles to the fulfilment of the aspirations of civilisations to development, well-being, peace and security,

Reaffirming the need to combat the threat posed by international terrorism to world peace and international security by all means and in conformity with the United Nations Charter, the Universal Declaration of Human Rights, and the United Nations human rights covenants,

Recognising and welcoming the growing international cooperation in combating international terrorism,

Considering that condemnation of terrorism is inseparable from assistance to its victims,

Convinced that the world's parliaments and parliamentarians can make a major contribution, through international as well as national cooperation, to combating global terrorism and eliminating its root causes,

Conscious that terrorist acts are intended, not least, to shatter the structures and cohesion of civil society, which must respond to this assault on its values without forfeiting its openness, its humanity, or its attachment to human rights standards and individual rights and freedoms,

Recognising that a lack of democracy and respect for human rights and the refusal to resolve regional conflicts by peaceful means also play a major part in the emergence of terrorism,

1. *Calls on* all national parliaments which have not already done so to approve or to facilitate approval of the United Nations conventions on terrorism, and in particular the International Convention for the Suppression of the Financing of Terrorism, which was adopted by the United Nations General Assembly on 9 December 1999; to introduce the necessary implementing measures speedily; and to press for the conclusion and adoption of the draft Convention for the suppression of acts of nuclear terrorism and the draft comprehensive Convention on the elimination of terrorism, which are currently before the UN General Assembly;
2. *Also calls on* all States and international organisations to consider providing technical and financial assistance to States that need it, in order to strengthen their capacity to adopt effective measures against terrorism and transnational organised crime, including illicit trafficking in drugs, arms and human beings, and money laundering;
3. *Urgently reiterates* its call to all the world's parliaments - referring in this context to the resolution entitled "Securing observance of the principles of international law in the interests of world peace and security" adopted by the 105th Inter-Parliamentary Conference (April 2001) - to ensure a consensus on the scope of the application of the conventions on terrorism;
4. *Urgently reiterates also* its call to all the world's parliaments to ensure ratification of the Rome Statute establishing the International Criminal Court and to recognise that international terrorists must be prosecuted and brought before a national or international court, for example, the International Criminal Court;

5. *Reaffirms* the principle, established by the United Nations General Assembly in its resolution of 24 October 1970 (2625) (XXV) and upheld by the Security Council in its resolution 1189 (1998), that every State has the duty to refrain from organising, instigating, abetting or participating in terrorist acts in another State, or acquiescing in organised activities within its territory directed towards the commission of such acts;
6. *Calls on* parliamentarians the world over, in conformity with United Nations Security Council resolution 1377 (2001) of 12 November 2001 on the global effort to combat terrorism, to play their part in fostering intercultural understanding, in settling regional conflicts, and in international cooperation on global and development policy issues, in order to tackle the root causes of terrorism on a broad and lasting basis;
7. *Expresses* the need for a more intensive inter-parliamentary exchange of information and experience in regard to the implementation of effective legislative measures, and *stresses* the supportive role played by the Inter-Parliamentary Union in the coordination of legislative initiatives to combat terrorism;
8. *Emphasises* the role of parliamentarians and civil society leaders worldwide in strengthening democracy, promoting human rights, supporting the peaceful settlement of regional conflicts and putting an end to occupation as the most effective means of combating terrorism;
9. *Calls on* parliaments to adopt legislative measures that allow for compensation of victims of terrorist acts, as an expression of national solidarity;
10. *Appeals* to the world's parliaments to increase their efforts to remove social injustice, alienation and extremism which are a breeding ground for terrorism, through development measures, attaching particular importance to civil society initiatives;
11. *Stresses* the importance of dialogue among civilisations to the prevention of terrorism, *emphasises* the role of civil society in this dialogue and *invites* parliamentarians, both men and women, to initiate measures to promote dialogue among and within civilisations and to encourage programmes for peace, focusing in particular on educational reform which fosters pluralism, tolerance and mutual understanding;
12. *Reiterates* that terrorism cannot be attributed to any religion, nationality or civilisation and that to attribute it to any religion, nationality or civilisation or to justify it in the name of any religion, nationality or civilisation constitutes a threat to humanity as a whole;
13. *Stresses* the need for regular parliamentary debates on international terrorism in order to keep this issue on the political agenda and to ensure strict follow-up of UN Security Council resolution 1373, in particular in respect of the report that each State is required to submit to the United Nations;
14. *Stresses further* the need for conflict prevention, and *urges* all parties concerned to stop ongoing conflicts, with due respect for the security of all persons involved in the conflicts.

THE ROLE OF PARLIAMENTS IN SUPPORTING IMPLEMENTATION OF RESOLUTION 1397 ADOPTED BY THE UNITED NATIONS SECURITY COUNCIL ON 12 MARCH 2002 AND PARTICULARLY THE PARAGRAPH IN WHICH THE COUNCIL EXPRESSES ITS ATTACHMENT TO "A VISION OF A REGION IN WHICH TWO STATES, ISRAEL AND PALESTINE, LIVE SIDE BY SIDE WITHIN SECURE AND RECOGNISED BORDERS"

*Resolution adopted by consensus³ by the 107th Conference
(Marrakech, 22 March 2002)*

The 107th Inter-Parliamentary Conference,

Recalling its previous resolutions on the situation in the Middle East, in particular the one adopted by consensus on 14 September 2001 in Ouagadougou,

Recalling also the resolutions adopted at the United Nations by the Security Council and the General Assembly,

Expressing its grave concern at the tragic and violent events that every day claim a great many lives and cause enormous destruction,

Endorsing the adoption by the Security Council of resolution 1397 on 12 March 2002,

1. *Welcomes and supports* the implementation of Security Council resolution 1397 and in particular its attachment to "a vision of a region in which two States, Israel and Palestine, live side by side within secure and recognised borders";
2. *Calls on* the Israelis and the Palestinians:
 - (i) To introduce a logic of peace to replace the logic of war, violence and terror, by resuming political negotiations for a common future;
 - (ii) To do their utmost to enable the Special Envoy from the United States, as well as the Special Envoys from the Russian Federation and the European Union and the United Nations Special Coordinator, to successfully conclude their missions of peace to the region;
 - (iii) To observe a ceasefire, comply with the standards of international humanitarian law and put an end to hostilities with a view to ensuring the security of the Israeli and Palestinian peoples, enabling Palestinian institutions to function freely and allowing the Israeli and Palestinian peoples to move about in all safety;
 - (iv) To cooperate in the implementation of the Mitchell Plan and the Tannet Outlines;
 - (v) To resume the peace negotiations immediately on the basis of the relevant resolutions of the Security Council and other UN bodies and the IPU resolution adopted in Ouagadougou;
3. *Welcomes* the contribution of Saudi Crown Prince Abdullah to achieving peace and stability in the region;
4. *Supports* all parliamentary and inter-parliamentary peace initiatives.

³ The delegations of Lebanon and the Syrian Arab Republic stated that they could not join the consensus, whereas the delegation of the Islamic Republic of Iran expressed reservations on those elements of the text which might be construed to imply recognition of Israel.

Reports, Decisions, Resolutions and other texts of the 170th Session of the Council of the Inter-Parliamentary Union

COOPERATION WITH THE UNITED NATIONS SYSTEM

Report adopted by the Council at its 170th session (Marrakech, 23 March 2002)

The present report summarizes the background to IPU's request for observer status in the UN General Assembly. It makes suggestions relevant to the exercise of observer status, particularly as concerns to content and form of IPU's contribution to the General Assembly and who is competent to take the floor on behalf of the IPU. The report also provides additional detail regarding the financial implications for the IPU of having its official documents circulated at the UN. Finally, the report proposes a text for this year's UNGA resolution on cooperation between the UN and the IPU.

Background

1. The IPU Statutes define the nature, purpose and composition of the organization, its organs and its working methods. They state that the IPU shares the objectives of the United Nations, supports its efforts and works in close cooperation with it.
2. In 1996, the United Nations and the IPU signed a cooperation agreement with the prior approval of the IPU Council. In the agreement, the IPU recognizes the responsibilities of the United Nations under the Charter and undertakes to continue to support its activities in accordance with the purposes and principles of the Charter.
3. In 2000, the IPU organized a conference of Presiding Officers of National Parliaments at UN Headquarters. In the final declaration, which had previously been endorsed by the IPU Council, the participants called on parliaments and the IPU to provide a parliamentary dimension to international cooperation. They declared their support for the IPU and asked that it be consolidated as the world organization for inter-parliamentary cooperation and for relaying the vision and will of its members to intergovernmental organizations.
4. These sentiments were echoed by the heads of State and government in the Millennium Declaration in which they resolved to strengthen cooperation between the UN and national parliaments, through the IPU.
5. In order to facilitate closer cooperation between the two organizations, the UN General Assembly requested the Secretary-General, in consultation with member States and the IPU, to explore ways in which a new and strengthened relationship could be established between the IPU, the General Assembly and its subsidiary organs.
6. As part of these consultations, the IPU Council adopted a report in which it made suggestions on how the organization could play a role in strengthening cooperation between the UN and national parliaments.⁴ The UN Secretary-General expressed agreement with IPU's proposals in his report to the General Assembly.⁵

The content of IPU's contribution

7. In its recommendations to the UN, the IPU Council suggested that the IPU could "channel to the United Nations the views of the people, in all their diversity, as expressed in parliamentary debates and discussions at the IPU." The IPU Statutes provide that it is the Inter-Parliamentary Conference that formulates

⁴ IPU doc. CL/168/8(a)-R.1.rev. of 6 April 2001.

⁵ UN doc. A/55/996 of 26 June 2001.

the views of the organization; the *“Conference debates issues which, under the terms of Article 1 of the Statutes, fall within the scope of the Union, and makes recommendations expressing the views of the organisation on these questions.”*⁶

8. Observer status at the General Assembly would provide a means of channeling the views of the organization to the United Nations. It would confer the right to a representative of the IPU to take the floor in the regular and special sessions of the Assembly itself, in its Main Committees, in the myriad of subsidiary organs that exist throughout the United Nations system and in the international conferences organized by the United Nations. Exercising the right to take the floor would be subject to agreement by the Chair.

9. The Representative of the IPU in his or her oral statement would need to reflect the views of the organization as expressed at IPU meetings; in other words, the recommendations developed by the participants in the relevant IPU Conferences.

IPU's participation in debates at the UN

10. As a guiding principle, only a member of parliament should express the views of a parliamentary organization and should have received a prior mandate from the IPU for this purpose. In the past and depending on the circumstances in any particular instance, this person was either the President of the Council, the Vice-President or other member of the Executive Committee, a Speaker of Parliament of a country hosting a UN Conference or a member of an IPU Committee that had a mandate that was relevant to the debate that took place. This practice should continue.

11. The Council will normally provide the mandate for an IPU representative to express the views of the Organisation at the United Nations. Between sessions of the Council, such a mandate can be conferred by the Executive Committee. If no parliamentarian is available, the President of the Council may authorize the Secretary General or his or her representative to speak on behalf of the IPU.

12. All arrangements for IPU representatives to participate in debates at the UN should be made by or through the IPU Liaison Office in New York.

13. The Secretary General of the IPU has a statutory duty to *“maintain the liaison between the Union and other international organisations and, in general, its representation at international conferences.”* In order to carry out this function, the Secretary General or his or her representative should continue to take the floor at preparatory, organizational, technical or similar United Nations meetings and in similar meetings of committees set up by the Assembly to follow up on international conferences. In addition, the Secretary General may present reports to subsidiary bodies of the United Nations General Assembly on activities of the IPU.

Circulation of official IPU documents

14. The IPU Council also recommended that the IPU be granted the right to circulate its official documents⁷ at the United Nations and the UN Secretary-General suggested that the General Assembly take a decision on this matter as well. In the negotiations undertaken last year with Member States, the IPU suggested that this could be done at no extra cost to the United Nations by having the IPU reimburse the UN for any costs relating to circulation of documents in the General Assembly.

15. In order to circulate documents at the United Nations, they would have to be translated into the six official languages at the UN (Arabic, Chinese, English, French, Russian and Spanish). The annual cost to the IPU could be estimated at SF 35,000.⁸

⁶ The Inter-Parliamentary Council is the policy-making body of the Union; it determines and guides the activities of the Union and controls their implementation in conformity with the purposes defined in the Statutes.

⁷ Resolutions adopted by IPU meetings should moreover be circulated, together with a table detailing the results of any votes to which they may have given rise.

⁸ This calculation is based on a volume of roughly 25 pages per year at US\$ 800 (US\$ 480 for translation, US\$ 170 for text processing, and US\$ 150 for reproduction and circulation).

16. Resolutions adopted by IPU meetings should be circulated together with a table detailing the results of any votes to which they may have given rise.

This year's UNGA resolution on cooperation with the IPU

17. In December last year the General Assembly decided to defer further consideration and any ultimate decision on the request for observer status for the IPU to its fifty-seventh session. The Council has drawn up a draft resolution based on the text it had approved in Ouagadougou and modified to reflect the decision of the UNGA in December last year.

18. The Council calls on all members of the IPU to approach their respective Ministry of Foreign Affairs with a view to enlisting the support of the Permanent Representative of their country in New York. The draft resolution will be formally submitted to the UNGA as soon as its 57th session commences in September this year. It is expected that the draft resolution will first be considered by the UNGA Sixth Committee before being referred to the plenary for adoption. The Council strongly encourages members of the IPU to take urgent and effective action in support of the strategy outlined above.

COOPERATION WITH THE UNITED NATIONS SYSTEM

Draft United Nations General Assembly Resolution proposed by the Council of the Inter-Parliamentary Union (Marrakech, 23 March 2002)

The General Assembly,

Recalling its resolution 56/46 of 7 December 2001 which welcomed the ongoing efforts to explore ways in which a new and strengthened relationship may be established between the General Assembly and its subsidiary organs on the one hand and the Inter-Parliamentary Union on the other, and encouraged Member States to continue their consultations with a view to adopting a decision thereon during the fifty-seventh session of the Assembly,

Having considered the report of the Secretary-General (A/57/...) which takes stock of cooperation between the two organizations over the last twelve months,

Having also considered the report of the Secretary-General of 26 June 2001⁹ in which, after consultations with Member States and IPU, he recommended that the General Assembly consider:

- (a) Granting IPU a standing invitation to participate, as appropriate, in the sessions and work of the General Assembly, its subsidiary organs and international conferences convened under the auspices of the United Nations,
- (b) Deciding to allow for the circulation of the documents of IPU in the Assembly, and
- (c) Inviting the specialized agencies of the United Nations to adopt similar modalities for cooperation with IPU,

Taking into consideration the cooperation agreement between the United Nations and the Inter-Parliamentary Union of 1996, which provides the foundation for current cooperation between the two organizations,

Recalling the unique inter-state character of the Inter-Parliamentary Union,

⁹ *Cooperation between the United Nations and the Inter-Parliamentary Union (A/55/996)* (Paragraph 13 (a), (b) and (c))

1. *Welcomes* the efforts made by the Inter-Parliamentary Union to provide for a greater parliamentary contribution and enhanced support to the United Nations;
 2. *Decides* to invite the IPU to participate in the sessions and the work of the General Assembly in the capacity of observer;
 3. *Further decides* to allow for the circulation of official documents of IPU in the Assembly on the understanding that no financial implications result for the United Nations;
 4. *Invites* the specialized agencies of the United Nations to adopt similar modalities for cooperation with IPU;
 5. *Requests* the Secretary-General to take the necessary action to implement the present resolution and to submit a report to the General Assembly at its fifty-eighth session on the various aspects of cooperation between the United Nations and the Inter-Parliamentary Union;
 6. *Decides* to include in the provisional agenda of its fifty-eighth session the item entitled "Cooperation between the United Nations and the Inter-Parliamentary Union".
-

COOPERATION WITH THE UNITED NATIONS SYSTEM

**Follow-up to the resolution
adopted by the IPU Council at its 168th session (Havana, 7 April 2001) on
"Support to the United Nations International Year for Volunteers: 2001"**

***Report endorsed by the Council at its 170th session
(Marrakech, 23 March 2002)***

1. The United Nations declared 2001 the International Year of Volunteers. Within that framework, and on the initiative of the Swiss Parliament, the IPU Council adopted a resolution in Havana, on 7 April 2001, on "Support to the United Nations International Year for Volunteers: 2001".
2. The IPU resolution (a) stated that voluntary action is deeply embedded in every society and contributes significantly to promoting social cohesion, poverty reduction, sustainable development, democracy and good governance; (b) urged Parliaments to hold consultations with organizations concerned with voluntary action in their countries, including through parliamentary hearings, to help define policies that might be adopted to encourage volunteering and to establish a supportive legislative framework; (c) invited Parliaments to support the United Nations Volunteers work. It further requested the IPU Secretary General to collect from National Parliaments data on action taken at the national level to give effect to it and on existing legislation in this field, and to report to the Council by its first session in 2002.
3. In a letter sent to all Member Parliaments in May 2001, the IPU Secretary General suggested several measures to follow up on the resolution, and invited Parliaments to report back on any action taken.
4. The Secretary General would like to extend his thanks to the Parliaments of Belarus, Germany, Tunisia and the United Kingdom for sending detailed information on initiatives taken in their countries to support the International Year for Volunteers. Their answers were relayed to the United Nations Volunteers and the International Federation of the Red Cross and Red Crescent Societies.

5. Although not enough answers were received to detect any general trend, a few initiatives should be mentioned:

- The presentation to the German Parliament of legislation on the promotion of volunteerism.
- The initiative of the Belarus Parliament requesting the Council of Ministers to jointly hold consultations with major volunteer organisations in Belarus with a view to drafting action platforms to enhance the volunteer movement and to shape an effective legal framework for the purpose.
- The debates in the Parliaments of Germany and Belarus on the promotion of volunteerism.
- The carrying out of a series of activities celebrating the International Year of Volunteers in the Belarus, Tunisia and the United Kingdom based on the promotion of humanitarian assistance and solidarity. These included initiatives in the educational field and the civil protection and social field.

6. In consultation with the UNV and the IFRC, the Secretary General recommends that Parliaments that have not yet done so send all relevant information on action taken to support volunteerism, particularly through legislation. The collected data will serve as a contribution to the report which will be presented on 5 December 2002 to the United Nations General Assembly, on follow-up to the International Year of Volunteers.

7. Bearing in mind the "cross-sectoral" nature of volunteerism and the need to raise awareness on this issue, as stated in the IPU Council resolution adopted in Havana, the Secretary General furthermore recommends that the IPU lend its support to the organisation of side events organised by the United Nations Volunteers and the International Federation of the Red Cross and Red Crescent Societies during world or regional conferences. The first of these initiatives is due to take place on 11 April 2002, during the World Conference on Ageing in Madrid, and consists of the organisation of a panel on "Older people as volunteers".

8. Finally, the Members of the IPU Council will note that the resolution adopted by the IPU Conference in Marrakech on "Ten years after Rio: Global degradation of the environment and parliamentary support for the Kyoto Protocol" reaffirms the Resolution on volunteers adopted by the IPU in Havana and recognizes the important role that volunteerism plays in sustainable development. The Council may therefore wish to recommend that the IPU lend its support to the organization of a similar event as described in paragraph 7, to be organized during the World Conference on Sustainable Development in August 2002, in South Africa.

FUNDAMENTAL CHARACTERISTICS OF THE FUTURE PARLIAMENTARY ASSEMBLY OF MEDITERRANEAN STATES

*Instrument adopted by consensus by the representatives of the Parties
to the CSCM Process, at their Twentieth session
(Marrakech, 20 March 2002)*

1. The Inter-Parliamentary Union decided in 1990 to establish an inter-parliamentary process to promote security and cooperation in the Mediterranean (CSCM). The principles and recommendations set forth in the Malaga, Valletta and Marseilles Final Documents and the initiatives taken by the Inter-Parliamentary Union itself to promote the concept and practice of true partnership among States and interested parties in the Mediterranean during the past decade provide the necessary impetus to take stock of the situation and evaluate preliminary steps towards the establishment of an institutionalized CSCM Process within the Inter-Parliamentary Union.

2. The future Parliamentary Assembly of Mediterranean States should be established by building on what had been achieved during the last decade, both within the Inter-Parliamentary Union and outside it. It should serve to maintain and strengthen the momentum that had been created and thus reinforce the political dialogue among States represented within it.

I. Nature of the assembly

3. At least in an initial phase, the Assembly should have a consultative character. As such, it would draw up and submit to the respective Parliaments opinions, recommendations and other advisory instruments that should assist in the realisation of its objectives.

II. Objectives

4. In terms of paragraph 128 of the Final Document of the Second CSCM (Valletta, November 1995), the primary mission of the Assembly would be « *to foster relations of confidence between Mediterranean States so as to ensure regional security and stability and to unite their endeavours in a true spirit of partnership with a view to the harmonious development of the different States* ». Accordingly, the Assembly's vocation would be to foster political dialogue and understanding among the participants, thus helping to promote cooperation in its fields of action.

5. In that respect, the three "baskets" of the CSCM within the IPU should be reflected in the structure and functioning of the future Assembly, without ever being prevented from taking up any other relevant issue:

- *Political and Security-related Cooperation: Regional Stability:* Relations between Mediterranean partners based on eight principles (refraining from the threat or use of force; peaceful settlement of international disputes; inviolability of frontiers and territorial integrity of States; right of peoples to self-determination and to live in peace on their own territories within internationally recognised and guaranteed frontiers; sovereign equality of States and non-interference in internal affairs; respect for human rights; cooperation between States; fulfilment in good faith of obligations assumed under international law), questions regarding peace, security and stability, confidence-building measures, arms control and disarmament, respect for international humanitarian law, and the fight against terrorism.
- *Economic and Social Cooperation: Co-development and Partnership:* Globalisation, the Barcelona process, economy, trade, finance, debt issues, industry, agriculture, employment and migration,

population, poverty and exclusion, human settlements, water resources, desertification and protection of the environment, tourism, transport, science and technology.

