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139th IPU ASSEMBLY AND RELATED MEETINGS

Geneva, 14 – 18.10.2018

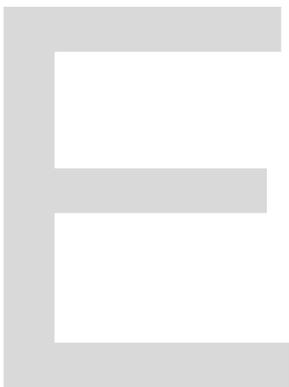
DH/2018/157-R.1
Geneva, 13-17 October 2018

Committee on the Human Rights of Parliamentarians

Summary of the cases examined by the Committee
at its 157th session, 13 to 17 October 2018

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#IPU139

Democratic Republic of the Congo



Opposition political leader Etienne Tshisekedi (Centre R) listens alongside opposition leader Eugene Diomi Ndongala (Centre L) during a “Peace in the East” mass at the Notre Dame church of Kinshasa, on June 22, 2012, after clashes between the army and ex-mutinous rebels in the east in the regions bordering Rwanda and Uganda © AFP Photo / Junior Didi Kannah

COD71 – Eugène Diomi Ndongala

Alleged human rights violations:

- ✓ Arbitrary arrest and detention (1.6)
- ✓ Torture, ill-treatment and other acts of violence (1.4)
- ✓ Threats, acts of intimidation (1.5)
- ✓ Lack of due process at the investigation stage (1.8.1)
- ✓ Lack of fair trial proceedings (1.8.2)
- ✓ Right of appeal (1.8.4)
- ✓ Abusive revocation of the parliamentary mandate (2.4.2)

Summary of the case:

Mr. Ndongala has been subjected to a campaign of political and legal harassment aimed at removing him from the political process since June 2012. In April 2013, he was arrested, and on 26 March 2014, he was sentenced to ten years’ imprisonment for rape (for engaging in sexual relations with consenting children in return for payment) following a trial marred by serious irregularities. The Committee concluded that the case was highly political and that Mr. Ndongala’s fundamental rights had been violated. On 3 November 2016, the United Nations Human Rights Committee reached similar conclusions and called for his release.

Despite the adoption of a recommendation in favour of his release in the final report of the national consultations held between the political forces of the majority and those of the opposition in September 2013, the Head of State has refused to grant a presidential pardon and release Mr. Ndongala on parole.

Mr. Ndongala was named in the list of political prisoners to be released in the political agreement of 31 December 2016, and the terms for implementing the agreement, adopted on 27 April, provided for his release within five days. The agreement has not been respected and Mr. Ndongala is still in

Case COD71

Democratic Republic of the Congo:
Parliament affiliated to the IPU

Victim: Male opposition member of parliament

Qualified complainant(s): Section I (1) (a) and (d) of the [Committee Procedure](#) (Annex 1)

Submission of complaint: July and December 2012

Recent IPU decision: [October 2017](#)

IPU mission: [June 2013](#)

Recent Committee hearings: Hearing with the delegation of the DRC at the 152nd session (January 2017)

Recent follow-up

- Communication from the authorities: Letter from the Speaker of the National Assembly (October 2017)
- Communication from the complainant: September 2018
- Communication from the IPU: Letter addressed to the Speaker of the National Assembly (September 2018)
- Communication addressed to the complainant: September 2018

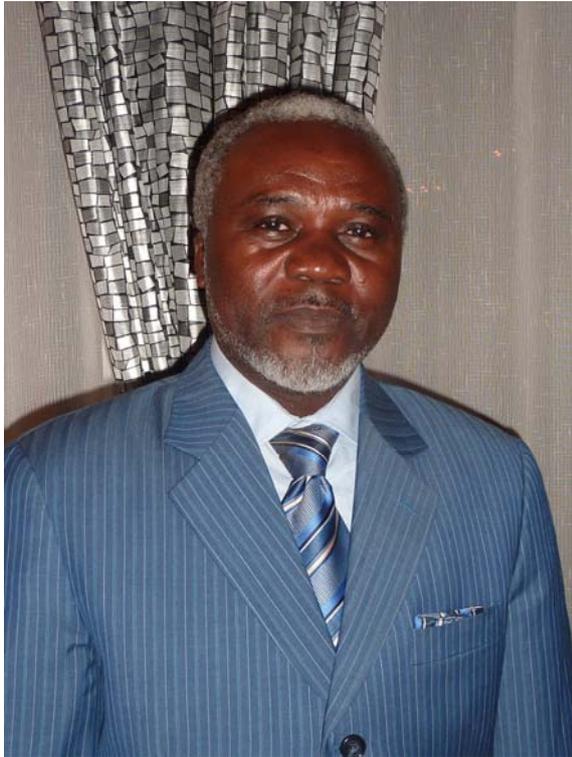
IPU technical assistance: No

Last report update: September 2018

detention despite interventions by the National Human Rights Commission (NHRC-DRC) and the National Council for Follow-Up on the Agreement and Electoral Process (CNSA).

Mr. Ndongala has been hospitalized in Kinshasa since 21 April 2017. According to the complainant, he requires care that is not available in the DRC. His lawyer's request for a medical transfer abroad has remained unanswered.

Democratic Republic of the Congo



Mr. Mythondeke © IPU June 2013

COD72 – Dieudonné Bakungu Mythondeke

Alleged human rights violations:

- ✓ Threats, acts of intimidation (1.5)
- ✓ Violation of freedom of movement (2.3)

Summary of the case:

Mr. Mythondeke was arrested, together with his family and bodyguards, in disputed circumstances, in February 2012. Charged with rebellion and breaches of State security, he was acquitted of all charges brought against him, but was sentenced in first and final instance by the Supreme Court on 25 February 2012 to 12 months' imprisonment for incitement to hatred. The judicial process was characterized by irregularities, which were largely reflected in the Supreme Court decision. Mr. Mythondeke was released on 28 January 2013 after serving his sentence. The complainants reported that Mr. Mythondeke won a civil claims case against the Congolese State in 2015.

Given the concerns for their safety and the absence of any measures by the DRC authorities to ensure the protection of Mr. Mythondeke and his family and put an end to the threats, they took refuge abroad in early 2014. Even so, they continue to receive regular threats while in exile, and according to the complainant, their relatives who remained in the DRC are subjected to intimidation. This is why Mr. Mythondeke cannot return to the DRC at this time without fearing for his life and was unable to stand as a candidate in the elections due to be held in

Case COD72

Democratic Republic of the Congo:
Parliament affiliated to the IPU

Victim: A member of parliament for the majority, having joined the opposition at the time the facts

Qualified complainant(s): Section I (1) (a) of the [Committee Procedure](#) (Annex 1)

Submission of complaint: August 2012, May 2014

Recent IPU decision: [October 2016](#)

IPU mission: [June 2013](#)

Recent Committee hearings: Hearing with the delegation of the DRC at the 152nd session (January 2017)

Recent follow-up

- Communication from the authorities: Letter from the Speaker of the National Assembly dated August 2017
- Communication from the complainants: September 2018
- Communication from the IPU: Letter addressed to the Speaker of the National Assembly (September 2018)
- Communication addressed to the complainants: September 2018

IPU technical assistance: No

Last report update: September 2018

December 2018. According to the complainant, Mr. Mythondeke wishes to relocate to another country. The complainants have reported that Mr. Mythondeke has not obtained any assistance in regard to relocation because, according to United Nations reports, he provided substantial financial and political support to an armed group before his arrest. Mr. Mythondeke denies those accusations, and invokes the presumption of innocence.

The Speaker of the National Assembly reported in a letter dated 21 August 2017 that he had asked the Executive to launch investigations into the reasons why Mr. Mythondeke went into exile and to seek proposals on how to facilitate his return.

Democratic Republic of the Congo



Franck Diongo, President of the MLP, Congolese Opposition Party © AFP Photo / Papy Mulongo

COD86 – Franck Diongo

Alleged human rights violations:

- ✓ Arbitrary arrest and detention (1.6)
- ✓ Torture, ill-treatment and other acts of violence (1.4)
- ✓ Lack of due process at the investigation stage and lack of fair trial proceedings (1.8.1 and 1.8.2)
- ✓ Right of appeal (1.8.4)
- ✓ Violation of freedom of opinion and expression (2.1)
- ✓ Violation of freedom of assembly and of association (2.2)
- ✓ Failure to respect parliamentary immunity (2.4.3)

Summary of the case:

Mr. Diongo, an opposition member of parliament, was arrested together with several activists from his political party at his home on 19 December 2016 by presidential guard soldiers. He was reportedly tortured and then summarily tried under an accelerated procedure, despite a worrying medical condition as a result of ill-treatment in detention. On 28 December 2016, he was sentenced, in both the first and the last instance, to five years in prison for arbitrary arrest and illegal detention aggravated by torture. He has been serving sentence at Kinshasa prison since that time. The party activists arrested with Mr. Diongo were tried separately and were acquitted or sentenced to several months in prison. The Supreme Court rejected a request for a retrial. The authorities have taken no action to punish any of the perpetrators of the acts of torture committed against the member of parliament.