- *Dialogue among Civilisations and Human Rights:* Mutual respect and tolerance, democracy, human rights, gender issues, children, minorities' rights, education, culture and heritage, sports, media and information, and dialogue among religions.

III. The Assembly

6. The Assembly should provide the Mediterranean with a unique political setting that would bring together all of the Mediterranean coastal States in a regional forum. In that spirit, the composition of the Assembly could build on the CSCM Process implemented by the Inter-Parliamentary Union and include the following two categories of members:

- **Members:** representatives of the parliaments of Albania, Algeria, Bosnia and Herzegovina, Croatia, Cyprus, Egypt, France, Greece, Israel, Italy, Jordan, Lebanon, Libyan Arab Jamahiriya, Malta, Monaco, Morocco, Portugal, Slovenia, Spain, Syrian Arab Republic, The former Yugoslav Republic of Macedonia, Tunisia, Turkey and Yugoslavia.
- **Associate Members:** this second category would be composed of the following three sub-categories:
 - (i) Russian Federation, United Kingdom, United States of America
 - (ii) Palestine
 - (iii) Arab Inter-Parliamentary Union, Assembly of the Western European Union, Maghreb Consultative Council, European Parliament, Parliamentary Assembly of the Black Sea Economic Co-operation, Parliamentary Assembly of the Council of Europe, Parliamentary Assembly of the OSCE.

7. In addition to the above, the Assembly shall consider requests from present or future IPU member Parliaments from States that form part of the Mediterranean littoral.

8. Each of the parliaments represented as Members would have:

- *Option 1: The same number of representatives*
- *Option 2: A basic identical number of representatives on the basis of the smallest national population, in addition to one representative for each additional tranche of of population registered by census.*

9. The following could be admitted:

- *As Members:* (i) *ex officio*, the parliaments of the Mediterranean coastal States, and, (ii) on request, the parliaments of non-coastal States whose economic, political and strategic life is directly linked to the Mediterranean.¹⁰
- *As Associate Members:* on request, national parliaments and institutions on the basis of their commonality of interests in the region or their geographic proximity.

IV. Institutional links

10. *Parliaments represented as Members:* Having analysed the questions of the relations to be established between the Assembly and the parliaments represented as Members, the Committee was inclined to believe that – to the extent that the Assembly would be consultative in nature – the best means of achieving the assembly's objectives would be for each parliament concerned to be represented at the assembly by a permanent delegation duly commissioned to speak and take positions and with a mission to report back to the

¹⁰ Criterion currently in force for the CSCM within the Inter-Parliamentary Union. On the basis of the second membership criterion, only Portugal and Jordan have been admitted.

national parliament. Each delegation would reflect the balance of political power within the parliament concerned and its composition would be subject to periodic renewal.

11. *Corresponding intergovernmental structures:* The Committee called for the establishment of the corresponding intergovernmental structures. It felt however that the creation of the assembly should not be conditional on the setting-up of such structures.

12. *Inter-Parliamentary Union:* The Committee felt that while the CSCM process within the Inter-Parliamentary Union offered an ideally neutral and balanced framework to elaborate the architecture and characteristics of the future parliamentary assembly of Mediterranean States, the latter was called to replace the present CSCM process. Pending the establishment of the parliamentary assembly, the present structure of the CSCM process should be maintained. In an initial exploratory phase, the assembly could nevertheless function within the framework of the Inter-Parliamentary Union, in the stead of the CSCM process, subject to the approval of the Council of the Inter-Parliamentary Union.

13. *Other existing parliamentary initiatives:* The Assembly should liaise with other parliamentary initiatives regarding the Mediterranean region.

V. Annual Meetings

14. The Parliamentary Assembly of Mediterranean States shall meet at least once a year in ordinary session.

15. The President of the Assembly shall convene extraordinary sessions of the Assembly at the request of two-thirds of its Members.

16. When the Assembly was in recess, regular sessions of its committees could be held.

17. The Assembly would meet each time in a country with full membership status, without exclusion and by common agreement among its Members. The country hosting a session of the Assembly would have to guarantee that all representatives of participating States would be granted entry visas¹¹.

VI. Financing

18. Members and Associate Members of the Assembly should share costs according to an equitable formula. During the exploratory phase and subject to the agreement of the Inter-Parliamentary Council, the budget of the Assembly would however form an integral part of the general budget of the Inter-Parliamentary Union and the individual amounts would be added to the annual contributions made by participants to the IPU budget.

VII. Rules of Procedure

19. The Assembly shall, during its first meeting, appoint a drafting committee composed of a number of parliamentarians from among the Members, who, together with officials of the IPU Secretariat, shall draw up the rules of procedures to be adopted by the Parliamentary Assembly of Mediterranean States.

20. Up to the time of adoption of these rules of procedures, the Assembly shall apply, *mutatis mutandis*, the rules of procedures of the Inter-Parliamentary Conference on Security and Cooperation in the Mediterranean.

¹¹ Criterion in force at the IPU that was confirmed once again by the Inter-Parliamentary Council in October 2000.

VIII. Secretariat

21. A Secretariat of the Parliamentary Assembly shall be established and shall have its seat in one of the countries indicated as Members. The Secretariat shall organize the Annual Sessions of the Assembly as well as other inter-sessional meetings, seminars, conferences and other related activities. It shall act as the central depository of the documents and instruments of the Assembly. Furthermore, the Secretariat shall provide administrative support to the President and other officials of the Assembly.

IX. Annual Report

22. The Parliamentary Assembly shall submit to the Inter-Parliamentary Union an Annual Report by not later than the end of the first quarter of the following year.

X. Establishment

23. As the initiative to establish the Parliamentary Assembly of Mediterranean States had been launched within the framework of the CSCM process, it was quite appropriate for that body to be constituted by an Inter-Parliamentary CSCM.

MESSAGE TO THE EAST TIMOR CONSTITUENT ASSEMBLY FROM THE COUNCIL OF THE INTER-PARLIAMENTARY UNION

(Marrakech, March 2002)

The world parliamentary community represented by the Inter-Parliamentary Union has been following political events as they unfold in East Timor and watching with keen interest the framing process of its Constitution, which has been carried out under tight time constraints.

The Council of the Inter-Parliamentary Union, meeting in its 170th session in Marrakech (Morocco), took note with satisfaction of the adoption today by the Constituent Assembly of the first Constitution of East Timor, thus paving the way for the independence of that territory.

On this historic occasion, the Council of the Inter-Parliamentary Union extends its congratulations to the members of the Constituent Assembly and to the people of East Timor. It renews its commitment to continue to provide support to the Constituent Assembly and future Parliament of a sovereign and independent state, with a view to fostering representative democracy in East Timor.

The Inter-Parliamentary Union looks forward to welcoming, in due course, the new Parliament of East Timor within its fold.

COMMITTEE ON MIDDLE EAST QUESTIONS

*Report noted by the Council at its 170th session
(Marrakech, 23 March 2002)*

1. Participation

The Committee held a meeting on Monday, 18 March under the chairmanship of Mr. Y. Tavernier, which was attended by all Committee members (with the exception of Mr. R. Ahouandjinou, from Benin).

Several delegations participated in the Committee's work:

- An Israeli delegation led by the Speaker of the Knesset, Mr. A. Burg;
- A Palestinian delegation composed of the Vice-President of the Legislative Council, Mr. I. Abu Al Naja, a member of the Legislative Council, Mr. Z. Abu Amr and a member of the Palestine National Council, Mr. A. Abdullah;
- An Egyptian delegation led by the President of the People's Assembly, Mr. A.F. Sorour;
- Two representatives from Jordan, Ms. S. Masri and Dr. A. Batayneh.

2. The Committee worked in a spirit of dialogue and openness.

All were able to express themselves in a climate of calm and mutual understanding. All the participants noted that the war led to tragedy, leaving many civilians dead or injured, which only deepened hatred and in no way made it possible to reach a solution to the conflict.

All agreed on the absolute need to put an end to the "vicious cycle of violence" and to replace the logic of war, violence and terror prevailing in the region with a logic of peace, by establishing a dialogue between the two parties.

The delegates unanimously agreed to call for a halt to the violence so that the two peoples could live free and in peace.

The participants made a point of stressing the importance of United Nations Security Council resolution 1397, the initiative of Saudi Crown Prince Abdullah, the initiatives taken by the United Nations and by European bodies, including the one launched in Paris by the President of the French National Assembly on 23 January last and the Egyptian proposal to meet in Sharm-el-Sheikh to prepare the latter initiative, enabling the Presiding Officers of European parliaments to travel to Jerusalem and Ramallah with the Speaker of the Knesset, if the Israeli Parliament gives its agreement.

They also stressed the fact that a solution could come only from the two parties themselves, or to use Mr. A. Burg's words, there was a "will to help Israel and Palestine to help themselves".

The participants stressed that the Mitchell Plan and the Tennenbaum Outlines were still considered as providing a framework for the resumption of peace negotiations and the United Nations resolutions as the basis for settlement of the conflict.

3. Statements submitted by the parties

After the discussion, two texts were conveyed to the Committee, one from the Knesset and the other from the Palestinian representatives. A comparison of the two texts brought out a number of similarities, namely the need to put an end to the spiral of violence and hatred, to introduce a ceasefire to enable the resumption of political dialogue and ensure the safety of the people.

The resolution proposed by the Palestinian delegation emphasized the reference in Security Council resolution 1397 to the creation of a Palestinian State as a condition for a return to peace.

The Israeli proposal highlighted the mission carried out by the United States Special Envoy. The one submitted by the Palestinians mentioned the initiative of Saudi Crown Prince Abdullah and referred to the diplomatic efforts made by the United States, the European Union, the Russian Federation and the United Nations to help to find a solution to the conflict.

The major difference between the two texts was that the Palestinians urged the Israeli authorities to put an end to their occupation of the territories, to lift the siege of the authorities and to lift the restrictions on the free movement of the people.

It would appear that the resolution prepared in the drafting committee on the emergency supplementary item entitled: "The role of parliaments in supporting implementation of resolution 1397 adopted by the United Nations Security Council" could serve as a basis for consolidating the two texts.

The Committee met for a second time on Thursday, 21 March with Mr. Tavernier in the chair to finalise the consolidated version.

It deeply regretted the absence of the Israeli delegation, which prevented the Committee from fulfilling its mission of promoting dialogue between Palestinians and Israelis.

The Committee heard the representative of the Palestine National Council, who commended the Committee on its useful work and hoped it would play a more important role in parliamentary diplomacy. He pointed out that, in analysing the Middle East situation, it needed to address all elements liable to lead to peace. He highlighted the danger of certain practices which adversely affect people's living conditions, so playing into the hands of extremists.

The Palestinian representative commended the bold initiative of all those who had taken the floor during the discussions at the Conference, particularly the Speaker of the People's Assembly of Egypt.

4. Recommendations of the Committee

The Committee supported all parliamentary and inter-parliamentary initiatives, particularly the one by the President of the People's Assembly of Egypt, Mr. A.F. Sorour, to host in Sharm-el-Sheikh on 12 April 2002 the Presiding Officers of the Israeli and Palestinian Parliaments.

The Committee on Middle East Questions of the Inter-Parliamentary Union wished to participate in this meeting.

It also supported the plan for a meeting between Israeli and Palestinian parliamentarians in Ramallah in the presence of the Presiding Officers of national parliaments and the Inter-Parliamentary Union.

The Committee expressed concern that the democratically elected Palestinian Legislative Council had been unable to meet for 18 months, although its contribution to the peace process and to dialogue with the Knesset was fundamental.

The Committee expressed the hope that it would be able to meet at the time of the session of the Inter-Parliamentary Council to be held in Geneva in September 2002 in order to follow up the action undertaken by the Inter-Parliamentary Union.

**AMENDMENTS TO THE IPU STATUTES AND ADJUSTMENTS TO THE RULES AND FORMAT OF THE
MEETING OF WOMEN PARLIAMENTARIANS PROPOSED BY
THE GENDER PARTNERSHIP GROUP**

A. Proposals for amendments to the IPU Statutes

The Gender Partnership Group formally presented to the IPU Council four proposals for amendment to the IPU Statutes which, in its view, can be adopted irrespective of the pace of the reform process. Having in mind Article 27 of the IPU Statutes, the Group proposed that the amendments should be thoroughly studied by every IPU Member with a view to a formal vote on them by the Council in Geneva in September 2002 or, at the latest, at its first sitting in Chile in April 2003, where they would then be submitted for final approval to the IPU Conference and would become operational immediately.

Pending the adoption and implementation of the IPU reform, the Council endorsed a suggestion from the Gender Partnership Group that the Secretary General be instructed:

- (a) To write a letter, immediately after the Marrakech Conference, to all the delegations referred to in the attached table, conveying the above concerns together with a recommendation that, as a matter of policy, they make a systematic effort to include at least one woman in their delegations to IPU Meetings in future; and
- (b) To write a letter, well ahead of the next IPU Conference, to all IPU Members to remind them of the criterion in the Statutes whereby their delegation to the Conference should include both male and female parliamentarians.

First amendment: Redraft Article 10.1 of the Statutes¹² to make it mandatory, not optional, to include at least one woman in each delegation; the article would read, in the future, as follows:

The Conference shall be composed of parliamentarians designated as delegates by the Union's Members. Members shall strive for an equal representation of men and women in their delegations.

Interpretative clauses for the application of the above rule:

- (i) The above rule would not be an obstacle to the registration of single-member delegations.
- (ii) The rule would be applicable to all of the Union's Members, regardless of the composition of the national parliament. In other words, no derogation would be made for parliaments and National Groups with no or hardly any women MPs.
- (iii) Non-compliance with the rule would lead to the sanctions stipulated in the second and third amendments below.

Second amendment: Insert a new paragraph 3, worded as follows, in Article 10 of the Statutes:

Any delegation composed exclusively of parliamentarians of the same sex shall automatically be reduced by one person.

Interpretative clauses for the application of the above rule:

- (i) The above rule would be applicable to any delegation formed of parliamentarians of the same sex for three consecutive sessions of the Conference.

¹² Article 10.1. of the Statutes states as follows: " The Conference shall be composed of parliamentarians designated as delegates by the Members of the Union, including if possible at least one woman if the Member has women parliamentarians."

- (ii) To avoid having to apply the sanction to members whose delegation at a Conference is non-mixed owing to mere circumstances beyond their control, the rule would only be applied starting with the third Conference, taking into consideration the actual composition of the delegation, not its announced composition.
- (iii) The rule would be applicable to any delegation with at least two parliamentarians. Accordingly, applying the rule would mean that only one parliamentarian would be accredited as member of the delegation and that the second parliamentarian would be registered as an advisor (delegations are authorized to register a maximum of two parliamentarians as advisors).
- (iv) For delegation with the total authorised number of parliamentarians, the rule would mean that only seven parliamentarians (instead of eight) would be accredited as members of the delegation for countries with a population of less than 100 million inhabitants, and nine parliamentarians (instead of ten) for countries whose population is equal to or greater than this figure. The additional parliamentarian would be registered as an advisor.

Third amendment: Include a new paragraph, worded as follows, in Article 15.2 of the Statutes:

Any delegation composed exclusively of parliamentarians of the same sex shall have a minimum of eight votes (instead of the ten for mixed delegations) at the Conference of the Inter-Parliamentary Union. For delegations entitled to a certain number of additional votes, the overall calculation will be made on the basis of eight votes instead of ten.

Interpretative clause for the application of the above rule:

- (i) The above rule would be applicable to any delegation composed of parliamentarians of the same sex - minimum two - for three consecutive sessions of the Conference.
- (ii) To avoid having to apply the sanction to members whose delegation at a Conference is non-mixed owing to mere circumstances beyond their control, the rule would only be applied starting with the third Conference, taking into consideration the actual composition of the delegation, not its announced composition.

Fourth amendment: Insert the following sentence at the end of Article 23(3) of the IPU Statutes:

"Parliamentarians from States where women do not have the right to vote and stand for election are ineligible to the Executive Committee."

B. Adjustments to the format of the Meeting of Women Parliamentarians

Amendment to the Rules of the Meeting of Women Parliamentarians: Modify the Rules of the Meeting of Women Parliamentarians so as to allow male parliamentarians to take part in the Meeting's debates on a more regular basis than that foreseen under its existing Rules (Rule 4.2), with a view to promoting dialogue on gender issues. Article 4.2 currently states as follows: *"Male members of Parliaments may follow the work of the Meeting of Women Parliamentarians. Subject to the approval of the participants, the President may give them the floor"*. (A formal proposal remains to be prepared by the Coordinating Committee of Women Parliamentarians).

Adjustments to the format of the Meeting of Women Parliamentarians: Make arrangements for the Meeting of Women Parliamentarians to include in its one-day programme a special thematic segment involving male parliamentarians, by which it may be possible to enhance dialogue on and understanding of gender issues. This idea is supported by the Coordinating Committee of Women Parliamentarians which welcomed the idea of enhancing the mechanisms for dialogue between male and female parliamentarians while feeling that, in the current context, a forum for consultation among women parliamentarians is still needed within the IPU. The new format will become operational in Chile in April 2003: see section Meeting and Coordinating Committee of Women Parliamentarians.

PANEL ON THE WORST FORMS OF CHILD LABOUR

Marrakech, 20 March 2002

Summary of proceedings by Professor Ahmed Akhchichine, National Observatory for Children's Rights, Morocco

The 107th Conference of the Inter-Parliamentary Union devoted a panel discussion to the essential component of the commitment to ensuring respect for the rights of the child: *"Elimination of the worst forms of child labour"*. Placed under the patronage of Her Royal Highness Princess Lalla Meryem, UNESCO Goodwill Ambassador for the promotion and defence of children's rights and President of the Moroccan National Observatory for Children's Rights, the panel discussion took place on 20 March 2002 at the *Palais des Congrès* in Marrakech.

At the opening session, chaired by Mr. A. Radi, President of the 107th Conference, after the reading of an address by HRH Princess Lalla Meryem, keynote speeches were delivered by Dr. N. Heptulla, President of the Council of the Inter-Parliamentary Union, and Mr. F. Röselaers, Director of ILO's International Programme on the Elimination of Child Labour (IPEC). The session afforded an opportunity for the official launching of the practical guide, *"Eradicating the worst forms of child labour"*, prepared jointly by the IPU and the ILO to help parliamentarians in their efforts in this area.

Under the chairmanship of Ms. N. Chekrouni, Moroccan Minister for questions concerning the family, women, children and the disabled, the presentations and discussions focused on three topics: *"The worst forms of child labour: What are they and what are the ILO and UNICEF doing?"*; *"Legislation and best practices for eradicating the worst forms of child labour;"* and *"Future political and parliamentary action: Founding a coalition against the worst forms of child labour"*.

The panellists and all speakers confirmed that the combat to eradicate the worst forms of child labour, as defined by ILO Convention No. 182, involves a particularly complex set of problems, which spare virtually no society and the manifestation of which may vary from one environment to another. In all, nearly 80 million children have their dignity trampled underfoot, their survival threatened and their full development compromised by new forms of slavery of which they are the victims. All speakers agreed that even though the abolition of all forms of child labour in accordance with the spirit and letter of ILO Convention No. 138 remains a medium- and long-term objective, the eradication of the forms defined by Convention No. 182 is an urgent priority which cannot be put off. Responsibility rests with the decision-makers of the international community, among whom parliamentarians have pride of place as representatives of the peoples and nations.

To this end, two complementary and convergent approaches are provided by the two bodies which are in the forefront of international efforts to eradicate the worst forms of child labour.

- The first, developed and implemented by the ILO's International Programme on the Elimination of Child Labour (IPEC), hinges on five types of action: (i) awareness-building; (ii) introduction of legislative mechanisms; (iii) effective application of legislative provisions; (iv) provision of high-quality, accessible and free education; (v) effective support to children and families.
- The second underlies UNICEF's work in this field, and primarily stems from the commitment to ensuring respect for the whole corpus of children's rights, as defined by the UN Convention. Starting from the perspective of prevention, the approach is based on the promotion of high-quality education, with special emphasis on combating the forms of discrimination which target girls. The second thrust of the approach pertains to the advocacy activities needed to target governmental decision-makers, particularly those in charge of planning economic choices and managing public finances.

In defining from a national perspective what the role of parliamentarians and legislative bodies might be in this effort to eradicate the worst forms of child labour, one question inevitably arises: given the sometimes considerable weight of the tradition and habits linked to exploitation of the potential of children, how effective can we expect the law to be? Taking this question as a basis, all participants seemed to accept the idea that the role of MPs in this combat could not be confined to simply drafting and enacting legislation.

Accordingly, all the proposals and suggestions made during the panel's discussion call for involvement by parliamentarians which projects their action and initiatives beyond the boundaries of legislative and regulatory work and their traditional duties.

- Clearly, the first priority remains the ratification of international legal instruments and, on the wave of the momentum created, the alignment of national legislation, with the intent and provisions of international conventions.
- With regard to the production of legal instruments, the view seems to be that the drafting of laws on children requires a specific approach, in particular to ensure that protection of their rights does not fall foul of political rivalry and demagoguery.
- In many environments, in order for measures against the worst forms of child labour also to be effective, general labour law may need to be upgraded. In other words, the corollary of effective protection of children's rights is better protection of the rights of adults in the working world, particularly women.
- Several speakers stressed the need to emphasise the situation of girls, not only because they are particularly vulnerable as a group but owing to the essential role they will play as mothers.
- Since relevant action inevitably depends on the quality of the information gathered on the problems to be solved, data, in terms of availability and reliability, is to be treated as a priority area for action.
- Finally, one set of proposals focused more specifically on efforts in the area of education. Two objectives in particular were highlighted: ensuring that school attendance is made compulsory everywhere, and mobilising the necessary resources to provide all children with access to education up to the age of 15 years.

Nevertheless, ratifying international legal instruments and enacting national laws are not always enough. To eradicate the worst forms of child labour, these legislative measures, though essential, will need to be complemented in at least four ways:

- First, creating the conditions for public opinion to become committed to this combat at both the national and international level;
- Secondly, promoting the emergence of political will and a determined commitment among political decision-makers, whether government leaders or parliamentarians;
- Thirdly, involvement in concrete action and initiatives of the various players in civil society, particularly those most directly concerned by labour-related problems, namely trade unions and employers' associations;
- Fourthly, coordination of parliamentarians' efforts at the international level to ensure that the expectations – particularly in terms of support – of the countries and societies committing themselves to this combat are fulfilled and that development aid and

partnership mechanisms incorporate on a priority basis the crucial problem of the eradication of the worst forms of child labour.

In the immediate future, the discussions in Marrakech between parliamentarians and their partners will be pursued at two meetings: one to be held on 19 May in New York on the fringe of the World Summit for Children, and the one which the ILO proposes to organise in Geneva in June 2002 on the occasion of its annual conference.

MOTION OF SUPPORT TO MS. SAFIYA HUSSEINI, NIGERIA

*Adopted by acclamation by the Council at its 170th session
(Marrakech, 23 March 2002)*

We, parliamentarians, meeting in the context of the 107th IPU Conference, recall that the IPU has consistently taken a stand against the application of the death penalty. We further reaffirm the principle of equality between men and women enshrined in human rights and women's rights international instruments and recall that this principle, which is strongly upheld by the IPU, is the key concept of the Beijing Platform for Action that was adopted in Beijing in 1995 by the Fourth World Conference on Women and subsequently signed by the Federal Republic of Nigeria.

We strongly protest against the death sentence by stoning handed down on Ms. Safiya Hussein for adultery and exhort the authorities of the Federal Republic of Nigeria and those of the State of Sokoto to grant her pardon. We call upon the Parliament of the Republic of Nigeria to convey this urgent request to the authorities in question.

Future Meetings and other Activities

Approved by the Council at its 170th session (Marrakech, 23 March 2002)

Parliamentary Meeting on the occasion of the 58 th session of the UN Commission on Human Rights	GENEVA (UN) 8 April 2002
Panel on " <i>Older people as volunteers</i> " organised on the occasion of the Second World Assembly on Ageing by the United Nations Volunteers and the International Federation of Red Cross and Red Crescent Societies, with IPU support	MADRID (Spain) 11 April 2002
Parliamentary Forum on Children on the occasion of the Special Session of the United Nations General Assembly on Children organised in cooperation with UNICEF	NEW YORK (UN Headquarters) 9 May 2002
Parliamentary Meeting on the occasion of the World Food Summit: Five Years Later, organised by the Italian Parliament with IPU support	ROME (Italy) 11 June 2002
Seminar for Asian Parliaments on " <i>Parliament and the budgetary process, including from the gender perspective</i> ", organised under the Union's Technical Cooperation Programme, in cooperation with UNDP and the World Bank	MANILA (Philippines) 23-25 July 2002
98 th session of the Committee on the Human Rights of Parliamentarians	GENEVA (IPU Headquarters) End of June
Fifth Workshop of Parliamentary Scholars and Parliamentarians organised by the Centre for Legislative Studies of Hull and sponsored by the IPU	OXFORD (United Kingdom) 3-4 August 2002
Parliamentary Meeting on the occasion of the World Summit on Sustainable Development	JOHANNESBURG (South Africa) August 2002
171 st session of the IPU Council and related meetings	GENEVA (CICG) 23-27 September 2002
- Council (171 st session)	25 and 27 September
- Council (special session)	25-27 September
- Executive Committee (238 th session)	23 and 24 September
- Committee on the Human Rights of Parliamentarians (99 th session)	23-25 September
- Gender Partnership Group	24 September
- Committee on Middle East Questions	24 September
- Coordinating Committee of Women Parliamentarians	24 September
UN-IPU Meeting of parliamentarians attending the 57 th session of the UN General Assembly	NEW YORK (UN Headquarters) October-November 2002

108th Inter-Parliamentary Conference

SANTIAGO DE CHILE (Chile)
6-12 April 2003

Inter-Parliamentary Conference

MANILA (Philippines)
September-October 2003

Inter-Parliamentary Conference

LONDON (United Kingdom)
28 March-3 April 2004

**MODALITIES FOR THE SPECIAL SESSION OF THE
COUNCIL OF THE INTER-PARLIAMENTARY UNION**

Geneva, 25 – 27 September 2002

***Adopted by the Council at its 170th session
(Marrakech, 23 March 2002)***

Nature of the meeting

1. The meeting represents a departure from standard meetings of the Inter-Parliamentary Union and is an opportunity for the Union, through its governing body, *to discuss and develop a strategy for parliamentary action in relation to financing for development.*

Agenda of the special session

1. Opening of the meeting
2. Debate on financing for development
3. Special hearing on financing for development
4. Consideration and adoption of the draft outcome documents
5. Close of the meeting

Organisation of work

2. The special session will, to the extent possible, adopt the working methods under consideration within the current reform process. After a brief opening plenary meeting, the special session will debate financing for development. During the second sitting, there will be a hearing with a senior international figure, relating to the item considered by the special session. The debate will subsequently resume and conclude its work at the end of its fourth sitting.

Delegations

3. The following delegations will be invited to the Special Session of the Council:

Participants : *The two members of the Inter-Parliamentary Council of each IPU Member, as well as other delegates to broaden the composition of the meeting - particularly Speakers of Parliament, and Chairpersons and members of Parliamentary Committees dealing with the issues on the agenda - with a maximum of 5 per IPU Member, including at least one woman MP. Delegations can of course also be accompanied by the necessary advisors and secretariat staff. Delegations comprising two members of parliament from the Associate Members of the IPU.*

Observers : *All the observers invited on a regular basis to statutory Conferences.*

Guest speakers : *A limited number of guest speakers will be invited to address the meeting.*

Opening ceremony

4. Speakers will include the *President of the Inter-Parliamentary Council*, as well as other personalities, including from the authorities of Switzerland.

Speaking time

5. There will be no general debate and no speakers' list. The main debate will take place during the four sittings at which the Chair will endeavour to ensure a lively exchange in which delegates speak for no more than three to four minutes at a time.

Documents

6. The IPU Council will appoint co-rapporteurs for the item on the agenda. The Rapporteurs will prepare a report on the subject and a corresponding draft resolution for the consideration of delegates. These documents will be sent to IPU Members ahead of the meeting.

7. While the report will remain the responsibility of the Rapporteurs, who may modify it to take account of comments made by delegates before and during the meetings, the draft resolution will be in the hands of delegates who can amend it as they see fit. Before the Special Council Session, delegates will accordingly receive a report from the Rapporteurs, together with a draft declaration or resolution.

8. IPU Members will not be asked to submit memoranda or other documents on the agenda item. They are instead invited to submit written comments and suggestions for the Rapporteurs' report as well as amendments to the draft resolution. Those Members wishing to circulate any other documents will be expected to bring a sufficient number of copies which could be made available on a suitably located table.

9. International organisations with particular expertise on the themes selected for debate at the meeting will be invited to submit background papers.

Adoption of outcome documents

10. The usual IPU Study Committee and Conference rules will apply to voting methods and majorities relating to the adoption of the draft resolution.

Summary records

11. Summary records will be prepared and circulated to delegates after the meeting.

Languages

12. Interpretation will be provided by the IPU in Arabic, English, French and Spanish. An additional four interpretation booths will be available to those delegations which traditionally avail themselves of this opportunity.

Place of meetings

13. The meeting will take place in the Geneva International Conference Centre (CICG) which is located in the vicinity of the United Nations Office in Geneva.

Practical arrangements for delegations

14. IPU Members are encouraged to contact their diplomatic or consular representatives in Geneva or Bern for practical assistance regarding hotel reservations, reception at the airport and transport in Geneva. In exceptional instances where there is no diplomatic or consular representation in Switzerland, the IPU Secretariat can facilitate contact with the Geneva Tourism Office.

15. Regarding visas, the IPU has concluded a headquarters agreement with the Swiss authorities on the basis of which Swiss Embassies abroad will issue entry visas to participants upon presentation of necessary documents, including the invitation and convocation to the Special Session. As the procedure for granting visas in certain instances can take many weeks, delegations are requested to request visas well in advance of the meeting.

Preparatory Committee

16. The Executive Committee will act as the Preparatory Committee for the special session and hold a further meeting on the eve of the event (to which it will also invite the members of the Union's Committee for Sustainable Development). The Committee will also act as Steering Committee and will provide advice to the President of the Special Session with regard to any procedural matter that may arise in the course of the special session.

Resolutions Concerning the Human Rights of Parliamentarians

CASE N° BLS/01 - ANDREI KLIMOV) BELARUS
 CASE N° BLS/05 - VICTOR GONCHAR)
 CASE N° BLS/10 - VALERY SHCHUKIN)

*Resolution adopted without a vote by the Council of the Inter-Parliamentary Union
 at its 170th session (Marrakech, 23 March 2002)*

The Council of the Inter-Parliamentary Union,

Referring to the outline of the case of Mr. Andrei Klimov, Mr. Victor Gonchar and Mr. Valery Shchukin, all members of the former Thirteenth Supreme Soviet of Belarus, as contained in the report of the Committee on the Human Rights of Parliamentarians (CL/170/13.c(ii)-R.1), and to the relevant resolution adopted at its 169th session (September 2001),

Taking into account the information provided by the Belarus delegation at the hearing held on the occasion of the 107th Conference (March 2002),

Taking into account also information provided by one of the sources on 1 October 2001 and 11 February 2002,

Considering the following information on file with respect to the case of Mr. Gonchar, who disappeared on 16 September 1999 together with his friend Mr. Krasovsky:

- According to the Belarus delegation to the 107th Conference (March 2002), the investigation into Mr. Gonchar's disappearance is under the personal control of the Head of the State, the Prime Minister, the Minister of the Interior and the Prosecutor General; moreover, Parliament is closely monitoring the investigation and receiving monthly briefings from the Prosecutor General or other competent authorities; Parliament also has access to investigation documents, and MPs can personally contact the competent authorities and request information; however, efforts by Parliament to set up a special parliamentary monitoring committee have not been pursued because, in discussions with the Prosecutor General and the Minister of Home Affairs, the conclusion was reached that it would be more effective to have Parliament as a whole monitor the investigation; the delegation also reported that a criminal murder case concerning Mr. Gonchar's disappearance had been opened, thus enabling the authorities to use the entire range of investigative means and procedures; however, all those efforts have not as yet made it possible to establish whether Mr. Gonchar is dead or alive and to elucidate the circumstances of his disappearance;
- According to the source, new evidence has come to light since mid-2001, implicating in the assassination of opposition figures, including Mr. Gonchar, State-run death squads said to have been originally set up by the former Minister of the Interior and the former Secretary of the National Security Council to fight Mafia crime; according to that evidence, Mr. Gonchar was shot by members of a special security unit with a gun allegedly used solely for capital executions; the weapon was reportedly issued by the Minsk Confinement Centre on the personal orders of the former Minister of the Interior; the authorities have stressed that all these allegations, having been thoroughly checked, were dismissed as baseless; according to them, the reports were only given broad coverage during the presidential election campaign;

- On several occasions, the authorities have stated that there are many cases of disappearance each year in Belarus; in this respect, the Chairman of the Standing Committee on Legislation, Judicial and Legal Issues reported at the hearing held on the occasion of the Committee's 96th session (January 2002), that investigations into disappearances were under the personal control of President Lukashenko, who, in a meeting with Parliament on the subject, had stated that Mr. Gonchar's case was one among the 2,000 cases of disappearance each year and urged that investigations should not focus solely on him,

Recalling, with regard to the case of Mr. Klimov, who is serving the six-year prison term to which he was sentenced in March 2000, the serious misgivings it has consistently expressed about respect for his right to fair trial, in particular his right effectively to defend himself and present evidence to clear himself of the charges, and about the harshness of the sentence handed down on him, which it has considered grossly disproportionate to the alleged offence; *recalling also* that it has consistently called on the authorities to release Mr. Klimov forthwith and that it was therefore all the more dismayed when he was not included in the Amnesty Law of August 2000; *considering* in this respect the following information provided by the Belarus delegation to the 107th Conference:

- On 28 February 2002, the prison authorities wrote to Minsk City Court requesting Mr. Klimov's release for good conduct; the court now has to take a decision within one month, so that Mr. Klimov could be released on parole at the end of March 2002, meaning that for the remainder of his sentence, namely one year and 11 months, he would have to report to the police periodically; however, should Mr. Klimov be included in the new amnesty law to be adopted by Parliament in April 2002, he would cease to be under that obligation,

Recalling the following information on file regarding the case of Mr. Shchukin, who has on many occasions been arrested, detained or fined for participating in unauthorised demonstrations and for "hooliganism" and claims to have been ill-treated by the police on various occasions without the police ever acting upon his complaints:

- Mr. Shchukin was most recently sentenced to a three-month prison term in March 2001 for attempting to attend a press conference without the necessary accreditation; he served the sentence from 12 June to 12 September 2001;
 - In January 2002, the authorities confirmed that he had been released and reported that Mr. Shchukin was now permanently accredited, as part-time political observer of the "Narodnaya Volya" (People's Will) newspaper, with the House of Representatives and regularly invited to its press conferences and briefings,
1. *Thanks* the Belarus delegation and the parliamentary authorities for the information provided and for their consistent cooperation;
 2. *Remains deeply concerned* that, more than two years after Mr. Gonchar's disappearance, the investigations have led nowhere; *declares* that the disappearance of a prominent opposition politician and member of Parliament cannot be put on a par with the 2,000 cases of missing persons observed annually in Belarus and requires special measures to establish the truth; *appreciates* therefore the special investigative efforts made to this end, in particular Parliament's continuing monitoring of this case; *believes*, however, that setting up a special committee, as was Parliament's intention, would contribute considerably to such effort; *calls therefore on* the House of Representatives to reconsider that decision;
 3. *Would appreciate* information on the details provided by the investigative authorities at their latest hearing with Parliament about the results of their work in this case, as published in the official parliamentary records;

4. *Is pleased* at the prospect of Mr. Klimov's release on parole at the end of March 2002 and *is confident* that the court will grant such release; *earnestly hopes* that Mr. Klimov will be included in the new Amnesty Law and so recover his full freedom;
 5. *Notes* that Mr. Shchukin was released on 12 September 2001; *is pleased to note* that he is pursuing his activity as a journalist, having in addition been accredited with Parliament; *decides* consequently to close his case while *regretting* that he was subjected to repeated arrest and administrative fines, largely on account of having exercised his right to freedom of speech and association;
 6. *Requests* the Secretary General to convey this resolution to the authorities and to the sources;
 7. *Requests* the Committee on the Human Rights of Parliamentarians to continue examining the case of Mr. Gonchar and Mr. Klimov and report to it at its next session (September 2002).
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BURUNDI

CASE N° BDI/01 - S. MFAYOKURERA

CASE N° BDI/05 - I. NDIKUMANA

CASE N° BDI/06 - G. GAHUNGU

CASE N° BDI/07 - L. NTAMUTUMBA

CASE N° BDI/29 - P. SIRAHENDA

CASE N° BDI/35 - G. GISABWAMANA

***Resolution adopted without a vote by the Council of the Inter-Parliamentary Union
at its 170th session (Marrakech, 23 March 2002)***

The Council of the Inter-Parliamentary Union,

Referring to the outline of the case of above-mentioned parliamentarians of Burundi, as contained in the report of the Committee on the Human Rights of Parliamentarians (CL/170/13.c(ii)-R.1), and to the relevant resolution adopted at its 169th session (September 2001),

Taking account of the information provided by the Burundian delegation at the hearing held with the Committee on the occasion of the 107th Conference (March 2002),

Recalling that Mr. Mfayokurera, Mr. Ndikumana, Mr. Gahungu, Ms. Ntamutumba and Mr. Gisabwamana were assassinated on 20 August 1994, 16 December 1995, in April and May 1996 and on 20 December 1999, respectively; *recalling further* the "disappearance" on 1 August 1997 of Deputy Sirahenda, who is alleged to have been extrajudicially executed in Makamba camp,

Considering that, while in the case of Mr. Gisabwamana the murderer, a military officer, was identified, brought to justice and sentenced on 25 September 2001 to 18 months' imprisonment and a fine, the murder of the remaining Deputies has remained unpunished, the relevant investigations being either at a standstill or shelved,

Recalling that, according to the Minister for Institutional Reform, Human Rights and Relations with the Parliament, this state of affairs is due to the lack of evidence or to the fact that presumed suspects absconded; *considering* in this respect that, according to the observations provided by the Burundian delegation to the 107th Conference, those cases have remained unpunished not for want of information – in fact, everyone knew who had committed particular assassinations – but because entire files had disappeared, such as the file concerning Mr. Gahungu on whose murder, as in other cases, the National Assembly had provided information to the Prosecutor General,

Recalling in this connection also that, according to the sources, eyewitness accounts of Mr. Sirahenda's abduction in a military jeep exist; moreover, a soldier from Makamba camp who deserted is said to have confirmed that he could one day testify to the horrendous manner in which Mr. Sirahenda was killed in that military camp while the camp commander looked on nonchalantly,

Recalling that, with regard to the possibilities of securing compensation for the families of the parliamentarians concerned, the Minister of Human Rights stated in his letter of 19 January 2001 that "*the State of Burundi has an obligation to compensate any victim when he or she is able to prove the responsibility of the State or its agents ...*",

Considering that the new Transitional National Assembly, provided for under the Arusha Agreement, has started its work in January 2002 and will establish in the 12 months to come an international judicial inquiry commission and a "truth and national reconciliation commission" to shed light on the violence which has prevailed in Burundi since its independence,

1. *Thanks* the Burundian delegation and in particular the President of the Transitional National Assembly for the information provided;
2. *Notes with satisfaction* that the suspect in the case of Mr. Gisabwamana has been identified and sentenced, although his sentence does not appear to be proportionate to the crime; *would appreciate* information on steps taken to fulfil the authorities' obligation, as acknowledged by the Minister of Human Rights, to provide compensation to his family;
3. *Is dismayed* at the standstill in the investigation into the murder of the other five MPs concerned, despite the existence of evidence as in the case of Mr. Sirahenda; *urges* the authorities to inquire into the serious allegations that he was extrajudicially executed in Makamba military camp;
4. *Is confident* that the newly established Transitional National Assembly will do its utmost to ensure that the fight against impunity, which features prominently in the Arusha Agreements as a priority and prerequisite for the full re-establishment of the rule of law and respect for human rights in Burundi, is effective and that investigations are carried out with renewed vigour;
5. *Appreciates* in this respect the setting up in the near future of a national and an international commission to establish accountability of perpetrators of human rights violations;
6. *Requests* the Secretary General to bring this resolution to the attention of the authorities and the sources;
7. *Requests* the Committee on the Human Rights of Parliamentarians to continue examining this case and report to it at its next session (September 2002).

CASE N° BDI/02 - N. NDIHOKUBWAYO) BURUNDI
CASE N° BDI/03 - L. NTIBAYAZI)
CASE N° BDI/26 - N. NDIKUMANA)

***Resolution adopted without a vote by the Council of the Inter-Parliamentary Union
at its 170th session (Marrakech, 23 March 2002)***

The Council of the Inter-Parliamentary Union,

Referring to the outline of the case of above-mentioned parliamentarians of Burundi, as contained in the report of the Committee on the Human Rights of Parliamentarians (CL/170/13.c(ii)-R.1), and to the relevant resolution adopted at its 169th session (September 2001),

Taking account of the information provided by the President of the Transitional National Assembly of Burundi at the hearing with the Committee held on the occasion of the 107th Conference (March 2002),

Recalling that failed attempts were made on the lives of Mr. Ndiokubwayo and Mr. Ntibayazi in 1994 and 1995, respectively, leading the former to go into exile shortly after; *recalling also* that while, failing a complaint, no investigation was launched to identify and bring to justice Mr. Ntibayazi's attackers, the investigation opened to identify those who attacked Mr. Ndiokubwayo in September 1994 has produced no result; one of the persons who fired at him reportedly obtained a passport issued by the immigration services of the Government under a false name and sought asylum in the Netherlands; with regard to the second attempt on Mr. Ndiokubwayo's life, in December 1995, no investigation seems to have been instituted,

Recalling that Mr. Ndikumana went into exile on 12 August 1996 following charges of incitement to ethnic hatred in relation to his denunciations of violent acts and massacres reportedly committed by the military forces; he was found guilty of those charges on 7 March 1997 and sentenced to three years' imprisonment,

Noting that following the Arusha Peace Accords, all MPs in exile were invited to return to the country to assume their duties in the newly functioning Transitional National Assembly; *noting* that as a result Mr. Ndiokubwayo returned to Burundi in late December 2001 and has resumed his parliamentary mandate, and that Mr. Ndikumana, having returned to Burundi in January 2002, has also resumed his seat in Parliament,

Considering that, according to the information provided by the President of the Transitional National Assembly at the hearing held in Marrakech, Mr. Ndikumana has been granted a provisional amnesty, in common with all former MPs who have returned to the country, pending the final report of the international judicial inquiry commission,

Considering that the new Transitional National Assembly, provided for under the Arusha Peace Accords, started its work in January 2002 and will establish in the 12 months ahead an international judicial inquiry commission and a "truth and national reconciliation commission" to shed light on the violence which has prevailed in Burundi since its independence,

1. *Thanks* the Burundian delegation and in particular the President of the Transitional National Assembly for the information provided;
2. *Notes* that Mr. Ndiokubwayo and Mr. Ndikumana have both availed themselves of the possibility provided for by the Arusha Peace Accords to resume their parliamentary seats;
3. *Notes further* that Mr. Ndikumana has been granted a provisional amnesty and is exercising his parliamentary mandate; consequently *decides* to close his case;
4. *Notes* that (a) Mr. Ntibayazi is likewise exercising his mandate; (b) according to the authorities, he has never denounced the attempt on his life; (c) he has not provided information requested by the Committee; *infers* from this that he no longer wishes the Committee to examine his case; *decides* consequently to close it;
5. *Is dismayed* at the standstill and lack of investigation regarding the attempts on the life of Mr. Ndiokubwayo; *urges* the authorities to investigate the allegation that one of his attackers was given a false passport to go abroad;

6. *Is confident* that the newly established Transitional National Assembly will do its utmost to ensure that the fight against impunity, which features prominently in the Arusha Accords as a priority and prerequisite for the full re-establishment of the rule of law and respect for human rights in Burundi, is effective and that investigations are carried out with renewed vigour;
7. *Appreciates* in this respect the setting up in the near future of a national and an international commission to establish accountability of perpetrators of human rights violations;
8. *Requests* the Secretary General to bring this resolution to the attention of the authorities and the source;
9. *Requests* the Committee on the Human Rights of Parliamentarians to continue examining the case of Mr. Ndiwokubwayo and report to it at its next session (September 2002).