Mr. Diongo's arrest and conviction occurred amidst protests prompted by the postponement of elections in the Democratic Republic of Congo (DRC), the extension of President Kabila's term in office (which was supposed to end on 19 December 2016) and increasing repression of members of

Case COD86

Democratic Republic of the Congo:
Parliament affiliated to the IPU

Victim: Opposition member of parliament

Qualified complainant(s): Section I (1) (a) of the [Committee Procedure](#) (Annex 1)

Submission of complaint: December 2016

Recent IPU decision: [October 2017](#)

IPU mission: - - -

Recent Committee hearings: Hearing with the delegation of the DRC at the 152nd session (January 2017)

Recent follow-up

- Communication from the authorities: Letter from the Speaker of the National Assembly (October 2017)
- Communication from the complainants: September 2018
- Communication from the IPU: Letter addressed to the Speaker of the National Assembly (September 2018)
- Communication addressed to the complainants: September 2018

IPU technical assistance: No

Last report update: September 2018

the opposition and civil society. Moreover, his arrest occurred amidst a wave of arrests and acts of violence on 19 and 20 December 2016 unleashed by the Congolese security forces to prevent any demonstrations by the opposition taking place. Mr. Diongo was the only politician who dared to continue calling on people to protest on that symbolic date. Mr. Diongo is deemed a political prisoner by the Congolese opposition. Despite the authorities' commitment to release political prisoners and allow the elections of 23 December 2018 to be held successfully, no progress has been made.

Mauritania



Mohamed Ould Ghadda

MRT02 – Mohamed Ould Ghadda

Alleged human rights violations:

- ✓ Arbitrary arrest and detention (1.6)
- ✓ Lack of due process at the investigation stage and proceedings (1.8.1 and 1.8.2)
- ✓ Violation of freedom of opinion and expression (2.1)
- ✓ Failure to respect parliamentary immunity (2.4.3)

Summary of the case:

The complainants allege that Mr. Mohamed Ould Ghadda, opposition member of the Senate, was arbitrarily arrested on 10 August 2017 and detained for 10 days, with no access to his family or lawyer. He was allegedly only informed of the charges against him on 1 September, when his detention was officially converted into pretrial detention in the context of a judicial investigation into corruption.

The complainants consider that the charges against Mr. Ould Ghadda are unfounded and that his defence rights were violated. In their view, the Senate member is being punished by the current government for having galvanized the opposition to vote against draft amendments to the Constitution, and against the referendum held on 5 August 2017, one of the aims of which was to abolish the Senate. In their view, he is also being punished for reporting, during a parliamentary inquiry, acts of corruption implicating persons close to the Head of State.

Case MRT02

Mauritania: Parliament affiliated to the IPU

Victim: Male, former opposition member of the Senate

Qualified complainant(s): Section I.1 (a) (b) and (d) of the [Committee Procedure](#) (Annex 1)

Submission of complaint: January 2018

Recent IPU decision: [March 2018](#)

IPU mission: - - -

Recent Committee hearings: - - -

Recent follow up

- Communication from the complainants: September 2018
- Communication from the IPU to the complainants: February 2018
- Communications from the IPU: Letter to the President of the National Assembly, April and July 2018

IPU technical assistance: No

Last report update: September 2018

Several international organizations have expressed their concern at Mr. Ould Ghadda's arbitrary detention. The case has also been referred to the United Nations Working Group on Arbitrary Detention, which regarded Mr. Ould Ghadda's detention as arbitrary and called upon the Mauritanian authorities to release him immediately.

Having been charged in another defamation case, Mr. Ould Ghadda was sentenced on 13 August 2018 to six months' imprisonment. However, on 1 September 2018, Mr. Ould Ghadda was released pending trial under judicial control. Owing to his prolonged detention, Mr. Ould Ghadda was not able to participate in the legislative elections held in September 2018, which were won by the ruling party.

Venezuela



María G. Hernández, Nora Bracho, Stalin González and Delsa Solórzano at the National Assembly, March 2018 © D. Solórzano

- VEN10 - Biagio Pilieri
- VEN11 - José Sánchez Montiel
- VEN12 - Hernán Claret Alemán
- VEN13 - Richard Blanco
- VEN16 - Julio Borges
- VEN19 - Nora Bracho (Ms.)
- VEN20 - Ismael García
- VEN22 - William Dávila
- VEN24 - Nirma Guarulla (Ms.)
- VEN25 - Julio Ygarza
- VEN26 - Romel Guzamana
- VEN27 - Rosmit Mantilla
- VEN28 - Enzo Prieto
- VEN29 - Gilberto Sojo
- VEN30 - Gilber Caro
- VEN31 - Luis Florido
- VEN32 - Eudoro González
- VEN33 - Jorge Millán
- VEN34 - Armando Armas
- VEN35 - Américo De Grazia
- VEN36 - Luis Padilla
- VEN37 - José Regnault
- VEN38 - Dennis Fernández (Ms.)
- VEN39 - Olivia Lozano (Ms.)
- VEN40 - Delsa Solórzano (Ms.)
- VEN41 - Robert Alcalá
- VEN42 - Gaby Arellano (Ms.)
- VEN43 - Carlos Bastardo
- VEN44 - Marialbert Barrios (Ms.)
- VEN45 - Amelia Belisario (Ms.)
- VEN46 - Marco Bozo
- VEN47 - José Brito
- VEN48 - Yanet Fermin (Ms.)
- VEN49 - Dinorah Figuera (Ms.)
- VEN50 - Winston Flores
- VEN51 - Omar González
- VEN52 - Stalin González
- VEN53 - Juan Guaidó
- VEN54 - Tomás Guanipa
- VEN55 - José Guerra
- VEN56 - Freddy Guevara
- VEN57 - Rafael Guzmán
- VEN58 - María G. Hernández (Ms.)
- VEN59 - Piero Maroun
- VEN60 - Juan A. Mejía
- VEN61 - Julio Montoya
- VEN62 - José M. Olivares
- VEN63 - Carlos Paparoni
- VEN64 - Miguel Pizarro
- VEN65 - Henry Ramos Allup
- VEN66 - Juan Requesens
- VEN67 - Luis E. Rondón
- VEN68 - Bolivia Suárez (Ms.)
- VEN69 - Carlos Valero
- VEN70 - Milagro Valero (Ms.)
- VEN71 - German Ferrer
- VEN72 - Adriana d'Elia (Ms.)
- VEN73 - Luis Lippa
- VEN74 - Carlos Berrizbeitia
- VEN75 - Manuela Bolívar (Ms.)

Alleged human rights violations:

- ✓ Torture, ill-treatment and other acts of violence (1.4)
- ✓ Threats, intimidation (1.5)
- ✓ Arbitrary arrest and detention (1.6)
- ✓ Lack of due process at the investigation stage (1.8.1)
- ✓ Excessive delays (1.8.3)
- ✓ Violation of the right to freedom of opinion and expression (2.1)
- ✓ Violation of freedom of assembly and association (2.2)
- ✓ Violation of freedom of movement (2.3)
- ✓ Abusive revocation or suspension of the parliamentary mandate (2.4.2)
- ✓ Failure to respect parliamentary immunity (2.4.3)
- ✓ Other acts obstructing the exercise of the parliamentary mandate (2.4.5)

Summary of the case:

The case concerns credible and serious allegations of human rights violations affecting 60 parliamentarians from the coalition of the Democratic Unity Party (MUD) against the backdrop of continuous efforts by Venezuela's executive and judicial authorities to undermine the functioning of the National Assembly and to usurp its powers. The MUD opposes President Maduro's Government and obtained a majority of seats in the National Assembly following the parliamentary elections of 6 December 2015.

Soon after the elections, on 30 December 2015, the Electoral Chamber of the Supreme Court ordered the suspension of four members of parliament, three of them from the MUD, following allegations of fraud. The National Assembly first decided to disregard the ruling, considering the allegations to be baseless, which led the Supreme Court to declare all of the Assembly's decisions null and void. The members of parliament were finally sworn in at the National Assembly on 16 July 2018 failing any effort to examine the alleged fraud.

Since March 2017, close to 40 parliamentarians have been attacked with impunity by law enforcement officers and pro-government supporters during demonstrations. These protests intensified after President Maduro announced the convening of a Constituent Assembly, which was subsequently elected on 30 July 2017, to rewrite the Constitution.

Mr. Juan Requesens was arrested and detained on 7 August 2018 on accusations of involvement in the alleged assassination attempt on President Maduro three days earlier. There are serious concerns about his treatment in detention and respect for due process following the immediate lifting of his parliamentary immunity, not by the National but the Constituent Assembly. The complainant alleges that Mr. Requesens is being coerced into confessing responsibility for the crime. Nine other members of the National Assembly spent up to four years in detention in recent years, without respect for their parliamentary immunity, before being released and continue to be subject to reportedly politically motivated legal proceedings.