CASE N° CMBD/01 - SAM RAINSY - CAMBODIA

Resolution adopted without a vote by the Council of the Inter-Parliamentary Union at its 170th session (Marrakech, 23 March 2002)

The Council of the Inter-Parliamentary Union,

Referring to the outline of the case of Mr. Sam Rainsy of Cambodia, as contained in the report of the Committee on the Human Rights of Parliamentarians (CL/170/13.c(ii)-R.1), and to the relevant resolution adopted at its 169th session (September 2001),

Taking account of the information provided by the Cambodian delegation at the hearing held on the occasion of the 107th Conference (March 2002),

Recalling that in March 1997 Mr. Rainsy was the target of a grenade attack, killing a dozen persons and seriously injuring a hundred others; the Special Representative of the United Nations Secretary General for Human Rights in Cambodia reported serious abnormalities in security arrangements suggesting that the attackers enjoyed the complicity of the security personnel; although the two Prime Ministers at the time, Hun Sen and Prince Ranariddh, at present Prime Minister and President of the National Assembly, respectively, pledged to bring the perpetrators to justice and to set up an independent commission of inquiry, no such commission has been set up and the investigation has remained fruitless to date,

Considering that the Cambodian delegation to the 107th Conference (March 2002) stated that it had received no information about the investigation,

Recalling that, on 17 August 2001, the Minister of Information issued an order to confiscate a book Mr. Rainsy had published under the title "*The Light of Justice*" on the grounds that it contained information "*which defames and accuses without evidence the Royal Government resulting from the democratic elections held in 1998, raises suspicions and provides a misleading picture of it*"; Mr. Rainsy has lodged a complaint with the competent court and the National Assembly,

Considering that, from the information supplied by various members of the Cambodian delegation to the 107th Conference, it appears that Mr. Rainsy's book is freely on sale in Cambodia and that the confiscation order has been lifted; however, the book is still banned by the Minister for Information and has therefore to be printed in Bangkok, printers in Cambodia refusing to print a book under a ban,

1. *Forcefully recalls* that impunity is a threat to democracy, the rule of law and human rights as it encourages crime and undermines confidence in the State's ability to dispense justice;
2. *Deplores* therefore the fact that, five years after the grenade attack, the perpetrators of this heinous crime enjoy de facto impunity; *finds* this all the more difficult to understand in the light of the evidence gathered, including by the United Nations, and of the commitment of the authorities at the time, still in power, to ensure that justice is done;
3. *Affirms* that the National Assembly has a particular interest in ensuring that this attack does not go unpunished; *urges* it therefore to avail itself of its oversight function and to take action to ensure that the law enforcement authorities fulfil their duty and pursue the investigation in a diligent and thorough manner;
4. *Reiterates* its desire to ascertain which authority is in charge of conducting the investigation and what stage has been reached;
5. *Notes with satisfaction* that the confiscation order concerning Mr. Rainsy's book *"The Light of Justice"* has been lifted; *is confident* that any ban to which this book may still be subject will likewise be lifted, thus removing any obstacle to its being printed in Cambodia; *would appreciate* confirmation of this;
6. *Requests* the Secretary General to convey this resolution to the parliamentary and other competent authorities, inviting them to provide the requested information;
7. *Requests* the Committee on the Human Rights of Parliamentarians to continue examining this case and report to its at its next session (September 2002).

CASE N° CMBD/18 - CHHANG SONG) CAMBODIA
CASE N° CMBD/19 - SIPHAN PHAY)
CASE N° CMBD/20 - POU SAVATH)

***Resolution adopted without a vote by the Council of the Inter-Parliamentary Union
at its 170th session (Marrakech, 23 March 2002)***

The Council of the Inter-Parliamentary Union,

Having before it the case of Mr. Chhang Song, Mr. Siphon Phay and Mr. Pou Savath, members of the Senate of Cambodia, which has been the subject of a study and report of the Committee on the Human Rights of Parliamentarians in accordance with the *"Procedure for the examination and treatment, by the Inter-Parliamentary Union, of communications concerning violations of human rights of parliamentarians"*,

Taking note of the report of the Committee on the Human Rights of Parliamentarians, which contains a detailed outline of the case (CL/170/13.c(ii)-R.1),

Taking account of the information provided by the Cambodian delegation at the hearing held with the Committee on the occasion of the 107th Conference (March 2002),

Considering the following information on file:

- On 6 December 2001, the Cambodian People's Party (CPP) decided to expel Mr. Chhang Song, Mr. Siphon Phay and Mr. Pou Savath, incumbent members of the Senate; the

relevant decision refers to Article 26 of the CPP Internal Rules and Article 30 of its Internal Regulations and is justified by "*wrongdoings*" of the Senators in question;

- On 7 December 2001, the party requested their replacement in the Senate; having obtained the approval of the King, the Acting Head of State signed the Royal Decree to replace them on 12 December 2001; the newly designated persons took office on 20 December 2001;
- Mr. Chhang Song, Mr. Siphon Phay and Mr. Pou Savath were summoned on 8 December 2001 to appear at their party headquarters, where the party's decision to expel them was handed over to them; they were subsequently informed of their expulsion from the Senate;
- All three were expelled from their party and the Senate without any warning and without any Senate meeting having been held,

Considering that, according to the Senate President, the decision to expel was taken in accordance with new Article 157 of the Cambodian Constitution, which stipulates that in its first legislative term "*the Senate shall be nominated by the King upon a proposal by the President of the Senate and the President of the National Assembly from among members of political parties which have seats in the National Assembly*"; in his view, the Article binds the seats in the Senate to membership of the three main political parties present in the National Assembly, as a result of which any Senator who loses membership in his own party will forfeit his seat in the Senate, once his party seeks a replacement; the Senate having been formed under Article 157 with the same proportional representation as the National Assembly, it is, in his view, "*the Senate's clear duty to ensure that the will of the people be upheld and that such proportional representation be maintained at all times*"; moreover, on the basis of Article 115, which stipulates that the mandate of a Senator ends in the event of death, resignation or disqualification, he argues that the drafters of the Constitution intended that "disqualification" should cover the removal or resignation of a party member or a change in party membership; according to him, if disqualification did not refer to these situations, "*it would inevitably lead to a result that would violate Articles 51 and 157 of the Constitution, as well as established principles of democracy and human rights*"; the Senate President mentioned the case of Mr. Sam Rainsy, who had also been expelled from Parliament after his expulsion, in May 1995, from his party, the FUNCINPEC,

Considering that, according to the source, the expulsion was a result of statements by the Senators concerned in the Senate in the morning of 6 December 2001 during discussion of the Criminal Code Bill; the Bill, on whose adoption Co-Minister of the Interior Sar Kheng is said to have been particularly insistent, had already generated heated debate in the National Assembly, where it had only been adopted after the second reading; the Senators in question raised concerns that the new Code violated the separation of powers and could lead to dictatorship, sought a clarification on the relationship between military police, police and court officials, and took a stand against an extension of the pre-trial detention period from 48 to 72 hours; as a result the Bill was defeated, by 34 votes to 17; this is said to have infuriated the CPP and to have made the Party decide more or less forthwith to expel them,

Considering also that other CPP members reportedly took a stand against the bill, such as Mr. Chuor Leang Huot, MP and senior CPP lawyer, Mr. Ouk Bun Choeurn, former CPP Minister of Justice and Chairman of the Senate Legislation Committee, and Mr. Dith Munti, Justice of the Supreme Court,

Bearing in mind that neither the Constitution nor the Senate Internal Rules provide for expulsion from the Senate and lay down the grounds and procedure therefor; *recalling more specifically* that neither the Constitution nor the Senate Internal Rules define action to be taken as a result of a Senator being expelled from their party; *further noting* that the Senate Internal Rules merely address issues related to absence from meetings and unfitting behaviour and the relevant disciplinary measures, a matter not at issue in the case in point; *noting* nevertheless, that Chapter XIV lays down a procedure in disciplinary matters requiring, in the case of a written blame with temporary expulsion, a secret two-thirds majority vote of the Senate,

Recalling that, in the case of Mr. Sam Rainsy to which the President of the Senate refers as a precedent in his letter of 21 December 2001, the Inter-Parliamentary Union, while recognising that political figures might be excluded from their party for expressing views deemed unacceptable by the latter, could hardly accept, given the legal provisions governing the termination of the parliamentary mandate, that a parliamentarian who had been expelled from a party for that reason should lose his seat, in the last resort solely for having exercised his right to freedom of expression,

Bearing in mind that Article 51 of the Constitution stipulates that: "*The Kingdom of Cambodia adopts a policy of Liberal Democracy and Pluralism. The Cambodian People are the masters of their own country. All power belongs to the people. The people exercise these powers through the National Assembly, the Senate, the Royal Government and the Judiciary. The legislative, executive and judicial branches shall be separate*"; Article 31 of the Constitution states that: "*The Kingdom of Cambodia shall recognize and respect human rights as stipulated in the United Nations Charter, the Universal Declaration of Human Rights, the covenants and conventions related to human rights, women's and children's rights*"; that one major international human right is freedom of expression, enshrined in Article 41 of the Constitution and that, in keeping with this right, with regard to Members of the Cambodian Parliament, Article 104 of the Constitution guarantees parliamentary non-accountability and establishes a procedure to protect Senators against any breach thereof,

1. *Thanks* the President of the Senate for the information provided and for his cooperation;
2. *Stresses* that the revocation of a parliamentarian's mandate is a serious measure which irrevocably deprives such a member of the possibility of carrying out the mandate entrusted to him or her, and that it should therefore be taken in strict compliance with the law and only on serious grounds;
3. *Affirms* that, in the absence of any constitutional or statutory provisions regarding the expulsion or dismissal of members of the Senate on the grounds that their political party has expelled them, the dismissal from the Senate of Mr. Chhang Song, Mr. Siphon Phay and Mr. Pou Savath is unlawful;
4. *Cannot share* the view of the authorities that "disqualification" in Article 115 of the Constitution must be interpreted as referring to situations where a Senator is removed from, resigns from or changes party membership; *emphasises* in this respect that, in parliamentary law, the term "disqualification" usually means forfeiture of a parliamentary mandate pursuant to a judicial decision;
5. *Considers* the latter interpretation of the term "disqualification" to be consistent with the principles of liberal democracy and pluralism laid down in Article 51 of the Constitution;
6. *Affirms* that in making the statements against the criminal code bill, as brought to its attention, the Senators concerned were defending human rights and democratic principles and fulfilling their role as a guardian of human rights;
7. *Urges* therefore the Senate to reconsider its decision;
8. *Wishes to ascertain* the possibilities of legal redress available to the Senators concerned;
9. *Requests* the Secretary General to convey this resolution to the President of the Senate and to the Prime Minister of Cambodia, requesting them to take these matters into urgent account;
10. *Requests* the Committee on the Human Rights of Parliamentarians to continue examining this case and report to it at its next session (September 2002).

CASE N° CO/01 - PEDRO NEL JIMÉNEZ OBANDO) COLOMBIA
 CASE N° CO/02 - LEONARDO POSADA PEDRAZA)
 CASE N° CO/03 - OCTAVIO VARGAS CUÉLLAR)
 CASE N° CO/04 - PEDRO LUIS VALENCIA GIRALDO)
 CASE N° CO/06 - BERNARDO JARAMILLO OSSA)
 CASE N° CO/08 - MANUEL CEPEDA VARGAS)

***Resolution adopted without a vote by the Council of the Inter-Parliamentary Union
 at its 170th session (Marrakech, 23 March 2002)***

The Council of the Inter-Parliamentary Union,

Referring to the outline of the case 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 of Colombia, as contained in the report of the Committee on the Human Rights of Parliamentarians (CL/170/13.c(ii)-R.1), and to the relevant resolution adopted at its 169th session (September 2001),

Recalling that the MPs concerned, members of the *Unión Patriótica*, were all assassinated between 1986 and 1994 and that only in the case of Senator Cepeda Vargas have the murderers, two army non-commissioned officers (NCOs), Mr. Justo Gil Zúñiga Labrador and Mr. Hernando Medina Camacho, been brought to justice; while they were sentenced to 43 years' imprisonment at first and second instance, the former paramilitary leader Carlos Castaño, who had been indicted as the presumed instigator of the crime, was acquitted on both occasions,

Recalling also that Carlos Castaño, together with his brother Fidel, and Gustavo Adolfo Mesa, a member of the disbanded Medellín cartel currently in prison for another murder, are suspects in the case of Senator Jaramillo, and that the trial in this murder case started on 15 April 2001,

Taking account of excerpts provided on 5 December 2001 and 10 January 2002 by one of the sources of Carlos Castaño's book "*My Confession*", which was published in early December 2001 and in which he acknowledges having ordered and personally led the commando which assassinated Manuel Cepeda and even mocked the court's decision to acquit him; *noting also* that the book has been forwarded to the Supreme Court before which the Cepeda murder case is currently pending as proof of Carlos Castaño's guilt and that, according to one of the sources, in making this confession Carlos Castaño may be seeking the acquittal of the two former NCOs, stating that he was the one who ordered and carried out the crime,

Considering that no information has been provided by the authorities on progress made in the investigations into the death threats against Senator Cepeda's son and daughter-in-law, the disappearance of the wife and the daughter of the main witness in the Cepeda case and the attempt, in December 1999, to kidnap the second daughter of the witness or on any progress in the other cases,

Recalling the proposal it made at its 169th session (September 2001) for an on-site mission in order to promote a satisfactory settlement, given the lack of progress in these cases; *noting* that the parliamentary authorities responded favourably to that proposal by making the necessary arrangements for the mission to go ahead, but that a sudden change in the political climate prevented it from taking place as scheduled, namely the breakdown of the peace negotiations on which the Government had embarked in early 1999 with the main armed opposition group, the FARC, following the kidnapping of Senator Eduardo Gechem,

Considering that the FARC subsequently kidnapped former Senator Ingrid Betancourt and a week later assassinated in cold blood Senator Martha Catalina Daniels, her driver and a friend,

Noting that since those attacks a new Congress was elected in early March 2002,

1. *Thanks* the former parliamentary authorities for their efforts with a view to receiving the mission; *deeply regrets* that, owing to the changed political situation, the Committee was compelled to decide that it was no longer appropriate for the mission to take place as scheduled;
2. *Is alarmed* at the recent wave of violence against MPs, which is all the more serious in that it prevents them from defending and promoting human rights and hence jeopardises the institution of Parliament itself;
3. *Considers* that, in the absence of any positive developments in the cases under examination, the grounds for the mission remain fully valid;
4. *Believes*, however, that the mission should only take place once the socio-political context allows it to fulfil its mandate of gathering the fullest possible information on the cases in question from the competent parliamentary, executive, administrative and judicial authorities, as well as from the families of victims, their lawyers and competent human rights organisations;
5. *Would greatly appreciate* meanwhile receiving from the authorities, in particular the new Congress, any information on progress in the cases in question;
6. *Requests* the Secretary General to communicate this resolution to the parliamentary authorities and to the sources;
7. *Requests* the Committee on the Human Rights of Parliamentarians to continue examining this case and report to it at its next session (September 2002), in the light of such information as the on-site mission may gather.

CASE N° CO/09 - HERNÁN MOTTA MOTTA - COLOMBIA

***Resolution adopted without a vote by the Council of the Inter-Parliamentary Union
at its 170th session (Marrakech, 23 March 2002)***

The Council of the Inter-Parliamentary Union,

Referring to the outline of the case of Senator Hernán Motta Motta of Colombia, as contained in the report of the Committee on the Human Rights of Parliamentarians (CL/170/13.c(ii)-R.1), and to the relevant resolution adopted at its 169th session (September 2001),

Recalling that Mr. Motta, a member of the *Unión Patriótica*, had been receiving death threats which forced him into exile in October 1997,

Recalling that, according to information provided by the Human Rights Office of the Vice-Presidency of the Republic on 28 April 2000, the investigation into the death threats is being conducted by the Special Prosecutor of Santa Fe de Bogotá and is still at the preliminary stage; that the Office, under the new name *Human and Humanitarian Rights Programme – Vice-Presidency of the Republic*, reported on 23 August 2001 that it had been in contact with the National Director of the Prosecutor's Office (Directora Nacional de Fiscalías) to seek information on progress made in the relevant investigation, but so far to no avail,

Recalling that the former Human Rights Office intended to contact members of the *Unión Patriótica* to ascertain whether they had received any new information which might help to advance the

investigation; *considering* in this respect, however, that Mr. Motta says he has so far not been contacted for that purpose,

Noting that no new information has been submitted to indicate that progress is being made towards identifying and apprehending those behind the death threats,

Recalling the proposal it made at its 169th session (September 2001) for an on-site mission in order to promote a satisfactory settlement in this case; *noting* that the parliamentary authorities responded favourably to that proposal by making the necessary arrangements for the mission to go ahead, but that a sudden change in the political climate prevented it from taking place as scheduled, namely the breakdown of the peace negotiations on which the Government had embarked in early 1999 with the main armed opposition group, the FARC, following the kidnapping of Senator Eduardo Gechem; the FARC subsequently kidnapped former Senator Ingrid Betancourt and a week later assassinated in cold blood Senator Martha Catalina Daniels, her driver and a friend,

Noting that since those attacks a new Congress was elected in early March 2002,

1. *Thanks* the former parliamentary authorities for their efforts with a view to receiving the mission; *deeply regrets* that, owing to the changed political situation, the Committee was compelled to decide that it was no longer appropriate for the mission to take place as scheduled;
2. *Is alarmed* at the recent wave of violence against MPs, which is all the more serious in that it prevents them from defending and promoting human rights and hence jeopardises the institution of Parliament itself;
3. *Considers* that, in the absence of any positive developments in the case under examination, the grounds for the mission remain fully valid;
4. *Believes*, however, that the mission should only take place once the socio-political context allows it to fulfil its mandate of gathering the fullest possible information from the competent parliamentary, executive, administrative and judicial authorities;
5. *Would greatly appreciate* meanwhile receiving from the authorities, in particular the new Congress, any information on progress in the case in question;
6. *Requests* the Secretary General to communicate this resolution to the parliamentary authorities and to the source;
7. *Requests* the Committee on the Human Rights of Parliamentarians to continue examining this case and report to it at its next session (September 2002), in the light of such information as the on-site mission may gather.