In 2017, six members of parliament had their passports confiscated arbitrarily in connection with their international parliamentary work. Two other members of parliament were disbarred from holding public office, allegedly in the absence of a legal basis. Six members of parliament, including former Speaker Borges, left Venezuela in the face of continued harassment and intimidation.

Case VEN COLL-06

Venezuela: Parliament affiliated to the IPU

Victims: 60 opposition members of parliament (45 men and 15 women)

Qualified complainant(s): Section I (1)(c) of the [Committee Procedure](#) (Annex 1)

Submission of complaint: March 2017

Recent IPU decision: [March 2018](#)

IPU mission: - - -

Recent Committee hearings: - -

Recent follow-up

- Communication from the authorities: Meeting between the IPU Secretary General and the Permanent Representative of Venezuela to the United Nations and other International Organizations in Geneva (June 2017)
- Communication from the complainant: March 2018
- Communication from the IPU: Letter to the Speaker of the National Assembly (February 2018)
- Communication from the IPU to the complainant: March 2018

IPU technical assistance: No

Last report update: October 2018

The Government has not provided any funding to the National Assembly since August 2016. In its decision of 18 August 2017, the Constituent Assembly invested itself with legislative powers. The Constituent Assembly has taken over many of the premises of the National Assembly. Even the limited space used by the National Assembly has been invaded and occupied, with several members of parliament taken hostage and beaten up by government supporters, with impunity, most notably on 27 June and 5 July 2017.

Long-standing efforts since 2013 to send a delegation of the Committee on the Human Rights of Parliamentarians to Venezuela have failed in the absence of clear authorization from the Government to welcome and work with the delegation.

Since January 2018, there have been widespread demonstrations across Venezuela to protest against the dire economic situation and the electoral process related to the decision to hold snap presidential elections on 20 May 2018. In early 2018, the MUD was excluded by the judicial authorities from presenting a joint candidate and, of the individual parties belonging to the MUD, only *Acción Democrática* (Democratic Action, AD) and other minor opposition parties are now allowed to participate. The majority of popular leaders of the MUD and other members of the opposition are either in prison, disqualified from standing in the elections or in exile. In light of the deficiencies of the electoral process, the MUD has announced that it will boycott the elections. The United Nations High Commissioner for Human Rights, the European Union, the Organization of American States, the "Lima Group", comprising 15 countries of the Americas, and the United States have rejected the electoral process. Recent proposals by President Maduro and the President of the Constituent Assembly to bring the legislative elections forward to coincide with the presidential elections, even though the National Assembly's term is due to expire in January 2021, are not being implemented, although there are reportedly still plans to hold legislative elections early.

Since May 2016, mediation efforts, primarily by stakeholders in the region, have been under way to bring the Government and the opposition together. These efforts have not produced any concrete results. It appears that on 7 February 2018 the talks were suspended "indefinitely".

Afghanistan



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AFG05 – Fawzia Koofi

Alleged human rights violations:

- ✓ Threats, acts of intimidation (1.5)
- ✓ Impunity (3)
- ✓ Lack of due process at the investigation stage (1.8.1)
- ✓ Right of appeal (1.8.4)
- ✓ Other violations (4): Right to take part in the conduct of public affairs

Summary of the case:

Ms. Fawzia Koofi, a member of the House of the People (Wolesi Jirga) of Afghanistan, has been the victim of numerous unpunished attacks and death threats since 2010. She has been a long-standing champion of women's rights in Afghanistan.

In early August 2018, the Independent Electoral Complaints Commission (IECC) invalidated Ms. Koofi's candidacy for the 20 October 2018 parliamentary elections on the strength of complaints alleging her affiliation with illegal armed groups. A total of 35 other candidates, including 11 incumbent parliamentarians such as Ms. Koofi's sister, Maryam Koofi (AFG08), were also disqualified. These decisions are final and no domestic legal remedies are available under Afghan law.

The complainant alleges that the process violated guarantees of due process and the presumption of innocence protected under the Afghan Constitution. The complainant claims that the decision was politically motivated and excluded Ms. Koofi from the electoral process because she had been critical of the current government. According to the complainant, the accusations against her are false and baseless.

No information has been forthcoming from the Afghan authorities.

Case AFG05

Public Case

Afghanistan: Parliament affiliated to the IPU

Victim: Female member of parliament, leader of the opposition Movement for Change party

Qualified complainant(s): Section I (1) (a) of the [Committee Procedure](#) (Annex 1)

Submission of complaint: April 2010

Recent IPU decision: January 2015

IPU mission: - - -

Recent Committee hearing: Hearing with members of the delegation of Afghanistan to the 132nd IPU Assembly (March 2015)

Recent follow-up

- Communication from the authorities: - - -
- Communication from the complainant: October 2018
- Communication from the IPU: Letter addressed to the President of Afghanistan (September 2018), letter addressed to the President of the Wolesi Jirga (August and September 2018); letter addressed to the Independent Election Complaints Commission (August 2018)
- Communications from the IPU to the complainant: September and October 2018

IPU technical assistance: Yes

Last report update: October 2018

Cambodia



Kem Sokha is escorted by police from his home in Phnom Penh on 3 September, 2017
© AFP

- | | |
|-----------------------------|--------------------------------|
| KHM27 - Chan Cheng | KHM76 - Ky Wandara |
| KHM48 - Mu Sochua (Ms.) | KHM77 - Lath Littay |
| KHM49 - Keo Phirum | KHM78 - Lim Bun Sidareth |
| KHM50 - Ho Van | KHM79 - Lim Kimya |
| KHM51 - Long Ry | KHM80 - Long Botta |
| KHM52 - Nut Romdoul | KHM81 - Ly Srey Vyna (Ms.) |
| KHM53 - Men Sothavarin | KHM82 - Mao Monyvann |
| KHM54 - Real Khemarin | KHM83 - Ngim Nheng |
| KHM55 - Sok Hour Hong | KHM84 - Ngor Kim Cheang |
| KHM56 - Kong Sophea | KHM85 - Ou Chanrath |
| KHM57 - Nhay Chamroeun | KHM86 - Ou Chanrith |
| KHM58 - Sam Rainsy | KHM87 - Pin Ratana |
| KHM59 - Um Sam Am | KHM88 - Pol Hom |
| KHM60 - Kem Sokha | KHM89 - Pot Poeu (Ms.) |
| KHM61 - Thak Lany (Ms.) | KHM90 - Sok Umsea |
| KHM62 - Chea Poch | KHM91 - Son Chhay |
| KHM63 - Cheam Channy | KHM92 - Suon Rida |
| KHM64 - Chiv Cata | KHM93 - Te Chanmony (Ms.) |
| KHM65 - Dam Sithik | KHM94 - Tioulong Saumura (Ms.) |
| KHM66 - Dang Chamreun | KHM95 - Tok Vanchan |
| KHM67 - Eng Chhai Eang | KHM96 - Tuon Yokda |
| KHM68 - Heng Danaro | KHM97 - Tuot Khoert |
| KHM69 - Ke Sovannroth (Ms.) | KHM98 - Uch Serey Yuth |
| KHM70 - Ken Sam Pumsen | KHM99 - Vann Narith |
| KHM71 - Keo Sambath | KHM100 - Yem Ponhearith |
| KHM72 - Khy Vanndeth | KHM101 - Yim Sovann |
| KHM73 - Kimsour Phirith | KHM102 - Yun Tharo |
| KHM74 - Kong Bora | KHM103 - Tep Sothy (Ms.) |
| KHM75 - Kong Kimhak | |

Alleged human rights violations:

- ✓ Violation of freedom of opinion and expression (2.1)
- ✓ Violation of freedom of assembly and association (2.2)
- ✓ Abusive revocation of the parliamentary mandate (2.4.2)
- ✓ Lack of due process at the investigation stage (1.8.1)
- ✓ Lack of fair trial proceedings (1.8.2) and excessive delays (1.8.3)
- ✓ Failure to respect parliamentary immunity (2.4.3)
- ✓ Violation of freedom of movement (2.3)
- ✓ Threats and acts of intimidation (1.5)
- ✓ Torture and ill-treatment (1.4) and impunity (3)¹
- ✓ Arbitrary arrest and detention (1.6)²
- ✓ Inhumane conditions of detention (1.7)³

Summary of the case:

On 16 November 2017, the Supreme Court dissolved the sole opposition party in Cambodia, the Cambodian National Rescue Party (CNRP). It also banned 118 CNRP leaders (including all 55 CNRP members of the National Assembly) from political life for five years with no possibility of appeal. Their parliamentary mandates were immediately revoked and their seats reallocated to non-elected political parties allegedly aligned with the ruling party. The Supreme Court decision was based on charges of conspiracy with a foreign country to overthrow the legitimate government. Most former parliamentarians subsequently fled Cambodia and went into exile.

The dissolution of the CNRP left the ruling Cambodian People's Party (CPP) – and Prime Minister Hun Sen – with no viable challengers for the July 2018 elections to the National Assembly. The authorities stated that the National Assembly remained a multiparty parliament composed of four political parties, in line with the Constitution of Cambodia. The CPP gained all 125 seats in the National Assembly elections, after having already gained all seats in the Senate elections in February 2018.

The dissolution of the CNRP took place against the backdrop of long-standing and repeated threats and groundless criminal charges against its members of parliament. They had been repeatedly warned by the Prime Minister that their only choice was to join the ruling party or be prepared for the dissolution and ban of their party. Since 2013, some 13 CNRP members of parliament have faced criminal accusations in relation to protests or statements critical of the CPP and the Prime Minister. All proceedings concluded with systematic convictions and raised serious issues of due process and lack of judicial independence. Two members of parliament were subjected to physical attacks that have gone unpunished.

After one year of detention in solitary confinement, which was considered as arbitrary and politically motivated by the United Nations Working Group on Arbitrary Detention in late April 2018, Mr. Kem Sokha was released on bail on 10 September 2018 and placed under court supervision, under conditions that amount to house arrest. Judicial proceedings are still ongoing against Mr. Sam Rainsy and Mr. Kem Sokha. The latter is liable to a 30-year prison term for planning to overthrow the Government, on the basis of a 2013 TV speech in which he called for peaceful political change in Cambodia, without at any point inciting violence or hatred or uttering defamatory words.

1 Concerns only KHM56 and KHM57.

2 Concern that was applicable to the following former members of parliament earlier in the case: KHM48, KHM49, KHM50, KHM51, KHM52, KHM53, KHM54, KHM55, KHM59, KHM60. It currently remains applicable to KHM 60.

3 Concerns only KHM60 in relation to solitary confinement.

Case KHM-Coll-03

Cambodia: Parliament affiliated to the IPU

Victims: 57 former opposition parliamentarians (50 male and seven female, 55 from the National Assembly and two from the Senate)

Qualified complainant(s): Section I (1) (c) of the [Committee Procedure](#) (Annex 1)

Submission of complaint: November 2011

Recent IPU decision: [March 2018](#)

IPU mission: [February 2016](#)

Recent Committee hearings

Hearing with the Cambodia delegation to the 137th IPU Assembly (October 2017)

Recent follow-up

- Communication from the authorities: Letter of the Secretary General of the National Assembly (March 2018)
- Communication from the complainant: September 2018
- Communication from the IPU to the Secretary General of the National Assembly (September 2018)
- Communication from the IPU to the complainant: September 2018

IPU technical assistance: No

Last report update: September 2018

Malaysia



Mr. Anwar Ibrahim and his wife, at IPU headquarters, Geneva, 2005 © IPU

MYS15 – Anwar Ibrahim

Alleged human rights violations:

- ✓ Lack of fair trial proceedings (1.8.2)
- ✓ Abusive suspension of the parliamentary mandate (2.4.2)

Summary of the case:

Dato Seri Anwar Ibrahim, former Deputy Prime Minister and Finance Minister of Malaysia, was charged with sodomy on 6 August 2008 for the second time while he was the leader of the opposition and in the midst of an election campaign. The trial started in January 2010. On 16 May 2011, the trial judge ruled that there was a *prima facie* case and that the accused had a defence to enter. There have been serious concerns regarding the fairness of the proceedings, in particular regarding the defence's access to essential prosecution evidence. An IPU observer was present at a number of hearings and considered, after the revelation of a love affair between a member of the prosecution team and the complainant (the person allegedly sodomized), that the trial was compromised to the point where "the public interest would justify discontinuing the proceedings". Following the closure of the prosecution case, the judge ruled in May 2011 that the defence had a case to answer. Mr. Anwar Ibrahim was acquitted at first instance on 9 January 2012.

The Attorney General launched an appeal. On 7 March 2014, Mr. Anwar Ibrahim was convicted and sentenced to a five-year prison term. An IPU trial observer attended and reported on the appeal proceedings in July, September and December 2013 and February, March, October and November 2014 (see trial observation reports). Mr. Anwar Ibrahim appealed the

Case MYS15

Malaysia: Parliament affiliated to the IPU

Victim: Opposition member of parliament

Qualified complainant(s): Section I (1) (a) of the [Committee Procedure](#) (Annex 1)

Submission of complaint: January 2010

Recent IPU decision: [April 2017](#)

IPU mission: [July 2015](#)

Recent Committee hearings:

Hearing with the Malaysian delegation at the 133rd IPU Assembly (Geneva, October 2015)

Recent follow-up:

- Communication from the authorities: Meetings during the on-site mission (June-July 2015)
- Communication from the complainant: January 2018
- Communication from the IPU: Letter to the Speaker of the House of Representatives (November 2017)
- Communication from the IPU to the complainant: June 2018

IPU technical assistance: No

Last report update: October 2018

sentence and was freed on bail until the final appeal was dealt with. On 10 February 2015, the Federal Court confirmed Mr. Anwar Ibrahim's conviction and sentence, to be served in Sungai Buloh Prison in Selangor. The IPU trial observer produced a separate report containing his findings with regard to the Federal Court's ruling.

On 14 December 2016, the Federal Court rejected Mr. Anwar Ibrahim's application for review of sentence. On 15 July 2018, the Kuala Lumpur High Court dismissed Mr. Anwar Ibrahim's bid to challenge the decision of the Pardon Board rejecting his petition for a royal pardon.

An on-site mission went to Malaysia (June-July 2015) and was able to meet with Mr. Anwar Ibrahim in detention.

On 16 May 2018, Mr. Anwar Ibrahim was released upon receiving a full royal pardon that same day. Mr. Anwar Ibrahim is slated to run in the parliamentary by-election in Port Dickson, which is due to take place by mid-November 2018 at the latest.

Malaysia



Nurul Izzah, daughter of Malaysian opposition leader Anwar Ibrahim speaks to the media after being released on bail on 17 March 2015. AFP Photo / Manan Vatsyayana

MYS21 - N. Surendran
MYS23 - Khalid Samad
MYS24 - Rafizi Ramli
MYS25 - Chua Tian Chang
MYS26 - Ng Wei Aik
MYS27 - Teo Kok Seong
MYS28 - Nurul Izzah Anwar (Ms.)
MYS29 - Sivarasa Rasiah
MYS30 - Sim Tze Sin
MYS31 - Tony Pua
MYS32 - Chong Chien Jen
MYS33 - Julian Tan Kok Peng
MYS35 - Shamsul Iskandar
MYS38 - Nga Kor Ming
MYS39 - Teo Nie Ching (Ms.)
MYS40 - Azmin Ali

Alleged human rights violations:

- ✓ Arbitrary arrest and detention (1.6)
- ✓ Violation of freedom of opinion and expression (2.1)
- ✓ Violation of freedom of assembly and association (2.2)

Summary of the case:

The case concerns 16 then opposition members of the Malaysian House of Representatives. Mr. Khalid Samad, Mr. N. Surendran, Mr. Ng Wei Aik and Mr. Sivarasa Rasiah were charged under paragraphs (a), (b) and (c) of section 4(1) of the Sedition Act of 1948, while six other opposition members of parliament, namely Mr. Rafizi Ramli, Ms. Nurul Izzah Anwar, Mr. Tony Pua, Mr. Nga Kor Ming, Mr. Anthony Loke and Ms. Teo Nie

Case MYS-COLL-01

Malaysia: Parliament affiliated to the IPU

Victims: 16 opposition members of parliament (14 men and two women)

Qualified complainant(s): Section I (1) (a) of the [Committee Procedure](#) (Annex 1)

Submission of complaint: September 2014

Recent IPU decision: [February 2017](#)

IPU mission: [July 2015](#)

Recent Committee hearing: Hearing with the Malaysian delegation at the 133rd IPU Assembly (Geneva, October 2015)

Recent follow-up

- Communication from the authorities: Letter from International Relations and Protocol Division, Parliament of Malaysia (October 2018)
- Communication from the complainant: (October 2018)
- Communication from the IPU: Letter addressed to the Speaker of the House of Representatives (September 2018)
- Communication addressed to the complainant: October 2018

IPU technical assistance: No

Last report update: October 2018

Ching were being investigated for this crime. In recent months, charges against the four members of parliament were all withdrawn, whereas with regard to the six under investigation no charge was finally brought against four of them, while an instruction for no charge to be brought against the two others is in the hands of the Attorney General's Office. However, on 29 September 2016, Mr. Chua Tian Chang was sentenced to a three-month prison term and fined RM 1,800 for sedition. Another charge of sedition against him was discontinued by the prosecution after his acquittal at first instance.

With regard to seven of these parliamentarians, the action taken against them under the Sedition Act was wholly or partly related to criticism they voiced about the conviction and sentence that the Federal Court handed down in February 2015 against Mr. Anwar Ibrahim.