CASE N° CO/121 - PIEDAD CÓRDOBA - COLOMBIA

*Resolution adopted without a vote by the Council of the Inter-Parliamentary Union
at its 170th session (Marrakech, 23 March 2002)*

The Council of the Inter-Parliamentary Union,

Referring to the outline of the case of Ms. Piedad Córdoba of Colombia, as contained in the report of the Committee on the Human Rights of Parliamentarians (CL/170/13.c(ii)-R.1), and to the relevant resolution adopted at its 169th session (September 2001),

Noting that no new information has been forthcoming to indicate progress in apprehending Carlos Castaño, who has been officially linked to the investigation concerning the kidnapping (21 May to 4 June 1999) and subsequent death threats against Ms. Córdoba, who was forced into exile but recently returned to Colombia,

Recalling the proposal it made at its 169th session (September 2001) for an on-site mission in order to promote progress in this case; *noting* that the parliamentary authorities responded favourably to that proposal by making the necessary arrangements for the mission to go ahead, but that a sudden change in the political climate prevented it from taking place as scheduled, namely the breakdown of the peace negotiations on which the Government had embarked in early 1999 with the main armed opposition group, the FARC, following the kidnapping of Senator Eduardo Gechem,

Considering that the FARC subsequently kidnapped former Senator Ingrid Betancourt and a week later assassinated in cold blood Senator Martha Catalina Daniels, her driver and a friend,

Noting that since those attacks a new Congress was elected in early March 2002,

1. *Thanks* the former parliamentary authorities for their efforts with a view to receiving the mission; *deeply regrets* that, owing to the changed political situation, the Committee was compelled to decide that it was no longer appropriate for the mission to take place as scheduled;
 2. *Is alarmed* at the recent wave of violence against MPs, which is all the more serious in that it prevents them from defending and promoting human rights and hence jeopardises the institution of Parliament itself;
 3. *Considers* that, in the absence of any positive developments in the investigations into the kidnapping of and death threats against Ms. Córdoba and the tapping of her telephone, the grounds for the mission remain fully valid;
 4. *Believes*, however, that the mission should only take place once the socio-political context allows it to fulfil its mandate of gathering the fullest possible information on the case from the competent parliamentary, executive, administrative and judicial authorities, as well as from Ms. Córdoba and the competent lawyers and human rights organisations concerned;
 5. *Would greatly appreciate* meanwhile receiving from the authorities, in particular the new Congress, any information on progress made in the investigations, in particular with respect to apprehending Carlos Castaño, together with information on whether any security measures have been afforded to Ms. Córdoba upon her return;
 6. *Requests* the Secretary General to communicate this resolution to the parliamentary authorities and to the source;
 7. *Requests* the Committee on the Human Rights of Parliamentarians to continue examining this case and report to it at its next session (September 2002), in the light of such information as the on-site mission may gather.
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CASE N° CO/122 - OSCAR LIZCANO - COLOMBIA

***Resolution adopted without a vote by the Council of the Inter-Parliamentary Union
at its 170th session (Marrakech, 23 March 2002)***

The Council of the Inter-Parliamentary Union,

Referring to the outline of the case of Mr. Oscar Lizcano of Colombia, as contained in the report of the Committee on the Human Rights of Parliamentarians (CL/170/13.c(ii)-R.1), and to the relevant resolution adopted at its 169th session (September 2001),

Recalling that Mr. Lizcano was kidnapped by the main Colombian guerrilla group, the Revolutionary Armed Forces of Colombia (FARC), while attending the inauguration of a football field on 5 August 2000 in Riosucio, in the Province of Caldas,

Considering that, according to the information provided by the source on 15 January 2002, the FARC is said to have publicly stated on various occasions, and again recently in a video sent to President Pastrana, that the kidnapping of Mr. Lizcano is a political act and that the video reportedly showed Mr. Lizcano to be seriously ill,

Recalling that the Colombian authorities were engaged for some time in a process of negotiation with the FARC, which resulted in an exchange of sick rebels for kidnapped government soldiers in mid-2001 while leaving, along with Mr. Lizcano, six other Congressmen in the hands of the FARC, namely Juan Manuel López Cabrales, Luis Pérez Bonilla, Orlando Beltrán Cuéllar, Consuelo González, Luis Eladio Pérez and José Gechem Turbay; *noting*, however, that the negotiations broke down in February 2002 following the kidnapping of Senator Eduardo Gechem, and that the FARC subsequently kidnapped former Senator Ingrid Betancourt, and a week later assassinated in cold blood Senator Martha Catalina Daniels, her driver and a friend, while she was attempting to establish contacts with the FARC to alleviate the plight of their kidnapped colleagues,

Recalling that States are obliged to ensure the safety of all their citizens and, when such safety is jeopardised by non-State actors, a lack of adequate government action to restore it may result in the authorities sharing accountability for the crime by omission,

Recalling furthermore the proposal it made at its 169th session (September 2001) that an on-site mission be carried out to promote a satisfactory settlement, given the lack of progress in this case; *noting* that the parliamentary authorities responded favourably to that proposal by making the necessary arrangements for the mission to go ahead, but that the sudden change in the political climate prevented it from taking place as scheduled,

Noting that since those attacks a new Congress was elected in early March 2002,

1. *Thanks* the former parliamentary authorities for their efforts with a view to receiving the mission; *deeply regrets* that, owing to the changed political situation, the Committee was compelled to decide that it was no longer appropriate for the mission to take place as scheduled;
2. *Is alarmed* at the recent wave of violence against MPs, which is all the more serious in that it prevents them from defending and promoting human rights and hence jeopardises the institution of Parliament itself;
3. *Considers* that, in view of Mr. Lizcano's continued captivity, the grounds for the mission remain fully valid;

4. *Believes*, however, that the mission should only take place once the socio-political context allows it to fulfil its mandate of meeting with the competent parliamentary and governmental authorities, the source and any other entities possibly able to assist in reaching a satisfactory solution;
5. *Would greatly appreciate* meanwhile receiving from the authorities, in particular the new Congress, any information on progress towards Mr. Lizcano's release and towards arranging access for the International Committee of the Red Cross in order to provide him with the necessary medical assistance;
6. *Requests* the Secretary General to communicate this resolution to the parliamentary authorities and to the source;
7. *Requests* the Committee on the Human Rights of Parliamentarians to continue examining this case and report to it at its next session (September 2002), in the light of such information as the on-site mission may gather.

CASE N° EC/02 - JAIME HURTADO GONZALEZ) ECUADOR
CASE N° EC/03 - PABLO VICENTE TAPIA FARINANGO)

***Resolution adopted without a vote by the Council of the Inter-Parliamentary Union
at its 170th session (Marrakech, 23 March 2002)***

The Council of the Inter-Parliamentary Union,

Referring to the outline of the case of Mr. Jaime Ricaurte Hurtado González and Mr. Pablo Vicente Tapia Farinango, a member and substitute member of the National Congress of Ecuador, respectively, as contained in the report of the Committee on the Human Rights of Parliamentarians (CL/170/13.c(ii)-R.1), and to the relevant resolution adopted at its 169th session (September 2001),

Taking account of the information provided by a member of the delegation of Ecuador at the hearing held with the Committee on the occasion of the 107th Conference (March 2002),

Recalling that the two MPs concerned and their assistant, Mr. Wellington Borja Nazareno, were shot dead on 17 February 1999 in the vicinity of the National Congress; the preliminary police report which the President of the Republic made public two days later concluded that the motive for the killing was Mr. Hurtado's links with the Colombian guerrilla movement; however, the Special Commission of Inquiry (CEI) set up by the Government to establish the truth has described these findings as "*fabricated, incomplete and contradictory*", and has gathered evidence suggesting that Mr. Hurtado's investigations into corruption cases involving high-profile figures from both business and political circles may have been the motive for the crime,

Recalling that three persons, namely Mr. Ponce, Mr. Merino and Mr. Aguirre, were arrested on 18 February 1999 and sentenced on 2 August 2000 to six years' imprisonment for criminal association in connection with the triple murder; however, they were granted early release for good conduct by the National Director of Social Rehabilitation after serving only two years of their sentence; in affirming the lawfulness of his decision before Congress, he failed, according to the CEI, to produce any real evidence that Mr. Aguirre, who was charged with drug trafficking while in detention, and Mr. Merino, who was involved in a prison brawl, had indeed displayed such conduct; *considering* in this respect that, on 6 August 2001, Mr. Ponce and Mr. Aguirre failed to appear following a summons in the triple murder case and may have left the country,

Recalling that the investigating judge in the case has so far not ordered the preventive detention of the presumed author of the triple murder, Mr. Freddy Contreras Luna, who is currently in pre-trial detention on another murder charge and may soon be released since under Ecuadorian law one must be tried within a year or released,

Considering that on 25 February 2002 the investigating judge closed the preliminary investigation; *noting* that the CEI has raised the following concerns in this respect: (a) only 30% of the evidence-taking ordered by the judge has been completed, excluding in particular the calls made from Mr. Aguirre's mobile telephone shortly before the murder; (b) the National Police have not complied with their obligation to ensure the appearance of civil witnesses, as a result of which the majority of them have not testified; (c) police witnesses who appeared declared themselves "*biased*" in their judgement in a bid to undermine the legitimacy of their statements; (d) the prosecution was mostly absent when investigative acts were carried out and, when it was present, did not ask any questions in most instances; (e) on 11 March 2002, the prosecutor refused to sum up for the prosecution, as his statutory duty requires, claiming that he had been subjected to slanderous criticism by Lenín Hurtado, the son of the assassinated MP, and his lawyer on account of a complaint both had lodged several months before with the Prosecutor General regarding the prosecution's poor performance in this case,

Considering further that on 21 February 2002, Mr. Marcelo Andocilla López, the Commission's adviser, presented its report *Crime and Silence* to Congress; the following day he was intercepted by two vehicles and, after being blindfolded and beaten by three men, left unconscious in the *Metropolitano* park; on 4 March 2002, the President of the Commission requested the Prosecutor in Pichincha to investigate and punish the perpetrators of the crime,

Considering that, despite two Congress resolutions requesting it to pay the families of the victims pensions in accordance with past practice, the Government has failed to do so, claiming that no provision had been made for them in the budget,

Considering finally that, in her letter of 25 September 2001, the Prosecutor General reiterated her continuing determination to bring to justice those responsible for the triple murder,

1. *Thanks* the delegate of Ecuador for the information provided;
2. *Is alarmed* at the attack on the Special Commission's adviser one day after he presented its report to Congress; *considers* that this adds weight to the fears that the murder was politically motivated; *urges* the authorities to investigate the matter, as their duty requires, and to afford the necessary protection to the CEI members and staff;
3. *Notes with concern* that many of the civil witnesses who were ordered to appear have not been heard despite an obligation of the National Police to ensure their appearance; that police witnesses have allegedly attempted to undermine the legitimacy of their own statements, and that no full investigation has taken place of the calls made from Mr. Aguirre's mobile telephone;
4. *Expresses therefore deep concern* at the closure of the preliminary investigation, entailing as it does the risk that the proper establishment of penal responsibilities in this crime may be seriously hampered; *would appreciate* receiving observations from the competent authorities in this respect;
5. *Fails to understand* the justification for Mr. Aguirre and Mr. Merino being granted early release and not being compelled to be present in the proceedings, together with Mr. Ponce, and for the possibility that the presumed perpetrator, Mr. Contreras, may also soon be set free;
6. *Is deeply shocked* that the district Prosecutor refused to present the summing-up for the prosecution, as his duty requires, thereby adding to misgivings about his conduct in the case;

7. *Appreciates* the Prosecutor General's stated commitment to resolving this case; *urges* her to ensure that the prosecution in this case complies with its statutory duties and makes every effort to ensure that the culprits are brought to justice;
8. *Affirms* that Parliament, as a guardian of human rights, has a particular role in ensuring that the triple murder does not go unpunished; *calls on* the National Congress, in particular its human rights committee, to avail itself of its oversight function and to take firm action to monitor the proceedings in this case, thereby ensuring the sound administration of justice; *also calls on* the National Congress to lend its full support to the CEI's endeavour to establish justice and shed full light on the identity of those who masterminded the triple murder;
9. *Deeply regrets*, particularly in view of the magnitude of the crime, that the Government has failed to take action on the resolutions of the National Congress and not yet paid pensions to the families of the victims; *urges* the Government to do so without further delay;
10. *Requests* the Secretary General to convey this resolution to the President of the Republic, the President of the National Congress, the Minister of Justice, the Prosecutor General, the Head of the National Police, the Special Commission of Inquiry and the source;
11. *Requests* the Committee on the Human Rights of Parliamentarians to continue examining this case and report to it at its next session (September 2002).

CASE N° GMB/O1 - LAMIN WAA JUWARA - GAMBIA

***Resolution adopted without a vote by the Council of the Inter-Parliamentary Union
at its 170th session (Marrakech, 23 March 2002)***

The Council of the Inter-Parliamentary Union,

Referring to the outline of the case of Mr. Lamin Waa Juwara, a former member of the House of Representatives of the Gambia, as contained in the report of the Committee on the Human Rights of Parliamentarians (CL/170/13.c(ii)-R.1), and to the relevant resolution adopted at its 169th session (September 2001),

Taking into account the information provided by one of the sources on 5 November 2001, 27 February, 5 March and 20 March 2002,

Recalling that Mr. Juwara was subjected to frequent arbitrary arrests and incommunicado detention during the rule (1994-1996) of the Armed Forces Provisional Ruling Council (AFPRC); a lawsuit against the competent authorities claiming compensation for the human rights violations he suffered was dismissed by the Judge on 29 July 1998, who ruled that the matter was not subject to the jurisdiction of the courts, having regard to Section 13 of Schedule 2 to the 1997 Constitution, which guarantees AFPRC officers immunity from prosecution in respect of any act or omission in the performance of their official duties,

Recalling also that Mr. Juwara was re-arrested on 17 May 1998 and severely ill-treated - as attested by a medical certificate - while held incommunicado until 8 June 1998; no action has been taken to prosecute the culprits although their identity seems to be publicly known; on 22 February 1999, the Brikama Magistrate's Court acquitted Mr. Juwara of the charges, namely damaging construction works at a Mosque in Brikama, which had prompted his arrest, having found that there was no case against him and his co-accused; however, the State appealed against that decision,

Considering in this respect that a notice of withdrawal had reportedly been given for all the accused; however, as Mr. Juwara wished to file a counter action of unlawful arrest, detention and torture, the State had withdrawn the notice in his case, which as a result was still pending, a hearing having been set first for 4 March 2002 at Banjul High Court and twice adjourned, first to 20 and then to 28 March 2002,

Considering, moreover, that on 20 October 2001, Mr. Juwara's home was reportedly the target of an arson attack by members of the Youth Wing of the APRC; although he filed a complaint with the police, no action has reportedly been taken to date; Mr. Juwara is reportedly subject to continuous surveillance and may be forced to go underground for fear of his life,

Recalling finally that the former Speaker expressed the view that the National Assembly could not intervene in the case of Mr. Juwara as it had no "juridical" powers or responsibility,

Recalling that the Gambia is a party to the International Covenant on Civil and Political Rights (ICCPR), Article 2, paragraph 3, of which guarantees the right to an effective remedy of any person whose rights or freedoms under the Covenant have been violated, *"notwithstanding that the violation has been committed by persons acting in an official capacity"*, and enshrines the right to freedom from torture, the right to liberty and the right to compensation of anyone who has been the victim of unlawful arrest or detention in its Article 7, and Article 9, paragraphs 1 and 5, respectively,

Bearing finally in mind that the Vienna Declaration and Programme of Action which the international community adopted at the World Conference on Human Rights in 1993 stipulates that *"States should abrogate legislation leading to impunity for those responsible for grave violations of human rights such as torture and prosecute such violations, thereby providing a firm basis for the rule of law"*; *bearing in mind also* that impunity itself constitutes a violation of international law,

1. *Condemns* the constitutionally enshrined impunity granted to members of the former Armed Forces Provisional Ruling Council (AFPRC) as it runs counter to international human rights law and, in the case in question, not only shields from accountability the perpetrators of Mr. Juwara's torture and those responsible for the many violations of his right to liberty, but also deprives him of his right to legal redress and to compensation under Article 2, paragraph 3, and Article 9, paragraph 5, of the ICCPR;
2. *Expresses concern* at the alleged arson attack on Mr. Juwara's home; *urges* the authorities to act upon Mr. Juwara's complaint and investigate it with all due diligence and thoroughness, as their duty requires;
3. *Reaffirms* that Parliament is uniquely positioned to lay the foundations for the fight against impunity by establishing an effective legal framework for the purpose and by ensuring that the executive branch complies with such legislation, in addition to its international obligations in this field;
4. *Forcefully calls therefore upon* the Parliament of the Gambia to assume these responsibilities to the full by amending legal provisions which run counter to international law and by ensuring respect for the human rights of all citizens, including Mr. Juwara;
5. *Fails to understand*, in the light of the evidence on file, the grounds on which the prosecution can possibly uphold, with respect to Mr. Juwara alone, its appeal against the Court's dismissal of the Brikama Mosque case; *wishes* to be kept informed of the outcome of the court hearing of 20 March 2002;
6. *Requests* the Secretary General to convey this resolution to the parliamentary and governmental authorities, as well as to Mr. Juwara; *also requests* the Secretary General to forward it to the

competent United Nations human rights bodies, the Commonwealth Secretariat and the European Parliament;

7. *Requests* the Committee on the Human Rights of Parliamentarians to continue examining this case and report to it at its next session (September 2002).

CASE N° GMB/03 - OMAR JALLOW - GAMBIA

Resolution adopted without a vote by the Council of the Inter-Parliamentary Union at its 170th session (Marrakech, 23 March 2002)

The Council of the Inter-Parliamentary Union,

Referring to the outline of the case of Mr. Omar Jallow of the Gambia, as contained in the report of the Committee on the Human Rights of Parliamentarians (CL/170/13.c(ii)-R.1), and to the relevant resolution adopted at its 169th session (September 2001),

Taking into consideration information provided by one of the sources on 5 November 2001 and 14 January 2002,

Recalling that Mr. Omar Jallow was arbitrarily detained from October 1995 to 4 November 1996; that his repeated petitions to the President of the Republic seeking compensation for the suffering so endured have been to no avail; that Mr. Jallow has abandoned his claim for compensation on account of Section 13 of Schedule 2 to the 1997 Constitution, which grants immunity from prosecution for all office-holders of the former Armed Forces Provisional Ruling Council (AFPRC),

Recalling that the Gambia is a party to the International Covenant on Civil and Political Rights, Article 2, paragraph 3, of which guarantees the right to an effective remedy of any person whose rights or freedoms under the Covenant have been violated, "*notwithstanding that the violation has been committed by persons acting in an official capacity*", and enshrines the right to liberty and the right to compensation of anyone who has been the victim of unlawful arrest or detention in its Article 9, paragraph 1 and 5, respectively,

Bearing in mind that the Vienna Declaration and Programme of Action which the international community adopted at the World Conference on Human Rights in 1993 stipulates that "*States should abrogate legislation leading to impunity for those responsible for grave violations of human rights such as torture and prosecute such violations, thereby providing a firm basis for the rule of law*"; *bearing in mind also* that impunity itself constitutes a violation of international law,

Recalling finally that Decree 89, on the strength of which Mr. Jallow was disqualified indefinitely from participating in any political activity, was repealed in August 2001 and that he has since been able to resume his political activities,

1. *Is outraged* that, five and a half years after Mr. Jallow was subjected to a whole year in arbitrary detention, there remain - in plain contravention of the Gambia's obligations under the International Covenant on Civil and Political Rights - legal impediments to holding accountable those who arbitrarily detained him, and to its affording him his right to legal redress and compensation;
2. *Reaffirms* that Parliament is uniquely positioned to lay the foundations for the fight against impunity by establishing an effective legal framework for the purpose and by ensuring that the executive branch complies with such legislation, in addition to its international obligations in this field;

3. *Forcefully calls therefore upon* the Parliament of the Gambia to assume these responsibilities to the full by amending legal provisions which run counter to international law and by ensuring respect for the human rights of all citizens, including Mr. Jallow;
 4. *Requests* the Secretary General to convey this resolution to the parliamentary and governmental authorities and to Mr. Jallow, and also to the competent United Nations human rights bodies, the Commonwealth Secretariat and the European Parliament;
 5. *Requests* the Committee on the Human Rights of Parliamentarians to continue examining this case and report to it at its next session (September 2002).
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CASE N° GUI/04 - ALPHA CONDÉ - GUINEA

Resolution adopted without a vote by the Council of the Inter-Parliamentary Union at its 170th session (Marrakech, 23 March 2002)

The Council of the Inter-Parliamentary Union,

Referring to the outline of the case of Mr. Alpha Condé, a member of the National Assembly of Guinea, as contained in the report of the Committee on the Human Rights of Parliamentarians (CL/170/13.c(ii)-R.1), and to the relevant resolution adopted at its 169th session (September 2001),

Taking account of the letters from the President of the National Assembly dated 18 October 2001 and 10 January 2002, and of the information supplied by one of the sources on 10 January and 17 March 2002,

Having taken cognisance of a letter of 3 October 2001 from the Minister of Justice to the President of the National Assembly concerning the participation of Mr. Alpha Condé in the opening ceremony, on 25 September 2001, of the second ordinary session of 2001 of the National Assembly, and of a letter of 7 August 2001 the State Judicial Agent, who comes directly under Office of the President of the Republic, to the Secretary of State for Security on the situation of the 18 Liberian witnesses at the trial of Mr. Alpha Condé,

Recalling that, as can be seen from the report by the observers whom the Committee sent to Guinea to monitor the trial, Mr. Condé was sentenced after a trial which patently failed to respect the standards of fair trial as defined in national standards and in international treaties ratified by Guinea, notably in view of the recourse to torture either to extort confessions or to coerce witnesses and co-defendants to testify against Alpha Condé, and that consequently his guilt was in no way proven,

Considering that it is clear from the letter of the above-mentioned State Judicial Agent that the Government recruited 18 Liberian rebels and paid them to testify against Mr. Condé; for in that letter the Judicial Agent informs the Secretary of State for Security "*of the critical situation of the 18 Liberian witnesses who are still present in Conakry at our expense*", stating that all the practical measures taken to make them leave Guinea had failed, that pending a solution "*we have serious difficulties in containing these young people on account of their greed and their thirst for money*", that they had rejected an offer of 5 million Guinean francs "*to take charge of themselves*" and cease to depend on the State, that they demanded the sum of US\$ 10,000 per witness "*to put a final end to the undertakings assumed by the Government in regard to them*", finally drawing the attention of the Secretary of State "*in order that steps be taken finally to free these witnesses without any other form of commitment on our part*",

Considering also that in the above-mentioned letter which he sent to the President of the National Assembly, the Minister of Justice said he "*regretted*" that, despite the deprivation of civic rights to which Mr. Condé had been subjected, the latter had been able to take part in the parliamentary sitting of 25 September 2001, asserting moreover that his [the Minister's] "*desire to make our country a State based on the rule of law is unflinching and irreversible*",

1. *Thanks* the President of the National Assembly for the information supplied;
2. *Welcomes* the fact that the National Assembly, in defence of the rule of law and the principles of democracy and human rights, has reinstated Mr. Alpha Condé, as a result of which he was able to take part in the opening ceremony of the second parliamentary session of 2001 and thus to resume the parliamentary mandate entrusted to him by the people;
3. *Is shocked* to learn that the many allegations of recruitment, by the Government, of Liberian rebels as witnesses for the prosecution were found to be true; *considers* that such illegal recruitment comes in addition to the many other items of evidence that the charges brought against Mr. Alpha Condé were entirely fabricated and, in some instances, made with the knowledge of the highest authorities of the country;
4. *Forcefully affirms* that the "*judgment*" handed down after a clearly rigged trial can have no legal force and must therefore be considered null and void in the eyes of the law; *therefore asserts* that "*the trial and the judgment*" handed down on Mr. Condé may in no way be invoked to justify any deprivation of his civil rights;
5. *Has no doubt* that the Minister of Justice, in his "*capacity as the senior representative of the institution responsible for ensuring compliance with and application of the rule of law*", will take the necessary measures from the legal standpoint and ensure that the judgement is quashed; *further requests* him to ensure, as his duty requires, that an investigation of the suspected torture and ill-treatment invoked in the trial is launched immediately and that those responsible for such crimes are brought to justice;
6. *Requests* the Secretary General to bring this resolution to the attention of the Guinean authorities, and further to inform thereof the competent United Nations human rights bodies;
7. *Requests* the Committee on the Human Rights of Parliamentarians to continue examining this case and report to it at its next session (September 2002).