The Sedition Act was amended in 2015. As a result, criticism of the Government and the administration of the judiciary are no longer punishable under the act. It appears, however, that the legal action against members of parliament for voicing such criticism has not yet been discontinued. There are concerns that the Sedition Act in its current form remains outdated, runs counter to human rights and is being used to attack and silence the political opposition.

Five parliamentarians, namely Mr. Chong Chien Jen, Mr. Julian Tan Kok Peng, Mr. Anthony Loke, Mr. Shamsul Iskandar and Mr. Sim Tze Tzin, were charged under section 4(2)(c) of the Peaceful Assembly Act (PAA) in connection with their participation in demonstrations. With the exception of Mr. Anthony Loke, who was ultimately convicted of a lesser charge, the others were discharged and acquitted, several of them in recent months.

On 14 November 2016, Mr. Ramli was sentenced under the Official Secrets Act to an 18-month prison term for unauthorized possession of the 1MDB audit report and for exposing it to the media. The Appellate Court upheld the conviction but varied the sentence: instead of imprisonment, it ordered Mr. Ramli to be bound over for two years on a good behaviour bond of RM 10,000 in one surety.

All of the aforesaid current and former parliamentarians claim that the legal action taken against them runs counter to their right to freedom of assembly.

An on site mission went to Malaysia in June to July 2015 and was able to meet with most of the parliamentarians who were the subject of the original complaint.

Maldives



© Munshid Mohamed, 24 July 2017 – Police prevent members of parliament from entering the People's Majlis through the East Gate

- | | |
|-----------------------------------|----------------------------------|
| MDV16 - Mariya Didi* ⁴ | MDV54 - Ibrahim Shareef* |
| MDV28 - Ahmed Easa | MDV55 - Ahmed Mahloof* |
| MDV29 - Eva Abdulla* | MDV56 - Fayyaz Ismail* |
| MDV30 - Moosa Manik* | MDV57 - Mohamed Rasheed Hussain* |
| MDV31 - Ibrahim Rasheed | MDV58 - Ali Nizar* |
| MDV32 - Mohamed Shifaz | MDV59 - Mohamed Falah* |
| MDV33 - Imthiyaz Fahmy* | MDV60 - Abdulla Riyaz* |
| MDV34 - Mohamed Gasam | MDV61 - Ali Hussain* |
| MDV35 - Ahmed Rasheed | MDV62 - Faris Maumoon* |
| MDV36 - Mohamed Rasheed | MDV63 - Ibrahim Didi* |
| MDV37 - Ali Riza | MDV64 - Qasim Ibrahim* |
| MDV39 - Ilyas Labeeb | MDV65 - Mohamed Waheed Ibrahim* |
| MDV40 - Rugiyya Mohamed | MDV66 - Saud Hussain * |
| MDV41 - Mohamed Thoriq | MDV67 - Mohamed Ameeth* |
| MDV42 - Mohamed Aslam* | MDV68 - Abdul Latheef Mohamed* |
| MDV43 - Mohammed Rasheed* | MDV69 - Ahmed Abdul Kareem* |
| MDV44 - Ali Waheed | MDV70 - Hussein Areef* |
| MDV45 - Ahmed Sameer | MDV71 - Mohamed Abdulla |
| MDV46 - Afrasheem Ali | MDV72 - Abdulla Ahmed |
| MDV48 - Ali Azim* | MDV73 - Mohamed Musthafa |
| MDV49 - Alhan Fahmy | MDV74 - Ali Shah |
| MDV50 - Abdulla Shahid* | MDV75 - Saudhulla Hilmy |
| MDV51 - Rozeyna Adam* | MDV76 - Hussain Shahudhee |
| MDV52 - Ibrahim Mohamed Solih | MDV77 - Abdullah Sinan |
| MDV53 - Mohamed Nashiz | MDV78 - Ilham Ahmed |

Alleged human rights violations:

* (Re-)elected to parliament in the elections of March 2014.

- ✓ Torture, ill-treatment and other acts of violence (1.4)
- ✓ Arbitrary arrest and detention (1.6)
- ✓ Violation of freedom of opinion and expression (2.1)
- ✓ Threats, acts of intimidation (1.5)
- ✓ Murder (1.1)
- ✓ Other acts obstructing the exercise of the parliamentary mandate (2.4.5)
- ✓ Abusive revocation or suspension of parliamentary mandate (2.4.2)
- ✓ Violation of freedom of movement (2.3)

Summary of the case:

Since February 2012, following the controversial resignation of President Mohamed Nasheed (Maldivian Democratic Party – MDP), which he claimed was forced upon him, there have been serious and credible reports and allegations of arbitrary arrest, ill-treatment, attacks and death threats against several opposition members of the People's Majlis, the majority of them belonging to the MDP.

Since the 2014 parliamentary elections, the opposition has repeatedly claimed that the ruling Progressive Party of Maldives (PPM), with the support of the Speaker of the People's Majlis, has systematically limited the opportunities for the opposition to contribute meaningfully to the work of parliament, and that the latter has adopted laws that seriously reduce human rights. The parliamentary authorities have denied these allegations.

Tension and violence erupted once again after an opposition alliance and defections from the PPM galvanized the opposition to move a first no-confidence motion against the Speaker in March 2017. This attempt was followed in the same month by a sudden ruling by the Supreme Court revoking the parliamentary mandates of 12 members of parliament for defecting from the PPM, hence changing the balance of power in parliament back in favour of the ruling party, the physical removal of opposition members of parliament shortly before the vote and a lock-down of parliament, and the arrests and detention of two prominent opposition parliamentarians in July and August 2017.

The political crisis in the Maldives took a further turn for the worse in the aftermath of the ruling by the Supreme Court on 1 February 2018 to release nine high-profile politicians and to reinstate the 12 members of parliament. President Yameen refused to implement the ruling, claiming it unlawful, and declared a state of emergency, which expired on 22 March 2018.

A delegation of the IPU Committee on the Human Rights of Parliamentarians travelled to the Maldives in March 2018, when the state of emergency was in full force, and concluded that the decision to revoke the 12 parliamentary mandates and that the charges against the members of parliament who were forcibly removed from the People's Majlis in July 2017 were arbitrary. The delegation expressed deep concern about the wave of arrests launched against members of parliament under the state of emergency, the charges of terrorism brought against six members and the detention of five for the duration of their trials. The delegation called on the authorities to fully ensure their right to a fair trial and suggested that the IPU send a trial observer.

Presidential elections in the Maldives took place on 23 September 2018 and were won by Mr. Ibrahim Mohamed Solih, the joint candidate of four opposition parties. Following his election, all members of parliament in detention were released, apparently on bail, which would imply that legal proceedings against them still continue. Mr. Qasim Ibrahim, who has been in Germany since being convicted of vote buying in 2017, was also released on bail. President-elect Solih will take up office on 17 November 2018.

Case MDV-Coll-01

Maldives: Parliament affiliated to the IPU

Victims: 50 opposition members of parliament, except Mr. Afrasheem Ali, a member of the majority (46 men and four women)

Qualified complainant(s): Section I 1(a) of the [Committee Procedure](#) (Annex 1)

Submission of complaint: February 2012

Recent IPU decision: [March 2018](#)

IPU missions: March 2018, [October 2016](#), November 2013, [November 2012](#).

Recent Committee hearing: Hearing with the Maldives delegation at the 137th IPU Assembly (October 2017)

Recent follow-up:

- Communication from the authorities: Letter from the Deputy Secretary General of the People's Majlis (March 2018)
- Communication from the complainant: March 2018
- Communication from the IPU: Letter addressed to the Speaker of the People's Majlis (February 2018)
- Communication addressed to the complainant: March 2018

IPU technical assistance: Yes

Last report update: October 2018

Philippines



Philippine Senator Leila de Lima is escorted by police after her arrest at the Senate in Manila on 24 February 2017 © Ted Aljibe/AFP

PHL08 – Leila de Lima

Alleged human rights violations:

- ✓ Threats, acts of intimidation (1.5)
- ✓ Arbitrary arrest and detention (1.6)
- ✓ Lack of due process in proceedings against parliamentarians (1.8)
- ✓ Violation of freedom of opinion and expression (2.1)

Summary of the case:

Ms. Leila de Lima served as Chairperson of the Commission on Human Rights (CHR) of the Philippines from May 2008 until June 2010. In that capacity, she led a series of investigations into alleged extrajudicial killings linked to the so-called Davao Death Squad (DDS) in Davao City, where Mr. Duterte had long been mayor, and concluded that Mr. Duterte, now President of the Philippines, was behind the DDS.

In 2010, Ms. de Lima was appointed Secretary of Justice. She resigned from this position in October 2015 to focus on her campaign to gain a seat in the Senate in the elections of May 2016, in which she was successful. In August 2016, as Chair of the Senate Committee on Justice and Human Rights, she initiated an inquiry into the killings of thousands of alleged drug users and drug dealers alleged to have taken place since President Duterte took office in June 2016. Since the start of her term as senator, she has been subjected to widespread intimidation and denigration, including by President Duterte directly.

Senator de Lima was arrested and detained on 24 February 2017 on the basis of accusations that she had received drug

Case PHL08

Philippines: Parliament affiliated to the IPU

Victim: Female opposition member of parliament

Qualified complainant(s): Section I (1) (d) of the [Committee Procedure](#) (Annex 1)

Submission of complaint: September 2016

Recent IPU decision: [October 2017](#)

IPU mission: [May 2017](#)

Recent Committee hearings: Hearing with the Cambodia delegation to the 136th IPU Assembly (April 2017)

Recent follow-up

- Communication from the authorities: Letter from the President of the Senate (January 2017)
- Communication from the complainant: October 2018
- Communication from the IPU: Letter addressed to the President of the Senate (September 2018)
- Communication from the IPU to the complainant: October 2018

IPU technical assistance: No

Last report update: October 2018

money to finance her senatorial campaign. The charges, in three different cases, were brought in the wake of an inquiry by the House of Representatives into drug trading in New Bilibid Prison and Senator de Lima's responsibility in that regard when she was Secretary of Justice. The House inquiry was launched one week after she initiated her inquiry in the Senate into the extrajudicial killings.

On 27 July and 10 August 2018, Senator de Lima was arraigned in two of the three cases that are before Branches 205 and 206 of the Regional Trial Court – Muntinlupa City. Hearings to present prosecution witnesses, mostly convicted drug traffickers, have been scheduled until the end of 2018. A mission of the IPU Committee on the Human Rights of Parliamentarians to the Philippines in May 2017 concluded that there was no evidence to justify the criminal cases against Senator de Lima. Since then, the IPU has called for Senator de Lima's release and for the legal proceedings against her to be abandoned should serious evidence not be forthcoming soon.

Although Senator de Lima remains very politically active from detention and receives newspapers, journals and books, she has no access to the Internet, a computer, TV, radio or to an air-conditioning unit, despite a doctor's order. Senator de Lima has written a letter to the chief of the Philippine National Police in this regard. Requests from her defence counsel to the courts that she be granted legislative furlough have remained unanswered.

Turkey



Demonstrators hold pictures of Figen Yuksekdag during the trial of the co-leader of the pro-Kurdish party People's Democratic Party (HDP) in front of the court in Ankara on 13 April, 2017 | © Adem Altan/AFP

- TUR69 - GÜLSER YILDIRIM (Ms.)
- TUR70 - SELMA IRMAK (Ms.)
- TUR71 - FAYSAL SARIYILDIZ
- TUR72 - İBRAHİM AYHAN⁵
- TUR73 - KEMAL AKTAS
- TUR75 - BEDIA ÖZGÖKÇE ERTAN (Ms.)
- TUR76 - BESİME KONCA (Ms.)
- TUR77 - BURCU ÇELİK ÖZKAN (Ms.)
- TUR78 - ÇAĞLAR DEMİREL (Ms.)
- TUR79 - DİLEK ÖCALAN (Ms.)
- TUR80 - DILAN DIRAYET TAŞDEMİR (Ms.)
- TUR81 - FELEKNAS UCA (Ms.)
- TUR82 - FİGEN YÜKSEKDAĞ (Ms.)
- TUR83 - FİLİZ KERESTECİOĞLU (Ms.)
- TUR84 - HÜDA KAYA (Ms.)
- TUR85 - LEYLA BİRLİK (Ms.)
- TUR86 - LEYLA ZANA (Ms.)
- TUR87 - MERAL DANIŞ BEŞTAŞ (Ms.)
- TUR88 - MIZGIN İRGAT (Ms.)
- TUR89 - NURSEL AYDOĞAN (Ms.)
- TUR90 - PERVIN BULDAN (Ms.)
- TUR91 - SAADET BECERİKLİ (Ms.)
- TUR92 - SİBEL YİĞİTALP (Ms.)
- TUR93 - TUĞBA HEZER ÖZTÜRK (Ms.)
- TUR94 - ABDULLAH ZEYDAN
- TUR95 - ADEM GEVERİ
- TUR96 - AHMET YILDIRIM
- TUR97 - ALI ATALAN
- TUR98 - ALICAN ÖNLÜ
- TUR99 - ALTAN TAN
- TUR100 - AYHAN BILGEN
- TUR101 - BEHÇET YILDIRIM
- TUR102 - BERDAN ÖZTÜRK
- TUR103 - DENGİR MİR MEHMET FIRAT
- TUR104 - ERDAL ATAŞ
- TUR105 - EROL DORA
- TUR106 - ERTUĞRUL KÜRKCÜ
- TUR107 - FERHAT ENCÜ
- TUR108 - HIŞYAR ÖZSOY
- TUR109 - İDRİS BALUKEN
- TUR110 - İMAM TAŞÇIER
- TUR111 - KADRI YILDIRIM
- TUR112 - LEZGIN BOTAN
- TUR113 - MEHMET ALI ASLAN
- TUR114 - MEHMET EMİN ADIYAMAN
- TUR115 - NADİR YILDIRIM
- TUR116 - NİHAT AKDOĞAN
- TUR117 - NİMETULLAH ERDOĞMUŞ
- TUR118 - OSMAN BAYDEMİR
- TUR119 - SELAHATTİN DEMİRTAŞ
- TUR120 - SİRRI SÜREYYA ÖNDER
- TUR121 - ZİYA PİR
- TUR122 - MİTHAT SANÇAR
- TUR123 - MAHMUT TOĞRUL
- TUR124 - AYCAN İRMEZ (Ms.)
- TUR125 - AYŞE ACAR BAŞARAN (Ms.)
- TUR126 - GARO PAYLAN
- TUR127 - AYSEL TUĞLUK (Ms.)
- TUR128 - SEBAHAT TUNCEL (Ms.)

Alleged human rights violations:

- ✓ Failure to respect parliamentary immunity (2.4.3)
- ✓ Lack of due process at the investigation stage (1.8.1)
- ✓ Lack of fair trial proceedings (1.8.2) and excessive delays (1.8.3)
- ✓ Violation of freedom of opinion and expression (2.1)
- ✓ Violation of freedom of assembly and association (2.2)
- ✓ Arbitrary arrest and detention (1.6)⁶
- ✓ Ill-treatment (1.4)⁷
- ✓ Violation of freedom of movement (2.3)
- ✓ Abusive revocation or suspension of the parliamentary mandate (2.4.2)⁸

Summary of the case:

Over 600 criminal and terrorism charges have been brought against the members of parliament of the People's Democratic Party (HDP) since 15 December 2015, when the Constitution was amended to authorize the wholesale lifting of parliamentary immunity. Hundreds of trial proceedings are ongoing against HDP parliamentarians throughout Turkey. Some of the parliamentarians also continue to face older charges in relation to the KCK first-instance trial that has been ongoing for seven years, while others face more recent charges. In these cases, their parliamentary immunity has allegedly not been lifted.

According to the complainant, most HDP members of parliament (and former members) have been repeatedly arrested and forcefully brought to court for questioning since November 2016. Some members of parliament have been placed in pretrial detention, while most were granted release by the trial courts pending completion of the criminal proceedings. At least 20 HDP parliamentarians, 11 of whom were women, have received prison sentences of one year or more. A number of acquittals have also been handed down.

The complainant further stated that parliament has ended the parliamentary mandate of nine of its members (including five women parliamentarians). One member of parliament – Ms. Figen Yüksekdağ, HDP Co-Chair – was further deprived of her HDP membership and executive position and banned from exercising any political activities pursuant to a final court conviction. Ms. Yüksekdağ remains subject to other criminal proceedings; an IPU trial observer has been monitoring the latest trial against her and conducted visits to Ankara on 18 September and 6 December 2017 and 20 February, 17 May and 24 October 2018. The defence is currently presenting its case. The next hearing is scheduled for 5 November 2018.

As of early October 2018, nine members of parliament continue to be held in detention under restrictive conditions applicable to terrorism suspects (video surveillance, seizure of documentation, restricted visits, etc.) that prevent them from exercising their parliamentary mandate. The other members of parliament are free but have had their freedom of movement restricted, since they have been placed under judicial control and banned from travelling abroad (at least 14 members of

Case TUR COLL-02

Turkey: Parliament affiliated to the IPU

Victims: 59 individuals (16 parliamentarians and 43 former members of parliament, all members of the opposition (34 men and 25 women)

Qualified complainant(s): Section I (1)(c) of the [Committee Procedure](#) (Annex 1)

Submission of complaint: June 2016

Recent IPU decision: [March 2018](#)

IPU mission: [February 2014](#)

Recent Committee hearing: March 2018

Recent follow-up

- Communication from the authorities: Letters from the President of the Turkish IPU Group (May 2018)
- Communication from the complainant: October 2018
- Communication from the IPU: Letter to the President of the Turkish Grand National Assembly (July 2018); letter to the President of the IPU Group (September 2018)
- Communication from the IPU to the complainant: September 2018

IPU technical assistance: No

Last report update: October 2018

⁶ Concerns only the members of parliament placed in detention, as listed in the case report (section on detention).