CASE N° HOND/02 - MIGUEL ANGEL PAVÓN SALAZAR - HONDURAS

***Resolution adopted without a vote by the Council of the Inter-Parliamentary Union
at its 170th session (Marrakech, 23 March 2002)***

The Council of the Inter-Parliamentary Union,

Referring to the outline of the case of Mr. Miguel Angel Pavón Salazar of Honduras, as contained in the report of the Committee on the Human Rights of Parliamentarians (CL/170/13.c(ii)-R.1), and to the relevant resolution adopted at its 169th session (September 2001),

Recalling that, owing to the insistence of the National Congress, the investigation into Mr. Pavón Salazar's murder, which had come to a virtual standstill, was reopened in July 1996 and led to the identification of two suspects,

Recalling that one of them, Mr. Quiñones, was officially declared dead on 19 September 2000 although the investigation into the circumstances of his disappearance was said to be still under way; that, on 5 June 2000, the Prosecutor issued an international arrest warrant through Interpol for the second presumed perpetrator, Jaime Rosales, who reportedly lives in the United States of America, and, on 23 August 2000, requested the General Directorate of Population and Migration to provide data on his migration movements,

Recalling also that the Office of the National Commissioner for Human Rights is monitoring the proceedings; that a Special Human Rights Prosecutor, who undertook to speed up the proceedings, is dealing with the case; that, however, the interrogation of a witness requested by her on 9 March 2001 had still not been carried out as of 6 August 2001,

Considering that the Congress has failed to respond to the IPU's communications for the last three years; *noting* that a new Parliament was elected in February 2002,

1. *Recalls* that States are under an obligation to make every effort to ensure that human rights violations do not go unpunished, irrespective of the time that has elapsed since they were committed;
2. *Solemnly calls therefore upon* the newly elected National Congress to take action in order to lend fresh impetus to the proceedings in this case, as the Congress successfully did in 1996, and so ensure that justice is finally done in this case;
3. *Reiterates its desire to ascertain* whether any action is currently being undertaken to establish conclusive evidence on Mr. Quiñones's fate and to ensure the execution of the arrest warrant issued for Mr. Rosales; *also desires to ascertain* whether further evidence is being taken to establish the truth in this case and, if so, to be informed of the outcome;
4. *Requests* the Secretary General to bring this resolution to the attention of the National Congress, the Office of the National Commissioner for Human Rights, the Special Human Rights Prosecutor and Interpol;
5. *Requests* the Committee on the Human Rights of Parliamentarians to continue examining this case and report to it at its next session (September 2002).

CASE N° IDS/13 - TENGKU NASHIRUDDIN DAUD - INDONESIA

***Resolution adopted without a vote by the Council of the Inter-Parliamentary Union
at its 170th session (Marrakech, 23 March 2002)***

The Council of the Inter-Parliamentary Union,

Referring to the outline of the case of Mr. Tengku Nashiruddin Daud of Indonesia, as contained in the report of the Committee on the Human Rights of Parliamentarians (CL/170/13.c(ii)-R.1), and to the relevant resolution adopted at its 169th session (September 2001),

Recalling that Mr. Nashiruddin Daud, a member of Parliament for Aceh and outspoken Vice-Chairman of the Parliamentary Commission of Inquiry into Human Rights Abuses in Aceh, was found dead on 25 January 2000 the day after he disappeared in Medan on his way back from a mission to Aceh, his body showing clear signs of torture,

Taking account of the communication of the Secretary General of the Indonesian Parliament of 20 December 2001 in which she stated that "... *the Leadership of the Indonesian House of Representatives had invited the new Chief of the State Police, Mr. Da'i Bachtiar, on 11 December 2001 to have a special discussion on this case. On that occasion, the House Leaders urged the police to take immediate action in settling the case, and the Chief of the State Police said that the investigation would be improved in the future and the progress made would always be reported to the House*",

Recalling in this light that Parliament, in particular its Sub-committee on Juridical and Human Rights Issues and the Committee for Inter-Parliamentary Cooperation, is monitoring the investigation of the case,

Noting the information provided by the Minister of Justice and Human Rights on 12 March 2002, that the police, on the basis of, *inter alia*, a testimony of Ibrahim AMD, a suspect in the case of the Jakarta Stock Exchange bombing who reportedly escaped either before or after being convicted, apparently link the murder to rebels of the Free Aceh Movement (GAM); one of the suspects has reportedly been shot dead by policemen in Aceh while the police are still searching for the other three suspects who have fled, either to Aceh or to Penang/Malaysia; all regional police departments have been asked for assistance in capturing them and the Indonesian police are also cooperating in this with the Malaysian police,

Recalling that, according to the source, a young man named Abu Bakar Daud, who worked as a servant at the hostel where Mr. Nashiruddin Daud was staying when he disappeared, went missing shortly after being questioned by the police as a witness; according to the source, he is thought to have been well informed about what happened at the hostel at the time of Mr. Nashiruddin Daud's disappearance,

Noting that, according to the Minister of Justice and Human Rights, Abu Bakar Daud was an acquaintance of the MP concerned and had seen the latter leave the hostel at 4 p.m. on 24 January 2002, the day before he was found dead; this key person has so far not been located and is being sought in connection with the investigation,

Recalling also that the source fears that the police may not be conducting the investigation with all due diligence and thoroughness, failing in particular to take account of a possible link between Mr. Nashiruddin Daud's activities in the parliamentary commission investigating human rights abuses in Aceh and his murder,

1. *Thanks* the Minister of Justice and Human Rights and the parliamentary authorities for their observations and their spirit of cooperation in pursuit of the truth in this case;
2. *Is pleased* that, at their meeting with the new Chief of the State Police, the leaders of the Indonesian House of Representatives urged him to take immediate action to settle the case; *notes therefore with satisfaction* the stated commitment of the new Chief of the State Police to improve the investigation;
3. *Notes* that, according to the police, the murder is linked to the Free Aceh Movement (GAM); *would appreciate* information as to the circumstances in which Ibrahim AMD gave his testimony to that effect; *wishes to ascertain* his legal status with respect to the relevant investigation, in particular whether he remains at the disposal of the investigating authorities for further questioning;
4. *Reiterates its deep concern* that key witness Mr. Abu Bakar Daud, who disappeared after police questioning, has still not been found; *reiterates its wish* to receive a copy of his testimony;
5. *Would appreciate* information as to whether the authorities are exploring the possibility of following other lines of inquiry, particularly one that would take account of Mr. Daud's parliamentary monitoring activities;
6. *Is confident* that Parliament, in particular its Sub-committee on Juridical and Human Rights Issues and the Committee for Inter-Parliamentary Cooperation, will continue monitoring the

proceedings so as to ensure that Mr. Nashiruddin Daud's murder does not remain unpunished; *would appreciate* being kept informed of any developments;

7. *Requests* the Secretary General to convey this resolution to the parliamentary authorities, inviting them to keep the Committee informed of any developments; *also requests* the Secretary General to convey the decision to the Minister of Justice, the Attorney General, the Head of Police and the National Human Rights Commission;
 8. *Requests* the Committee on the Human Rights of Parliamentarians to continue examining this case and report to it at its next session (September 2002).
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CASE MAG/01 - JEAN EUGENE VONINAHITSY - MADAGASCAR

***Resolution adopted without a vote by the Council of the Inter-Parliamentary Union
at its 170th session (Marrakech, 23 March 2002)***

The Council of the Inter-Parliamentary Union,

Referring to the outline of the case of Mr. Jean Eugène Voninahitsy of Madagascar, as contained in the report of the Committee on the Human Rights of Parliamentarians (CL/170/13.c(ii)-R.1), and to the relevant resolution adopted at its 169th session (September 2001),

Taking account of the observations provided by the President of the National Assembly in a letter dated 14 January 2002; *taking account also* of a communication from the source dated 6 March 2002,

Recalling the following information on file:

- Mr. Voninahitsy was arrested on 23 December 2000 *in flagrante delicto* under an accusation of having insulted the Head of the State in a statement he had made two months earlier, on 26 October, at which he revealed that the pontoon bridge the Head of the State had claimed to have purchased from the Ukrainian authorities had in fact been donated to the Malagasy population;
- On 26 December 2000, he was moreover charged with issuing nine uncovered cheques in June, July and August 2000 and was remanded in custody also in connection with each of those offences, which the authorities also regarded as committed *in flagrante delicto*;
- On 27 December 2000, the criminal Chamber of the Court of First Instance of Antananarivo, having rejected the arguments of unconstitutionality and irregular procedures put forward by the defence counsel, found Mr. Voninahitsy guilty on both counts; however, while the Court of Appeal quashed the sentence handed down in the first case, ruling that the defence based on the lack of *flagrante delicto* was founded, it upheld the sentence in respect of the issuing of uncovered cheques, but reduced it from 40 to 6 months' imprisonment; according to the source, Mr. Voninahitsy had paid all the cheques, which explained the absence of plaintiffs or associated parties;
- By Judgment 141 of 21 June 2001, the Penal Chamber of the Supreme Court upheld the sentence handed down on appeal against Mr. Voninahitsy, who had meanwhile served his sentence and was released on 23 June 2001;
- His conviction having become definitive, Mr. Voninahitsy was stripped of his parliamentary mandate pursuant to Articles 9 (6) and 25 of Order No. 93-007 of 24 March 1993, and on 19 July 2001 the Constitutional High Court took note of the vacancy of his seat and replaced him,

Considering that, on the strength of Articles 9 (6) and 25 of Order No. 93-007 of 24 March 1993, which stipulates as a condition of eligibility that a person must not have been sentenced for a crime or offence, Mr. Voninahitsy was not only barred from standing in the presidential elections in December 2001, but will be barred for life from standing for election,

Recalling that, in his letter of 27 February 2001, the President of the National Assembly refers to French jurisprudence in explaining the "*flagrante delicto*" character of Mr. Voninahitsy's issuing of uncovered cheques; in his letter of 14 January 2002, he reiterates those observations, namely that Article 206 of the

Code of Penal Procedure, identical to Article 53 of the French Code of Penal Procedure, ranks among flagrant crimes and offences the crime or the offence being or having just been committed, and the crime or offence already committed, unknown to other than the perpetrator or accomplice, but subsequently revealed by a clear piece of evidence leaving no doubt about the reality of the wrongdoing and the identity of its perpetrator; he reiterates further that the exact date of commission of the offence is of little matter in these circumstances, flagrancy being established not at the time at which the offence was actually committed but upon its revelation, such discovery needing to give rise simply to an uninterrupted sequence of acts of information; he states finally that Malagasy law refers to the case of *flagrante delicto* as a summary procedure and not a category of offence,

Considering that, in commenting on the resolution it adopted on this case on the occasion of the 106th Conference, the President states that the principle of parliamentary inviolability can never be a refuge enabling individuals to commit offences and escape all judicial proceedings and finds disturbing the position of the Committee "in that it attaches far more importance to procedure than to the merits of the case" and expressed his view that "the provisions of the resolution were not concerned with substantiating the facts and their imputability to the convicted person",

Considering finally that the President of the National Assembly stated in his letter of 14 January 2002 that, notwithstanding that he was convinced of Mr. Voninahitsy's guilt under Malagasy law, the National Assembly was prepared to examine a bill providing for an amnesty in his favour; *recalling* that two previous proposals in Parliament to amnesty Mr. Voninahitsy have failed,

1. *Thanks* the Speaker for the observations provided;
2. *Affirms* that, in criminal matters, procedural guarantees are fundamental safeguards to ensure that individuals are not unjustly punished, and *emphasises* that they are therefore essential to human rights protection;
3. *Stresses* that parliamentary immunity is a safeguard against possibly politically motivated prosecution and that it is in Parliament's own interest to ensure respect for it;
4. *Reiterates* that *flagrante delicto*, according to common understanding and as acknowledged by the President, is a special procedure designed to enable police and judicial authorities to act rapidly in order to avoid losing manifest evidence and blurring trails leading to the culprit; it therefore gives investigators greater powers and provides lesser safeguards for the respect of individuals' liberties, and is strictly limited in time;
5. *Reaffirms* that the arrest of an MP accused of having issued uncovered cheques four and even six months earlier can in no way be carried out under a *flagrante delicto* procedure and therefore requires the lifting of parliamentary immunity; still *fails to understand* in this respect why the prosecution did not arrest Mr. Voninahitsy when it was notified by the Central Bank that his bank account showed an insufficient credit balance, and delayed such action until he was arrested on a defamation charge, again *in flagrante delicto* and unjustly, as confirmed by the Appeal Court judgement in the matter;
6. *Remains concerned* that the authorities may have had recourse to the *flagrante delicto* procedure to avoid scrutiny in Parliament;
7. *Reaffirms* that in making the statement which gave rise to his initial arrest, Mr. Voninahitsy merely exercised his right to freedom of speech and carried out his parliamentary mandate, comprising as it does criticism and denunciation of possible abuses by the executive branch of the State;
8. *Notes therefore with deep concern* that, as a consequence of Article 9, paragraph 6, of Order N° 93-007, Mr. Voninahitsy will be debarred for life from standing for election;

9. *Calls again* on the National Assembly to grant Mr. Voninahitsy an amnesty and so enable him to stand again for election;
 10. *Requests* the Secretary General to convey this resolution to the Speaker and to the source;
 11. *Requests* the Committee on the Human Rights of Parliamentarians to continue examining this case and report to it at its next session (September 2002).
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CASE N° MAL/15 - ANWAR IBRAHIM - MALAYSIA

Resolution adopted without a vote by the Council of the Inter-Parliamentary Union at its 170th session (Marrakech, 23 March 2002) *

The Council of the Inter-Parliamentary Union,

Referring to the outline of the case of Mr. Anwar Ibrahim, a member of the House of Representatives of Malaysia, as contained in the report of the Committee on the Human Rights of Parliamentarians (CL/170/13.c(ii)-R.1), and to the relevant resolution adopted at its 169th session (September 2001),

Taking account of a note provided by the Malaysian delegation to the 107th Conference concerning Anwar Ibrahim's state of health and his right to medical treatment; *also taking account* of the documents provided by the Malaysian delegation to the 105th (April 2001) and 106th (September 2001) Conferences,

Recalling that, having been dismissed from his post as Deputy Prime Minister and Finance Minister, Mr. Anwar Ibrahim was arrested and prosecuted on charges of corruption and sodomy; he was found guilty on both counts and sentenced, in April 1999 and August 2000 respectively, to a total of 15 years' imprisonment; his appeal against the corruption charges having been rejected at second instance, it is now pending before the Federal Court; no date has as yet been set for hearing the appeal against the sodomy conviction and sentence,

Recalling also that after his arrest in September 1998, Mr. Anwar Ibrahim was assaulted by the then Inspector General of Police, Rahim Noor; following the findings and recommendations of a specially instituted Royal Commission, Rahim Noor was charged with causing grievous bodily harm, a charge carrying a maximum prison sentence of three and a half years; he pleaded guilty only after the charge was amended to the lesser offence of "*causing hurt*"; in March 2000, Rahim Noor was found guilty of that charge, fined US\$ 530, sentenced to two months' imprisonment and granted bail pending appeal; *considering* that his appeal was rejected on 1 May 2001, and that he served his sentence in Kajang Prison,

Recalling its concerns about the fairness of the trial proceedings brought against Anwar Ibrahim, in particular as regards the many concurrent allegations of extraction of witness statements under duress and the harassment of defence lawyers, in particular the bringing of sedition charges against Karpal Singh for having raised in court suspicion of arsenic poisoning of Anwar Ibrahim, and the sentencing of Zainur Zakaria for contempt of court for having refused to apologise to the court for submitting an affidavit alleging that the prosecutors attempted to fabricate evidence against Mr. Anwar Ibrahim; *considering* that, in the observations it submitted in April and September 2001, the Malaysian delegation stated with respect to Zainur Zakaria's conviction that "*it was made on the basis of the facts and the law in Malaysia and was moved by the trial judge*

* The Malaysian delegation expressed reservations about the resolution adopted by the Council of the Inter-Parliamentary Union.

for his contemptuous behaviour in court"; as regards the charges against Karpal Singh, the delegation stated that "the investigation had proven that the statement is false and thus made in bad faith and without caution" and that "immunity of lawyers does not extend to the realm of criminal liability, especially so when the statements made by lawyers are seditious in nature",

Considering in this connection that, on 14 January 2002, the prosecution decided to withdraw the charges against Karpal Singh; *considering also* that in its ruling of 27 July 2001 on Mr. Zakaria's appeal, the Federal Court quashed the conviction handed down and set aside the three-month sentence; *recalling* in this respect that the principal issue at the start of Anwar Ibrahim's trial on the corruption charges was the allegation by the defence that the Attorney General's Chambers had fabricated evidence against Anwar Ibrahim, implicating two senior prosecutors,

Recalling that Anwar Ibrahim has been hospitalised in the Kuala Lumpur General Hospital (KLGH) since 24 November 2000 owing to a chronic spinal injury; that having examined Anwar Ibrahim on 13 March 2001, his surgeon, Dr. Thomas Hoogland, concluded that he required urgent and delicate spinal surgery which could not, in his view, be performed satisfactorily in Malaysia; he therefore recommended surgery abroad; the Malaysian Government rejected that request on the grounds that Mr. Ibrahim might elect not to return to Malaysia; Anwar Ibrahim, who refused to undergo surgery in Malaysia, was returned to prison on 10 May 2001; the Malaysian Human Rights Commission, after meeting Anwar Ibrahim, stated publicly on 31 May 2001 that he should be allowed to exercise his right to choose his preferred treatment, including treatment abroad; the Commission noted that the 1995 Prison Act allowed the prison authorities to release a prisoner on licence and that nothing legally prevented Anwar Ibrahim from being sent abroad for medical treatment,

Considering that the Malaysian delegation has submitted comprehensive information on the rules governing medical treatment in prison and their application in this case, from which it appears that Dr. Hoogland considered that it was "do-able" to carry out the surgery at Kuala Lumpur Hospital and tentatively scheduled it for 6 and 7 April 2001; the medical panel formed to treat Mr. Ibrahim agreed that Dr. Hoogland should perform the surgery and be allowed the required facilities, equipment and personnel; to date, however, Dr. Hoogland has not provided the list of the equipment needed for the surgery; moreover, adducing relevant jurisprudence and international human rights norms, the documents submitted to the Committee conclude that: (a) there is no infringement of Anwar Ibrahim's fundamental right to life if he is refused his choice of medical treatment, as long as adequate medical treatment is provided by the Government, which has been and remains the case; (b) there is no infringement of Anwar Ibrahim's right to personal liberty, as enshrined in Article 5 (1) of the Constitution, if he is refused permission for medical treatment abroad, because Article 5 does not confer on a citizen a fundamental right to leave the country as the Government may prevent certain persons, such as convicted prisoners, from doing so; (c) allowing Anwar Ibrahim to travel abroad for medical treatment would contravene Article 8 of the Constitution (right to equality) because such privilege is not accorded to other prisoners in the same position; and (d) with regard to weighing public against private interest, the Government's interference in this matter is legitimate and limited to the extent considered necessary to protect public interest; *considering* finally that, according to the document conveyed in September 2001, Anwar Ibrahim is in a stable condition and in good health, so that "there is no need for any undue concern about the state of his health or his back ailment",

1. *Thanks* the Malaysian delegation for the comprehensive information submitted, in particular as regards Anwar Ibrahim's state of health;
2. *Acknowledges* the arguments put forward by the delegation to the effect that the Government is fulfilling its obligations as regards the medical treatment afforded to Anwar Ibrahim; nevertheless *believes* that the recommendation of the Malaysian National Human Rights Commission carries special weight and should not be rejected;
3. *Calls therefore once more* on the authorities, in particular on the Malaysian Parliament, as a guardian of human rights, to give full support to the clear recommendations of the National Human Rights Commission so as to allow Anwar Ibrahim to follow his personal choice of medical treatment abroad;

4. *Notes with satisfaction* that the charges against Karpal Singh have been withdrawn;
 5. *Considers* that the Federal Court ruling in the Zainur Zakaria case has strong implications for the Anwar Ibrahim case as it lends further credence to the defence argument that the prosecution fabricated evidence against Anwar Ibrahim and, consequently, that his trials may well have been politically motivated;
 6. *Calls once again* on the authorities to release Anwar Ibrahim on bail pending the appeal proceedings under way against him;
 7. *Requests* the Secretary General to convey this resolution to the Malaysian authorities and to the sources;
 8. *Requests* the Committee on the Human Rights of Parliamentarians to continue examining this case and report to it at its next session (September 2002).
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CASE N° MON/01 - ZORIG SANJASUUREN - MONGOLIA

Resolution adopted without a vote by the Council of the Inter-Parliamentary Union at its 170th session (Marrakech, 23 March 2002)

The Council of the Inter-Parliamentary Union,

Referring to the outline of the case of Mr. Zorig Sanjasuuren of Mongolia, as contained in the report of the Committee on the Human Rights of Parliamentarians (CL/170/13.c(ii)-R.1), and to the relevant resolution adopted at its 169th session (September 2001),

Having before it the written report on the on-site mission carried out from 1 to 3 August 2001 and the detailed written observations thereon provided by the authorities with whom the delegation met,

Considering that, at the hearing the Committee held with them on the occasion of the 107th Conference (March 2002), the Deputy Speaker of the State Great Hural and Ms. Oyun, an MP and sister of Mr. Zorig, stated the following as regards follow-up on the conclusions of the mission: the working groups set up by the police and the Central Investigative Agency, respectively, now work closely together, having been merged in a single group; the Government and Parliament consider favourably a possible request for external criminal expertise; however, the parliamentary authorities do not consider it appropriate to establish a parliamentary working group since such a group would have no legal right to inquire into the investigation and would be given no information; moreover, the Speaker is a member of the National Security Council, which receives quarterly information about the investigation,

1. *Thanks* the authorities of Mongolia and in particular the State Great Hural for their cooperation and detailed observations on the report, which not only provide new information but also enabled the Committee to correct some data which the delegation had been unable to cross-check on the spot;
2. *Commends* the Committee's delegation for its work; *fully endorses* the mission's conclusions and recommendations;
3. *Notes with satisfaction* that the authorities have followed the recommendation that the main investigating bodies cooperate and coordinate their work for the sake of progress in the

investigation, and that foreign expertise may prove helpful to that end; *requests* the Secretary General, in close contact with the Mongolian authorities, to inquire into the possibility that the IPU might act to facilitate such assistance;

4. *Notes* that the parliamentary authorities agree that Parliament has an important role in supervising the activities of the executive branch; *is therefore confident* that it will make every effort to avail itself of its oversight function and so ensure that the investigation proceeds with all due diligence and thoroughness;
5. *Requests* the Secretary General to convey this resolution to the authorities and the sources;
6. *Requests* the Committee on the Human Rights of Parliamentarians to continue examining this case and to report to it at its next session (September 2002).