⁷ Concerns only three male members of parliament (Mr. Adiyaman - TK/114; Mr. Behçet Yıldırım - TK/101; Mr. Mahmut Togrul - TK/123) and three women members of parliament (Ms. Feleknaş Uca - TK/81, Ms. Besime Konca - TK/76 and Ms. Sibel Yığıtalp - TK/92).

⁸ Concerns 11 members of parliament (Ms. Selma İrmak - TK/70; Mr. Faysal Sarıyıldız - TK/71; Mr. İbrahim Ayhan - TK/72; Ms. Besime Konca - TK/76; Ms. Figen Yüksekdağ - TK/82; Ms. Leyla Birlik - TK/85; Ms. Nursel Aydoğan - TK/89; Ms. Tuğba Hezer Öztürk - TK/93; Mr. Ahmet Yıldırım - TK/96; Mr. Ferhat Encü - TK/107; and Mr. Osman Baydemir - TK/118).

parliament have sought refuge abroad). This, together with the multitude of ongoing trials against them throughout Turkey, has restricted their ability to devote themselves meaningfully to the exercise of their parliamentary mandate. A few HDP members of parliament have also been subjected to physical attacks, including inside parliament, and to disciplinary sanctions after expressing their opinion in the parliamentary debate.

The complainant alleges that, through the ongoing proceedings, the ruling party intends to exclude the Kurds, and other marginalized peoples represented by the HDP, from the Parliament of Turkey. According to the complainant, the charges against HDP members of parliament are groundless and violate their rights to freedom of expression, assembly and association. The complainant claims that the evidence adduced to support the charges against the members of parliament relates to public statements, rallies and other peaceful political activities carried out in furtherance of their parliamentary duties and their political party programme. Such activities include mediating between the PKK and the Turkish Government as part of the peace process between 2013 and 2015, advocating publicly in favour of political autonomy, and criticizing the policies of President Erdoğan in relation to the current conflict in south-eastern Turkey and at the border with Syria (including denouncing the crimes committed by the Turkish security forces in that context). The complainant alleges that such statements, rallies and activities did not constitute any offence, and that they fall under the clear scope and protection of the fundamental rights of members of parliament. The complainant also alleges that proper standards of due process are being disregarded. The complainant does not believe that the judicial process is being administered in a fair, independent and impartial manner. The complainant has submitted extensive and detailed information in support of its claims, including excerpts of indictments and court decisions and the exact words of the incriminating speeches made by the parliamentarians, which are being used as evidence of terrorism activities. Concerns also exist in relation to restrictive conditions of detention and to the denial of prison visits to foreign observers. Many of these claims are the subject of a petition to the European Court of Human Rights, which is pending. The IPU's submission as a third-party intervener has been accepted by the Court.

The Turkish authorities deny all these allegations. They have invoked the independence of the judiciary and the need to respond to security/terrorism threats and legislation adopted under the state of emergency to justify the legality of the measures taken. Some detailed information on the charges and ongoing prosecutions was provided by the authorities, but it is purely legal and does not provide any information on the facts and evidence underlying the charges, despite repeated requests to that end. The Turkish authorities have rejected on two occasions the Committee's request to conduct a mission to Turkey on the grounds that it "could negatively affect the judicial process" and was not considered "appropriate".

Early parliamentary and presidential elections took place on 24 June 2018. The AKP did not obtain the desired absolute majority in parliament and made an alliance with the nationalist party. The HDP obtained 67 seats (against 59 at the previous election) despite the restrictions facing the party and its officials.⁹ Sixteen of the members of parliament in the present case were re-elected. In May 2018, the Turkish authorities delayed the CHRP mission following the announcement of early elections in June. No response has been provided by the new parliamentary authorities following the elections.

⁹ Out of 600 members, the ruling party (AKP) obtained 295 seats, the nationalist party (MHP) 49 seats, the Kurdish prone-opposition party (HDP) 67 seats, the traditional opposition party (CHP) 146 seats, and the İvi Party 43 seats.

Palestine/Israel



Ramallah, 15 April 2015 - Palestinian protesters wave flags bearing portraits of Fatah leader, Marwan Barghouti, during a march to mark the anniversary of his arrest. AFP Photo / Abbas Momani

PSE02 – Marwan Barghouti

Alleged human rights violations:

- ✓ Torture, ill-treatment and other acts of violence (1.4)
- ✓ Arbitrary arrest and detention (1.6)
- ✓ Lack of fair trial proceedings (1.8.2)

Summary of the case:

Mr. Barghouti, a member of the Palestinian Legislative Council, was arrested on 15 April 2002 in Ramallah by the Israeli Defence Forces and transferred to a detention facility in Israel. He was charged with murder, attempted murder and involvement in terrorist organizations. His trial before the Tel Aviv District Court started on 14 August 2002 and came to a close on 6 June 2004, when the court sentenced him to five life sentences and two 20-year prison terms. The complainants have raised a series of legal objections to Mr. Barghouti's arrest and prosecution, alleging that he was ill-treated, especially at the start of his detention, and was denied access to legal counsel. The Committee appointed a legal expert and lawyer, Mr. Simon Foreman, to report on the trial. His report states that, "the numerous breaches of international law ... make it impossible to conclude that Mr. Barghouti was given a fair trial".

On 17 April 2017, Mr. Barghouti initiated a mass hunger strike, joined by more than 1,000 Palestinian inmates, in protest against the abusive and inhumane conditions in which Palestinian inmates were allegedly being held by Israeli authorities. The strike reportedly ended on 30 May 2017, as the Israeli Prison Service agreed to grant some of the detainees' requests.

Case PSE02

Palestine/Israel: The Palestinian Legislative Council and the Parliament of Israel are affiliated to the IPU

Victim: Member of the Palestinian Legislative Council, member of the majority

Qualified complainant(s): Section I (1) (b) of the [Committee Procedure](#) (Annex 1)

Submission of complaint: April 2002

Recent IPU decision: [October 2017](#)

IPU mission: - - -

Recent Committee hearing:

- Hearing with the head of the parliamentary group of Fatah at the 137th IPU Assembly (October 2017)

Recent follow-up

- Communication from the authorities: Letter from the head of the Knesset delegation to the Inter-Parliamentary Union, September 2017; letter from the Director General of Inter-Parliamentary Relations of the Palestinian Legislative Council, August 2017
- Communication from the complainant: September 2017
- Communication from the IPU to the authorities: November 2017
- Communication from the IPU to the complainant: September 2017

IPU technical assistance: Yes

Last report update: July 2018 ■

Palestine/Israel



Ahmed Sa'adat, the leader of the Popular Front for the Liberation of Palestine, is escorted by Israeli border police to the Ofer military court in the West Bank, north of Jerusalem, 27 March 2006. AFP Photo / Menahem Kahana

PSE05 – Ahmad Sa'adat

Alleged human rights violations:

- ✓ Arbitrary arrest and detention (1.6)
- ✓ Inhumane conditions of detention (1.7)
- ✓ Lack of fair trial proceedings (1.8.2)

Summary of the case:

On 14 March 2006, Mr. Sa'adat was abducted by the Israeli Defence Forces from Jericho Jail and transferred to Hadarim Prison in Israel, together with four other prisoners, after being accused by the Israeli authorities of involvement in the October 2001 murder of Mr. R. Zeevi, the Israeli Minister of Tourism. The Israeli authorities concluded one month later that Mr. Sa'adat had not been involved in the killing but went on to charge the other four suspects. Subsequently, 19 other charges were brought against Mr. Sa'adat, all arising from his leadership of the Popular Front for the Liberation of Palestine (PFLP), which Israel considers a terrorist organization. None of the charges allege direct involvement in crimes of violence. On 25 December 2008, Mr. Sa'adat was sentenced to 30 years in prison. While detained, Mr. Sa'adat reportedly did not receive the medical attention he required or visits from his family. In March and June 2009, he was placed in solitary confinement, prompting him in June 2009 to go on a nine-day hunger strike. He remained in solitary confinement for three years, until May 2012.

In April 2017, Mr. Sa'adat took part in a mass hunger strike by Palestinian detainees to protest against their detention conditions in Israeli prisons. He was reportedly moved at that time to solitary confinement in Ohlikdar Prison.