MYANMAR

Parliamentarians reportedly still imprisoned:

CASE N° MYN/01 - OHN KYAING	CASE N° MYN/104 - KYAW KHIN
CASE N° MYN/04 - KHIN MAUNG SWE	CASE N° MYN/118 - THAN NYEIN
CASE N° MYN/09 - SEIN HLA OO	CASE N° MYN/119 - MAY WIN MYINT
CASE N° MYN/13 - NAING NAING	CASE N° MYN/122 - MIN SOE LIN
CASE N° MYN/36 - MYINT NAING	CASE N° MYN/124 - OHN MAUNG
CASE N° MYN/60 - ZAW MYINT MAUNG	CASE N° MYN/133 - YAW HIS
CASE N° MYN/85 - KHUN MYINT HTUN	CASE N° MYN/134 - MIN KYI WIN
CASE N° MYN/87 - DO HTAUNG	CASE N° MYN/138 - TOE PO
CASE N° MYN/101 - SAW OO REH	CASE N° MYN/139 - SOE MYINT

Parliamentarians reportedly released after serving their sentences:

CASE N° MYN/02 - KYI MAUNG	CASE N° MYN/106 - KYAW TIN
CASE N° MYN/08 - TIN HTUT	CASE N° MYN/107 - SAN MYINT
CASE N° MYN/10 - WIN HLAING	CASE N° MYN/108 - MIN SWE
CASE N° MYN/15 - HLAING NI	CASE N° MYN/109 - THAN AUNG
CASE N° MYN/20 - KYAW THWIN	CASE N° MYN/110 - TIN MIN HTUT
CASE N° MYN/26 - HLA TUN	CASE N° MYN/111 - SAW LWIN
CASE N° MYN/28 - TIN AUNG AUNG	CASE N° MYN/112 - HLA WIN
CASE N° MYN/41 - ZAW MYINT	CASE N° MYN/113 - AYE THAN
CASE N° MYN/42 - MYA WIN	CASE N° MYN/114 - OHN NAING
CASE N° MYN/64 - DAVID HLA MYINT	CASE N° MYN/115 - THEIN ZAN
CASE N° MYN/68 - AUNG KHIN SINT	CASE N° MYN/116 - NYUNT HLAING
CASE N° MYN/70 - TIN SOE	CASE N° MYN/117 - KYAW MYINT
CASE N° MYN/71 - KYI MYINT	CASE N° MYN/120 - SAN SAN
CASE N° MYN/73 - FAZAL AHMED	CASE N° MYN/121 - TIN OO
CASE N° MYN/74 - NAI THUN TEIN	CASE N° MYN/123 - NAN KHIN HTWE MYINT
CASE N° MYN/77 - R. P. THAUNG	CASE N° MYN/125 - MAHN KYAW NI
CASE N° MYN/78 - MAUNG MAUNG LAY	CASE N° MYN/126 - TUN WIN
CASE N° MYN/79 - SOE NYUNT	CASE N° MYN/127 - BO HTWAY
CASE N° MYN/80 - KYAW SAN	CASE N° MYN/128 - THA AUNG
CASE N° MYN/84 - SOE THEIN	CASE N° MYN/130 - TIN WIN
CASE N° MYN/86 - AYE SAN	CASE N° MYN/135 - NAI TUN THEIN
CASE N° MYN/88 - CHIT HTWE	CASE N° MYN/136 - SAW MRA AUNG
CASE N° MYN/89 - MYO NYUNT	CASE N° MYN/137 - KHIN MAUNG KYI

CASE N° MYN/100 - HLA MYINT
CASE N° MYN/102 - HLA MIN
CASE N° MYN/103 - TIN AUNG
CASE N° MYN/105 - KYIN THEIN

CASE N° MYN/140 - KHIN HTAY KYWE
CASE N° MYN/141 - MAY HNIN KYI
CASE N° MYN/142 - SAN SAN WIN

Parliamentarians who died in custody:

CASE N° MYN/53 - HLA THAN

CASE N° MYN/55 - TIN MAUNG WIN

CASE N° MYN/72 - SAW WIN

CASE N° MYN/83 - KYAW MIN

CASE N° MYN/131 - HLA KHIN

CASE N° MYN/132 - AUNG MIN

Parliamentarians assassinated:

CASE N° MYN/66 - WIN KO

CASE N° MYN/67 - HLA PE

***Resolution adopted without a vote by the Council of the Inter-Parliamentary Union
at its 170th session (Marrakech, 23 March 2002)***

The Council of the Inter-Parliamentary Union,

Referring to the outline of the case of the above-mentioned elected members of the *Pyithu Hluttaw* (People's Assembly) of the Union of Myanmar, as contained in the report of the Committee on the Human Rights of Parliamentarians (CL/170/13.c(ii)-R.1), and to the relevant resolution adopted at its 169th session (September 2001),

Recalling that the Parliament elected on 27 May 1990 has to date been prevented from convening; the National League for Democracy (NLD), which won 392 of the 485 seats, has been systematically impeded in its functioning and the MPs-elect eliminated from the political process through means including their arrest, detention and sentencing under laws infringing basic international human rights standards,

Recalling also that the NLD, together with other parties, set up the Committee Representing the People's Parliament (CRPP) in an effort to implement the election results; that the Committee has not, however, been recognised by the military regime,

Noting the talks which started between the military regime and the NLD leader, Daw Aung San Suu Kyi, in October 2000 and the reported release since then of several MPs and the easing of some of the constraints on the operation of legal political parties, including the reopening of selected NLD branch offices and a halt to the media campaign against Daw Aung San Suu Kyi,

Noting also that several on-site missions to Myanmar have since been carried out by, among others, the Special Envoy of the United Nations Secretary-General, the UN Special Rapporteur of the Commission on Human Rights, the International Labour Organization, the EU Troika and the International Committee of the Red Cross,

Considering, however, that the absence of any legislation to protect human rights is said to seriously hamper the functioning of political parties, continuing to restrict freedom of expression, opinion, assembly and association, access to information and freedom of movement domestically and internationally, and that domestic media and many international publications are still subject to all sorts of censorship controls,

1. *Deeply regrets* that an official communication has still not been forthcoming, thereby preventing it from fully appreciating any positive developments which may have taken place since talks started between the military regime and the NLD leader;
2. *Notes with satisfaction* that since then several MPs-elect have reportedly been released, and *reiterates its wish* to receive official confirmation of their release and any information on guarantees that they will not be re-arrested;

3. *Remains deeply concerned* at the plight of the 18 MPs who remain in prison and *urges* the authorities to release them forthwith;
 4. *Notes* that several restrictions on political parties have been eased, and *calls on* the authorities to restore without further delay the rule of law, which, in addition to the unconditional release of the detained MPs-elect, will require the full removal of the ban on political activities, the establishment of institutions representative of the people's will, and respect for human rights;
 5. *Again calls upon* all members of the Inter-Parliamentary Union to press for the respect of democratic principles in Myanmar and to show their solidarity with their elected colleagues from the Pyithu Hluttaw, in particular by supporting the "*Committee Representing the People's Parliament*", by making innovative Myanmar-related policy recommendations to their governments and by creating parliamentary support networks; *invites once again* member Parliaments to inform it of such steps as they may take to that end;
 6. *Welcomes* the increasing number of official on-site visits to Myanmar and *expresses the hope* that this openness towards the international community will soon persuade the authorities to agree to receive an IPU mission so as to facilitate progress in the cases of the MPs-elect;
 7. *Requests* the Secretary General to bring this resolution to the attention of the authorities of Myanmar and the sources;
 8. *Requests* the Committee on the Human Rights of Parliamentarians to continue examining this case and report to it at its next session (September 2002).
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CASE N° PAK/08 - ASIF ALI ZARDARI - PAKISTAN

Resolution adopted without a vote by the Council of the Inter-Parliamentary Union at its 170th session (Marrakech, 23 March 2002)

The Council of the Inter-Parliamentary Union,

Referring to the outline of the case of Senator Asif Ali Zardari of Pakistan, as contained in the report of the Committee on the Human Rights of Parliamentarians (CL/170/13.c(ii)-R.1), and to the relevant resolution adopted at its 169th session (September 2001),

Taking account of the information provided on the occasion of the Committee's 96th session (January 2002) by Mr. Raja Muhammad Bashir, Prosecutor General of the Pakistani National Accountability Bureau (NAB), and of the information provided by the Permanent Representative of Pakistan to the United Nations Office in Geneva in his letters of 6 and 22 November 2001;

Taking also account of the information provided by one of Mr. Zardari's defence counsel at his hearing with the Committee on the occasion of the 107th Conference (March 2002),

Recalling that Mr. Zardari has been in prison since his arrest on 4 November 1996; six ordinary criminal cases have been brought against him and, as at 15 December 2001, seven accountability cases;

Considering that on 15 December 2001, when he was about to be released, having been granted bail in all cases pending against him, Mr. Zardari was re-arrested, a new accountability case having been filed against him (allegedly evading payment of duties by falsely declaring the value of a BMW car he imported); Mr. Zardari's counsel affirms that these new charges have been fabricated to ensure his continued

detention, that a bail petition in this case has been delayed deliberately and is due for consideration by the High Court only at the end of March 2002 and that, although Mr. Zardari was arrested in this case 90 days ago, it has not as yet been filed in court,

Noting that the Prosecutor General of the NAB stated, with respect to the injuries sustained by Mr. Zardari on 17 May 1999 while in the custody of the Central Investigative Agency, that the District and Session Judge of Malir Karachi had concluded on 11 September 1999 that *"the facts and circumstances as adduced from the evidence produced show that these injuries were inflicted but the culprits have not been named nor have been identified, i.e. those who had inflicted the injuries"*; the Prosecutor General stated that these findings showed that there was no conclusive evidence on the exact cause of the injuries; the Government had therefore nominated a High Court judge to make a further investigation of these incidents; should he indeed conclude that Mr. Zardari had been tortured, immediate and effective steps would be taken to bring the culprits to trial; Mr. Zardari would meanwhile remain charged with attempted suicide,

Taking account of the information provided by the source on 26 January 2002 that the Sindh High Court had finally registered a court case against certain police officers; however, none of the officers denounced in Mr. Zardari's petition had reportedly been named, which suggested a deliberate attempt to protect the real culprits,

Considering that, according to the Prosecutor General of the NAB, in the absence of any progress in the criminal cases in Karachi, court permission was obtained, which the source denies, for Mr. Zardari's transfer to the Pakistan Institute of Medical Science (PIMS) so as to facilitate his presence for the accountability cases in Rawalpindi; the PIMS is equipped with all facilities necessary for his medical treatment; Mr. Zardari receives first-class treatment and has full permission to see counsel and family; the transfer of cases to Fort Attock in Islamabad took place by court order and only after the doctor attending Mr. Zardari certified that he was fit to travel; additionally, a qualified physician has always accompanied him in an ambulance; the allegation that Mr. Zardari had so far not received any hydrotherapy treatment would be looked into and such therapy would be provided if deemed necessary; the source denies that the PIMS has the necessary facilities and asserts that Mr. Zardari is not receiving the treatment he requires,

Noting that, according to Mr. Zardari's lawyer, the Supreme Court ordered in April 2001 that all accountability cases be completed and dealt with within three months and that thereafter Mr. Zardari be moved to Karachi to face trial in the pending criminal cases; on 15 November 2001, the Supreme Court extended that term by three months; however, the cases have not been completed to date and his lawyers have filed an application in the Supreme Court which has yet to be heard,

Recalling that in April 2001 the Supreme Court ordered the retrial of the only case which has so far led to a judgment (SGS case) and that, according to his lawyers, Mr. Zardari had already served the five-year prison sentence handed down on him in that case and was entitled to statutory bail; *noting* the observations of the Prosecutor General that Mr. Zardari was never arrested in that case,

Noting that Mr. Zardari's lawyers claim that they are subject to continuous harassment, the latest allegation being in relation to an alleged army raid on Mr. Naek's office in April 2001, in which his staff were reportedly harassed and one of them taken away and forced to sign blank papers; *noting also* that the Prosecutor General of the NAB stated that it had been a "routine inspection" to verify whether the electricity meters were properly connected, electricity theft being widespread in Pakistan, and that it was common for such an inspection to be accompanied by an Army Monitoring Team; in response, Mr. Naek asserted that his office had been singled out and that no other lawyer in Karachi had been subjected to such a raid,

1. *Thanks* the Prosecutor General of the National Accountability Bureau and the Permanent Representative for their spirit of dialogue and the valuable information and clarifications provided;
2. *Notes with satisfaction* that proceedings have reportedly started against certain police officers in relation to the injuries inflicted on Mr. Zardari, and *trusts* that the Pakistani authorities will ensure

the speedy identification and punishment of the culprits and drop the suicide charges against Mr. Zardari accordingly;

3. *Expresses concern* that Mr. Zardari, shortly before his imminent release on bail, was arrested in another case in which, three months later, legal proceedings have yet to start, thereby adding weight to the allegation that his prolonged detention is based on other than legal grounds; *calls on* the authorities to grant Mr. Zardari bail without undue delay, particularly since bail has been allowed in relation to much more serious charges pending against him;
4. *Reiterates its serious concern* that, almost six years after Mr. Zardari's arrest, none of the cases against him have been completed, and *stresses* that under internationally recognised human rights norms, anyone arrested or detained on a criminal charge must be either tried without undue delay or released immediately; *wishes* to be kept informed of any Supreme Court findings on a final timetable for completion of proceedings in the cases pending against Mr. Zardari;
5. *Expresses concern* at the allegations that Mr. Naek's office was raided, that his staff were harassed and one of them taken away and forced to sign blank papers; *wishes to ascertain* whether an investigation has been launched to look into the allegations and, if so, its outcome;
6. *Calls on* the authorities to ensure that Mr. Zardari receives the medical treatment ordered by the Courts; *wishes to ascertain* whether the Prosecutor General of the National Accountability Bureau has meanwhile inquired, as promised, into the allegation that the treatment which Mr. Zardari reportedly needs has so far not been provided and, if so, the outcome of his inquiry;
7. *Requests* the Secretary General to bring this resolution to the attention of the authorities and of the source;
8. *Requests* the Committee on the Human Rights of Parliamentarians to continue examining this case and report to it at its next session (September 2002).

CASE N° SIN/01 - JOSHUA JEYARETNAM - SINGAPORE

*Resolution adopted without a vote by the Council of the Inter-Parliamentary Union
at its 170th session (Marrakech, 23 March 2002)*

The Council of the Inter-Parliamentary Union,

Having before it the case of Mr. Joshua Jeyaretnam, a former opposition member of the Parliament of Singapore, which has been the subject of a study and report of the Committee on the Human Rights of Parliamentarians in accordance with the "*Procedure for the examination and treatment, by the Inter-Parliamentary Union, of communications concerning violations of human rights of parliamentarians*",

Taking note of the report of the Committee on the Human Rights of Parliamentarians, which contains a detailed outline of the case (CL/170/13.c(ii)-R.1),

Considering that Mr. Jeyaretnam was first elected in 1981 when he won a by-election and became the first opposition member in over 15 years; he was re-elected in 1984 but lost his seat in 1986 as a result of a criminal conviction, which the Privy Council deemed grievously unjust, and was barred from standing for election until 1997, when he ran and was returned as a non-constituency member of Parliament representing one of the three opposition members out of the 85 members of the Singapore Parliament;

considering that the Committee on the Human Rights of Parliamentarians examined his case in relation with the following judicial proceedings:

- In 1984, Mr. Jeyaretnam was convicted on a charge of fraudulent use of funds belonging to his party, the Workers' Party; owing to the conviction, he lost his parliamentary seat and was debarred from the Law Society of Singapore; Mr. Jeyaretnam took the case to the Privy Council in London with respect to his debarment from the Law Society; in October 1988, the Privy Council concluded that Mr. Jeyaretnam had suffered grievous injustice and been found guilty of offences he had not committed; despite that ruling, the President of Singapore rejected Mr. Jeyaretnam's pardon petition in May 1989, primarily on the ground that "*he had not expressed any sense of remorse, contrition or repentance in respect of the crimes for which he was convicted*";
- Shortly after the 1997 election, Senior Minister Lee Kuan Yew, Prime Minister Goh Chok Tong and other senior members of the ruling People's Action Party (PAP) filed suits against Mr. Jeyaretnam alleging that he had defamed them at an election rally by saying the words "*And finally, Mr. Tang Liang Hong has just placed before me two reports he has made to the police against, you know, Mr. Goh Chok Tong and his people*"; Tang Liang Hong, a fellow parliamentary candidate, had filed a police report alleging that the PAP leadership had defamed him during the campaign by publicly labelling him an "anti-Christian, Chinese chauvinist"; in his suit against Mr. Jeyaretnam, the Prime Minister was awarded S\$ 20,000, increased on appeal to S\$ 100,000 plus full costs; in 1998, the Prime Minister began bankruptcy proceedings against Mr. Jeyaretnam but later agreed to accept payment of the damages awarded to him in instalments; in December 2000, Goh Chok Tong's co-plaintiffs, including Lee Kuan Yew and other PAP members, took steps to revive their 1997 suits; in July 2001 Mr. Jeyaretnam's appeal for a dismissal of these libel actions was turned down;
- An article published in 1995 in the Workers' Party newspaper alleged that an event called the "Tamil Language Week" was an ineffective means of advancing Tamil language and that a number of those involved in its organisation were political opportunists; the article resulted in two libel suits against the author of the article, Mr. Jeyaretnam as editor and members of the Workers' Party Central Committee; in the first suit, involving Minister of Foreign Affairs S. Jayakumar and four other PAP MPs, the defendants agreed to apologise publicly and to pay S\$ 200,000 in damages. In February 1998, after paying S\$ 100,000, the defendants were unable to make further payments and the plaintiffs did not pursue the matter at the time; the second suit was lodged by Indra Krishnan and nine other members of the Tamil Language Week organising committee, one of whom is now a PAP MP; although the author admitted that he was wholly responsible for the article, the High Court awarded the ten plaintiffs S\$ 265,000 in damages and S\$ 250,000 costs jointly against all the defendants; two of the plaintiffs then began bankruptcy proceedings against Mr. Jeyaretnam alone, but were paid off in instalments; subsequently, the remaining eight plaintiffs also started bankruptcy proceedings against Mr. Jeyaretnam and, one day after he failed to pay an agreed instalment in January 2001, he was declared bankrupt; on 16 July 2001, Mr. Jeyaretnam offered to pay off the remaining damages in three further instalments; Mr. Jeyaretnam's final appeal against that bankruptcy order was rejected by the Court of Appeal on 23 July 2001; on the strength of Articles 45.1b and 46.2e of the Constitution, Mr. Jeyaretnam was thus automatically removed from Parliament; his name was officially struck from the Singapore parliamentary roll on 25 July 2001 and he will be barred from standing for the next elections if he fails to repay the creditors;
- Mr. Jeyaretnam's failure to pay the agreed instalment to Indra Krishnan and her fellow parliamentarians by one day in January 2001 is largely due to a petition by the Minister of Foreign Affairs Mr. Jayakumar and the four other PAP plaintiffs; after making no demands since receiving a third instalment towards their S\$ 200,000 award in 1998, those plaintiffs applied successfully to the courts in December 2000 to seize a sum of S\$ 66,666.66 awarded to Mr. Jeyaretnam in a lawsuit he had brought against a lawyer who owed him costs. Mr. Jeyaretnam intended to use

that sum to pay the instalment due on 2 January 2001; the Minister of Foreign Affairs pressed Mr. Jeyaretnam alone for payment of outstanding damages, and not the other Workers' Party defendants;

- Mr. Jeyaretnam and the international observer of the appeal court hearings in July 2001 point out that the Appeal Court did not address the most important argument advanced by Mr. Jeyaretnam, namely abuse of process; as Mr. Jeyaretnam argued in his appeal, pushing him into bankruptcy would only ensure no further payments, and that consequently the only purpose of the Krishnan bankruptcy proceedings was to remove him from public office by disqualifying him from continuing as a Member of Parliament; in his report, the trial observer referred to extensive Commonwealth jurisprudence to the effect that courts have the discretion to dismiss a petition if it is brought for collateral or improper purpose; moreover, as regards the application of Mr. Jayakumar and others to garnish money awarded to Mr. Jeyaretnam, the sources point out that the money had been due since February 1998 and that none of the judgment creditors had taken any action to recover it; moreover, one of the defendants in the case was more likely to be able to pay the sum since he earned S\$ 12,000 a month, as against Mr. Jeyaretnam's S\$ 1,600;
- In a press release of 3 September 2001, Mr. Jeyaretnam stated that Prime Minister Goh Chok Tong was now demanding that he pay the outstanding balance of the sum awarded to him in August 1997; moreover, Mr. Jayakumar and the other plaintiffs in the Krishnan case have filed proof of debt for the balance due to them, claiming it only from him and not from the other defendants in that case;
- The authorities, in particular the Minister of Law, have observed that Singaporeans enjoy freedom of speech but that, as in other countries, it was subject to the law of the land. Even foreigners had noted that Singaporeans expressed critical views of the Government. The two elected opposition MPs were making fierce speeches in Parliament. However, there was no international standard for free speech and the limits of tolerance varied from country to country. Even the common law approach as to whether the words uttered would "*lower the plaintiff in the estimation of right-thinking members of society in general*" was applied differently in common law countries because of different levels of tolerance; moreover, Singaporeans, both politicians and non-politicians, guard their reputation and honour zealously, "*otherwise, untruths will linger in people's minds*"; the authorities have also stressed the independence of the Singapore judiciary stating that: "*Many seek legal redress before our Courts knowing that they receive a fair trial. Our Courts' and Singapore's adherence to the Rule of Law have earned top marks in international polls, surveys and rankings conducted by reputable bodies such as the World Economic Forum, Heritage Foundation and the Political and Economic Risk Consultancy*";
- As regards the proceedings in question, they maintain that the Krishnan case was "*really a private matter between Mr. Jeyaretnam and ten private citizens who felt that they had been defamed ...*"; they pointed out that the plaintiffs can take action against any of the defendants as their liability is joint and several and that there was nothing to prevent the other two defendants in this case from paying the judgment debt; in their view, "*it is quite natural for the Plaintiffs to go against Mr. Jeyaretnam who is the editor of the official Party publication, The Hammer, which published the offending article. In addition, Mr. Jeyaretnam is Secretary-General of the Workers' Party*"; as regards the dismissal of Mr. Jeyaretnam's final appeal, they have specified that: "*The Court of Appeal dismissed Mr. Jeyaretnam's appeal because the bankruptcy court's decision to make the bankruptcy order was correct in law. There was incontrovertible evidence produced at the bankruptcy court hearing to prove that Mr. Jeyaretnam was unable to pay his debts as they fell due, and thus ought to be made a bankrupt.*" The evidence, the Minister stated, "*included a direct admission by Mr. Jeyaretnam's lawyers, when questioned by the Judge, that Mr. Jeyaretnam was unable to pay his debts*"; they have moreover insisted that, if PAP members wanted to drive Mr. Jeyaretnam out of Parliament by making him a bankrupt, "*they could have tried to do so earlier. The truth is that much forbearance and patience have been extended to Mr. Jeyaretnam. ...*"

Mr. Jeyaretnam's problem is not that PAP leaders want to drive or keep him out of Parliament but that he makes wild allegations too readily",

Noting finally that in no single case has an opposition member in Singapore won a defamation suit in court; there were, as the authorities stated, instances when members of the ruling People's Action Party (PAP) have been sued for defamation. Mr. Chiam See Tong, an opposition member since 1984, had successfully obtained damages for defamation from PAP members in three instances. In all three, the PAP members made public apologies before trial to Mr. Chiam See Tong, who then agreed to out-of-court settlements; according to Mr. Jeyaretnam, the Workers' Party brought a suit in 1972 against a PAP candidate who had accused the Party of having received S\$ 600,000 from Malaysia, thus suggesting that the Party was acting in the interest of a foreign power; in 1981 Mr. Jeyaretnam brought action against Mr. Goh Chok Tong; although it found that the words were defamatory, the court dismissed the claim, arguing that they were fair comment and Mr. Jeyaretnam had not proven any damage, and ordered Mr. Jeyaretnam to pay the costs; a suit brought by a Workers' Party election candidate against the government newspaper *Straits Times* was dismissed on the ground that the plaintiff had not called any witness to prove that he was the person referred to in the incriminated publication,

1. *Thanks* the authorities for the observations they have regularly provided;
2. *Stresses* that freedom of speech constitutes one of the principal foundations of parliamentary democracy as it is a prerequisite for that debate and exchange of ideas which nurtures democracy;
3. *Affirms* that in making the statement at an election rally found defamatory of Prime Minister Goh Chok Tong and others, Mr. Jeyaretnam merely exercised his right to freedom of speech; *points out* that, in the Krishnan case, he is not the author of the incriminating article; therefore *cannot share* the view of the authorities that, unlike PAP members, "he makes wild allegations too readily";
4. *Affirms* that the right to the protection of one's honour and reputation is a fundamental right which the plaintiffs in question, like anyone else, were entitled to defend; *considers nevertheless* that the sequence and timing of the defamation and bankruptcy proceedings brought against Mr. Jeyaretnam suggest a clear intention to target him for the purpose of making him a bankrupt and thereby removing him from Parliament;
5. *Deeply regrets* his removal from Parliament;
6. *Requests* the Secretary General to convey this resolution to the authorities and to the sources.

CASE N° SRI/12 - JAYALATH JAYAWARDENA - SRI LANKA

***Resolution adopted without a vote by the Council of the Inter-Parliamentary Union
at its 170th session (Marrakech, 23 March 2002)***

The Council of the Inter-Parliamentary Union,

Referring to the outline of the case of Dr. Jayalath Jayawardena, a Member of Parliament of Sri Lanka, as contained in the report of the Committee on the Human Rights of Parliamentarians (CL/170/13.c(ii)-R.1) and to the relevant resolution adopted at its 169th session (September 2001),

Recalling that the complaint, submitted at a time when Dr. Jayalath Jayawardena, a former medical officer, was an incumbent opposition member of the Parliament of Sri Lanka, related to two – reportedly fabricated – cases brought against him under the Public Property Act; in August 2000 he was acquitted in the first case and, in February 2001, the Attorney General withdrew the charges in the second case,

Recalling also that some material on file, specifically accusations of then prohibited contacts with the Liberation Tigers of Tamal Eelam (LTTE) levelled by the highest State officials against him, suggested that Dr. Jayawaderna's prosecution might indeed have been politically motivated; Dr. Jayawaderna said that, as a consequence of such accusations singling him out as a target, he had received death threats; however, his personal and Parliament's request for special protection were reportedly ignored by the Minister of the Defence, and the police apparently took no action on his complaint regarding the threats,

Considering that Dr. Jayawardena was re-elected in December 2001 and was appointed Minister of Rehabilitation, Resettlement and Refugees; *considering also* that the present Government has recently concluded a ceasefire with the LTTE,

1. *Considers* that the new circumstances obtaining in this case no longer warrant its public examination;
2. *Instructs* the Committee to continue, if appropriate, examining this case under its confidential procedure.

TURKEY

CASE N° TK/39 - LEYLA ZANA

CASE N° TK/40 - SEDAT YURTDAS

CASE N° TK/41 - HATIP DICLE

CASE N° TK/42 - ZÜBEYİR AYDAR

CASE N° TK/43 - MAHMUT ALINAK

CASE N° TK/44 - AHMET TÜRK

CASE N° TK/48 - SIRRI SAKIK

CASE N° TK/51 - ORHAN DOGAN

CASE N° TK/52 - SELIM SADAK

CASE N° TK/53 - NIZAMETTİN TOĞUÇ

CASE N° TK/55 - MEHMET SINÇAR

CASE N° TK/57 - MAHMUT KILINÇ

CASE N° TK/58 - NAİF GÜNES

CASE N° TK/59 - ALI YIGIT

CASE N° TK/62 - REMZİ KARTAL

*Resolution adopted without a vote by the Council of the Inter-Parliamentary Union
at its 170th session (Marrakech, 23 March 2002)*

The Council of the Inter-Parliamentary Union,

Referring to the outline of the case of the above-mentioned parliamentarians, former members of the Turkish Grand National Assembly (TGNA), as contained in the report of the Committee on the Human Rights of Parliamentarians (CL/170/13.c(ii)-R.1), and to the relevant resolution adopted at its 169th session (September 2001),

Taking account of the information provided by a member of the Turkish delegation at the hearing held on the occasion of the 107th Conference (March 2002),

Taking account of a note conveyed by the delegation which sets out in detail the current legislative reform process in Turkey to ensure compliance of national law with Turkey's obligations as a member of the Council of Europe and party to the European Convention on Human Rights,

Taking account of the information provided by the Parliamentary Assembly of the Council of Europe on 18 December 2001 and 1 February 2002,

Recalling that the MPs concerned were all members of the Democracy Party (DEP), which the Constitutional Court of Turkey dissolved in June 1994; Ms. Zana, Mr. Dicle, Mr. Dogan and Mr. Sadak are at present serving the 15-year prison sentence handed down on them in December 1994 for membership of an armed organisation; Mr. Yurtdas, Mr. Alinak, Mr. Sakik and Mr. Türk were found guilty of separatist propaganda and sentenced to a fine and 14 months' imprisonment, which they served; as a result of that judgment, Mr. Alinak and Mr. Yurtdas are barred from practising their profession as lawyers; Mr. Toguç, Mr. Kilinç, Mr. Günes, Mr. Yigit and Mr. Kartal, who all fled abroad following the dissolution of the DEP, were subsequently also accused of separatism and would be arrested and prosecuted should they return to Turkey,

Recalling further that in its ruling of 26 June 2001 on a petition of Ms. Zana, Mr. Dogan, Mr. Sadak and Mr. Dicle against the judgment handed down on them in Turkey, the European Court of Human Rights found that their right to fair trial had been violated insofar as they had not been judged by an independent and impartial tribunal and had not been given the right to defend themselves and thus the right to clear themselves of the charges laid against them,

Considering that, according to the information provided by the Council of Europe, the Parliamentary Assembly has embarked on an exercise to verify the implementation by the Member States of the rulings handed down by the European Court of Human Rights; that within this framework and in view of the large number of rulings which Turkey has failed to implement, including the ruling in question, the Rapporteur decided to apply a special procedure to Turkey; having been assured by the leader of the Turkish parliamentary delegation to the Assembly that forthcoming constitutional amendments would make it possible to resolve a good many of the cases, the Rapporteur intends to prepare a specific report on Turkey which could be submitted to the Assembly in June 2002,

Recalling that, on many occasions, the Turkish delegations which the Committee has heard on the occasion of statutory Conferences have affirmed that their country abides by the rulings of the European Court of Human Rights; *considering* in this connection that, at the hearing held on the occasion of the 107th Conference (March 2002), the Turkish delegation stated that the judgment in question had so far not been implemented as the necessary legal provisions at the national level had not yet been adopted; in fact, the Turkish Grand National Assembly has not adopted a government bill providing for implementation at national level of rulings of international bodies, in particular the European Court of Human Rights,

Bearing in mind that the Committee of Ministers of the Council of Europe, which is entrusted with ensuring the implementation of judgments of the European Court of Human Rights, has stated on many occasions, most recently in its Recommendation 1529 (2001) on "*Honouring of obligations and commitments by Turkey*", "*the fundamental importance it attaches to member states respecting their obligations under the European Convention on Human Rights and in particular their obligation to abide by the judgments of the European Court of Human Rights*",

1. *Thanks* the Turkish delegation for the information and observations provided;
2. *Is encouraged* by the ongoing reform process in Turkey aimed at honouring its obligations as a member of the Council of Europe and party to the European Convention on Human Rights;
3. *Is therefore all the more dismayed* that the Turkish Grand National Assembly has taken no action to ensure implementation of the ruling of the European Court of Human Rights in this case; and that the Assembly has rejected draft legislation designed to guarantee such implementation;
4. *Recalls* that Turkey, as a party to the European Convention on Human Rights having recognised the competence of the European Court of Human Rights, is bound to abide by the Court's judgments and cannot argue that further legislation is needed;

5. *Forcefully calls* therefore on the Turkish Grand National Assembly to ensure without further delay the implementation of the European Court's ruling in this case;
6. *Reaffirms its conviction* that the ruling of the European Court of Human Rights of 26 June 2001 warrants the immediate release of Ms. Zana, Mr. Dicle, Mr. Sadak and Mr. Dogan since it is apparent from that ruling that their guilt has not been established;
7. *Calls therefore once again* on the Assembly to release the four former MPs concerned, who have already served seven years' imprisonment;
8. *Reaffirms its conviction* that - in common with Ms. Zana, Mr. Dicle, Mr. Dogan and Mr. Sadak - Mr. Alinak, Mr. Yurtdas, Mr. Türk and Mr. Sakik were prosecuted and sentenced on account of having exercised their right to freedom of speech and that, on the same account, charges were laid against Mr. Toguç, Mr. Kiliç, Mr. Günes, Mr. Yigit and Mr. Kartal, who all went into exile for fear of arrest; *calls therefore once again* on the Turkish authorities to consider granting them an amnesty so that they may return to Turkey should they so wish;
9. *Requests* the Secretary General to convey this resolution to the Turkish parliamentary authorities, to the Parliamentary Assembly of the Council of Europe and to the European Parliament;
10. *Requests* the Committee on the Human Rights of Parliamentarians to continue examining this case and report to it at its next session (September 2002).

CASE N° ZBW/12 - JUSTIN MUTENDADZAMERA)	
CASE N° ZBW/13 - FLETCHER DULINI-NCUBE)	
CASE N° ZBW/14 - DAVID MPALA)	
CASE N° ZBW/15 - ABEDNICO BHEBHE)	ZIMBABWE
CASE N° ZBW/16 - PETER NYONI)	
CASE N° ZBW/18 - DAVID COLTART)	
CASE N° ZBW/19 - MOSES MZILA NDLOVU)	

***Resolution adopted without a vote by the Council of the Inter-Parliamentary Union
at its 170th session (Marrakech, 23 March 2002)***

The Council of the Inter-Parliamentary Union,

Having before it the case of Mr. Justin Mutendadzamera, Mr. Fletcher Dulini-Ncube, Mr. Moses Mzila Ndlovu, Mr. David Mpala, Mr. Abednico Bhebhe, Mr. Peter Nyoni and Mr. David Coltart, incumbent members of the Parliament of Zimbabwe, which has been the subject of a study and report of the Committee on the Human Rights of Parliamentarians in accordance with the "*Procedure for the examination and treatment, by the Inter-Parliamentary Union, of communications concerning violations of human rights of parliamentarians*",

Taking note of the report of the Committee on the Human Rights of Parliamentarians, which contains a detailed outline of the case (CL/170/13.c(ii)-R.1),

Considering that the parliamentarians concerned all belong to the opposition "Movement for Democratic Change" (MDC) and that the following information regarding them has been submitted:

- Mr. Justin Mutendadzamera, his wife and stepson were severely ill-treated by police on 17 October 2000, who, without due authorisation, broke into his house and beat them; when

the MP concerned asked for an explanation, the police answered that they had been ordered by Inspector Nyamupaguma to "fix them" for orchestrating recent food riots, an accusation which Mr. Mutendzamera vehemently denied; he lodged a complaint about the ill-treatment but no investigation has been launched; Mr. Mutendzamera intends to sue the Government for the harm he suffered;

- Mr. David Mpala was kidnapped on 13 January 2002, reportedly by supporters of the ruling party, in full public view at Lupane business centre and, after being stabbed in the abdomen, was dumped 6 km away, people at the scene helped him to go to the police station and to hospital, where he was put on a life-support system; the culprits are said to be known war veterans and identifiable; according to the source, the police officer commanding Matabeleland North Province confirmed the attack but it is unclear whether an investigation has been launched;
- Mr. Fletcher Dulini-Ncube was arrested on 15 November 2001 and charged, along with seven other persons, with the murder of Cain Nkala, a leading war veteran and Limukani Luphala in early November and late October 2001, respectively; Mr. Dulini-Ncube's arrest is said to have followed "confessions" by two other MDC members, who later stated in court that they had only named him after being tortured by police officers for that purpose; overturning a decision of the High Court, the Supreme Court on 17 December 2001 granted Mr. Dulini-Ncube release on bail but ordered him to deposit a certain sum of money, to surrender his passport and to report three times a week to the police; Mr. Dulini-Ncube, who is 61 and a diabetic, was held in harsh conditions and did not receive the medical treatment he required, which, according to the source, resulted in his virtual loss of sight in one eye;
- Mr. Moses Mzila Ndluvo was arrested on 18 November 2001, reportedly on charges of kidnapping and assault in relation with the abduction and murder of Cain Nkala and Limukani Luphala; however, when he appeared in court on 21 November, he was charged with the kidnapping of another person; although no evidence was reportedly produced to substantiate the charge, Mr. Ndluvo was not granted release on bail until 3 December 2001;
- While campaigning on 6 February 2002 for the opposition presidential candidate, Mr. Bhebhe and Mr. Nyoni were beaten up by military personnel and Zimbabwe African National Union-Patriotic Front (ZANU-PF) militia; they were arrested, and held in conditions which amount to inhuman treatment and reportedly charged with throwing stones and being in possession of dangerous weapons; the MPs deny the charges and have been released on bail; no trial date is said to have been set as yet;
- According to the source, Mr. David Coltart, an MP and long-standing human rights defender, had been away from his constituency and on returning home found that a "camp" for youth militia belonging to the ruling ZANU-PF party had been set up very close to his house; he telephoned the police to ask if they had been given permission for the camp to be set up there; subsequently, Mr. Coltart received a telephone call from the police accusing him and a family friend of having fired shots at the camp and summoned him for police questioning; on reporting to the police on 18 February 2002, he was arrested and charged with discharging a firearm into the air and with being in charge of a vehicle while drunk; he denies both charges and was reportedly released on bail that same day and remanded to appear in Court on 25 March 2002; the source holds that the prosecution is politically motivated,

Considering the climate of confrontation which has prevailed in Zimbabwe in the run-up to and aftermath of the Presidential election of 9-10 March 2002; *noting* reports that the authorities and their ruling party are using militia - comprised of so-called "war veterans" and supporters of the ruling ZANU-PF party - as proxy forces to assault members of the opposition MDC party, and that those who have committed such abuses are seldom investigated, seldom arrested and very seldom prosecuted,

1. *Deeply regrets* that the Speaker has not replied to the many requests for information addressed to him;
2. *Is shocked* at the reports of Mr. Mutendadzamera, Mr. Mpala, Mr. Bhebhe and Mr. Nyoni being severely ill-treated by police officers, war veterans or militia belonging to the ruling ZANU-PF party, and at the absence of any official action to bring the culprits to trial, even when their identify is known;
3. *Is deeply concerned* at the arrests of Mr. Ndluvo, Mr. Bhebhe, Mr. Nyoni and Mr. Coltart, reportedly without any serious evidence being presented to substantiate the charges against them; *is alarmed* that in the case of Mr. Dulini-Ncube the prosecution's main evidence has allegedly been obtained under duress, since the use of such evidence is prohibited under Article 12 of the United Nations Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; *desires consequently* to ascertain the concrete facts currently adduced to justify the accusations against the MPs in question;
4. *Expresses concern* that Mr. Bhebhe and Mr. Nyoni were reportedly detained in inhuman conditions; *is shocked* that, owing to his bad conditions of detention, Mr. Dulini-Ncube has suffered irreversible damage to his health; *urges* the authorities to provide him redress and *would appreciate* information as to any steps taken in that connection;
5. *Stresses* that Zimbabwe, under its Constitution and as a party to the International Covenant on Civil and Political Rights and the African Charter on Human and Peoples' Rights, is obliged to guarantee the right to life, the right to liberty and security of person, the right to physical integrity of persons under its custody as well as the right not to be subjected to torture and other forms of ill-treatment; *also stresses* that those instruments oblige the authorities to provide a remedy in respect of violations thereof;
6. *Can but express its concern* that the allegations, taken together, seem to reveal a systematic and widespread pattern of intimidating and stifling the opposition and as such constitute a serious threat to democracy;
7. *Emphasises* that it is in the interest of Parliament to ensure that such acts do not remain unpunished, and *therefore urges* Parliament to take all possible steps to ensure that the culprits are brought to justice, that the MPs in question obtain compensation, that groundless charges against them are dropped and that such abuses are prevented from recurring, in order to enable the opposition to participate fully in political life without fear;
8. *Requests* the Secretary General to convey this resolution to the Speaker of Parliament and the competent authorities, inviting them to provide the requested information;
9. *Requests* the Committee on the Human Rights of Parliamentarians to continue examining this case and report to it at its next session (September 2002).