Case PSE05

Palestine/Israel: The Palestinian Legislative Council and the Parliament of Israel are affiliated to the IPU

Victim: Majority member of the Palestinian Legislative Council

Qualified complainant(s): Section I (1)(b) of the [Committee Procedure](#) (Annex 1)

Submission of complaint: July 2006

Recent IPU decision: [October 2017](#)

IPU mission: - - -

Recent Committee hearing:

- Hearing with the head of the parliamentary group of Fatah at the 137th IPU Assembly (October 2017)

Recent follow-up

- Communication from the authorities: Letter from the head of the Knesset delegation to the Inter-Parliamentary Union, September 2017; letter from the Director General of Inter-Parliamentary Relations of the Palestinian Legislative Council, August 2017
- Communication from the complainant: September 2017
- Communication from the IPU to the authorities: November 2017
- Communication from the IPU to the complainant: September 2017

IPU technical assistance: Yes

Last report update: July 2018 ■

Palestine



Former Palestinian security minister Mohamed Dahlan (L) speaks to reporters outside the offices of the Palestine Liberation Organisation, 8 November 2004. AFP Photo/Jamal Aruri

PSE91 – Mohamed Yusuf Chaker Dahlan

Alleged human rights violations:

- ✓ Failure to respect parliamentary immunity (2.4.3)
- ✓ Violation of freedom of opinion and expression (2.1)
- ✓ Lack of due process at the investigation stage (1.8.1)
- ✓ Lack of fair trial proceedings (1.8.2)

Summary of the case:

Mr. Mohammad Yusuf Chaker Dahlan, a member of the Palestinian Legislative Council (PLC), was deprived of his parliamentary immunity and allegedly subjected to arbitrary proceedings when the Attorney General launched an investigation against him on 3 January 2012 into allegations of corruption and embezzlement of public funds. At the Attorney General's request, the President of the Palestinian National Authority (PNA), Mr. Mahmoud Abbas, issued a decision on the same day ordering the lifting of Mr. Dahlan's parliamentary immunity. Prior to the lifting of his parliamentary immunity, Mr. Dahlan was expelled from his party, Fatah, in October 2011, over alleged corruption and an attempted coup. In 2013, having criticized the Palestinian security establishment, Mr. Dahlan was also charged with defaming and insulting the State's institutions. On 6 March 2014, the Ramallah Magistrates' Court sentenced Mr. Dahlan in absentia to two years of imprisonment on the defamation-related charges. The Corruption Crimes Court in turn sentenced Mr. Dahlan on 7 December 2016 to three years of imprisonment and a fine of US\$ 16 million. Mr. Dahlan has been living in the United Arab Emirates (Abu Dhabi) in self-exile since 2011 and is unable to travel to Palestine for fear of imprisonment. He is reportedly facing acts of intimidation, as Fatah has launched several campaigns to damage his reputation in Palestine.

Case PSE91

Palestine: The Palestinian Legislative Council is affiliated to the IPU

Victim: Member of the Palestinian Legislative Council, member of the majority

Qualified complainant(s): Section I (1)(a) of the [Committee Procedure](#) (Annex 1)

Submission of complaint: October 2017

Recent IPU decision: [January 2018](#)

IPU mission: - - -

Recent Committee hearings: - - -

Recent follow-up

- Communication from the authorities: Letter from the Speaker of the Palestinian National Council (August 2018)
- Communication from the complainant: September 2018
- Communication from the IPU: Letter to the Speaker of the Palestinian National Council (September 2018)
- Communication from the IPU to the complainant: September 2018

IPU technical assistance: Yes

Last report update: October 2018

Palestine/Israel



Hamas legislators sit in the International Red Cross offices where they have been living for the past 162 days fearing expulsion by the Israeli authorities, 9 December 2010. | AFP Photo/Marco Longari

Parliamentarians in administrative detention:

PSE-57 - Hasan Yousef
PSE-82 - Khalida Jarrar

Parliamentarians previously in administrative detention:

PSE-29 - Ahmad Attoun
PSE-32 - Basim Al-Zarrar
PSE-47 - Hatem Qfeisheh
PSE-61 - Mohammad Jamal Natsheh
PSE-62 - Abdul Jaber Fuqaha
PSE-63 - Nizar Ramadan
PSE-64 - Mohammad Maher Bader
PSE-65 - Azam Salhab
PSE-75 - Nayef Rjoub
PSE-84 - Ibrahim Dahbour
PSE-85 - Ahmad Mubarak
PSE-86 - Omar Abdul Razeq Matar
PSE-87 - Mohammad Ismail Al-Tal
PSE-89 - Khaled Tafesh
PSE-90 - Anwar Al Zaboun

Parliamentarians reportedly currently subject to criminal proceedings:

PSE-103 - Naser Abd Al Jawad

Parliamentarians reportedly subject to criminal proceedings in recent years:

PSE-28 - Muhammad Abu-Tair
PSE-78 - Husni Al Borini
PSE-79 - Riyadh Radad
PSE-80 - Abdul Rahman Zaidan

Parliamentarians subject to the withdrawal of their Jerusalem residence permit:

PSE-28 - Muhammad Abu-Tair

PSE-29 - Ahmad Attoun

PSE-30 - Muhammad Totah

Alleged human rights violations:

- ✓ Arbitrary arrest and detention (1.6)
- ✓ Inhumane conditions of detention (1.7)
- ✓ Lack of due process at the investigation stage (1.8.1)
- ✓ Lack of fair trial proceedings (1.8.2)
- ✓ Violation of freedom of movement (2.3)

Summary of the case:

The original case concerned parliamentarians who in mid-2006 were seized by Israeli Defence Forces in the occupied West Bank and Jerusalem and transferred to Israeli prisons. All of the parliamentarians had been elected in January 2006 on the Electoral Platform for Change and Reform (Hamas). On 25 September 2006, an Israeli military appeal court in the West Bank overturned a court decision to release them and ordered that they remain in prison pending trial. All were charged with being members of a terrorist organization, namely Hamas, carrying out activities on its behalf and providing it with services. Most received prison sentences of about 40 months and were released after serving them. Some have since been re-arrested, and 10 are currently in administrative detention.

Mr. Ahmad Attoun, who was released in February 2009, as well as Mr. Muhammad Abu-Tair and Mr. Muhammad Totah, both released in 2010, had their Jerusalem residence permits withdrawn and were ordered to be deported. An appeal filed against that decision is still pending. In more recent years, several of the parliamentarians, including Mr. Abu-Tair, have again been convicted by the Israeli authorities or are said to be facing criminal proceedings. Others have been placed in administrative detention by Israel. Ten Palestinian parliamentarians, including Ms. Khalida Jarrar (see case report PSE82), are currently in administrative detention.

Case PSE-COLL-01

Palestine/Israel: The Palestinian Legislative Council and the Parliament of Israel are affiliated to the IPU

Victims: 22 majority members of the Palestinian Legislative Council (21 men and one woman)

Qualified complainant(s): Section I (1)(d) of the [Committee Procedure](#) (Annex 1)

Submission of complaint: June 2014

Recent IPU decision: [October 2017](#)

Recent IPU Mission: - - -

Recent Committee hearing:

- Hearing with the head of the parliamentary group of Fatah at the 137th IPU Assembly (October 2017)

Recent follow-up

- Communication from the authorities: Letter from the head of the Knesset delegation to the Inter-Parliamentary Union, September 2017; letter from the Director General of Inter-Parliamentary Relations of the Palestinian Legislative Council, August 2017
- Communication from the complainant: September 2017
- Communication from the IPU to the authorities: November 2017
- Communication from the IPU to the complainant: September 2017

IPU technical assistance: Yes

Last report update: July 2018 ■

Palestine



Abdul Hamid Al-Alia © Photo courtesy / Al-Alia family



Ashraf Jumaa © Photo courtesy / Ashraf Jumaa family

PSE88 - Najat Abu Bakr (Ms.)
PSE92 - Shami Al-Shami
PSE93 - Nasser Juma
PSE94 - Jamal Tirawi
PSE95 - Nayema Sheikh Ali (Ms.)
PSE96 - Rajai Mahmoud Baraka
PSE97 - Yahya Mohammad Shamia
PSE98 - Ibrahim Al Masdar
PSE99 - Ashraf Jumaa
PSE100 - Majid Abu Shamala
PSE101 - Abdul Hamid Al-Alia
PSE102 - Alaa Yaghi

Alleged human rights violations:

- ✓ Failure to respect parliamentary immunity (2.4.3)
- ✓ Violation of freedom of opinion and expression (2.1)
- ✓ Violation of freedom of movement (2.3);
- ✓ Threats, acts of intimidation (1.5)

Summary of the case:

The complainant alleges that the 12 parliamentarians, all members of Fatah, were deprived of their parliamentary immunity following a decision issued by Palestinian President Mahmoud Abbas in December 2016 to enable the Public Prosecutor to pursue a criminal investigation against them. The complainant also alleges that the decision to lift the parliamentary immunity of the members of parliament was communicated orally to them, as they never received any written decision providing the reasons justifying such a measure.

The complainant further alleges that the parliamentarians were also deprived of their salaries, which were suspended without notice on 6 June 2017 under the instructions of the Ministry of Finance. According to the complainant, the suspension of salaries came in response to the legitimate exercise of their parliamentary mandate and freedom of opinion, as well as their denunciation of alleged corruption within the ruling party, Fatah. Some of

Case PSE-COLL-02

Palestine: The Palestinian Legislative Council is affiliated to the IPU

Victims: 12 Members of the Palestinian Legislative Council, members of the majority (10 men and two women)

Qualified complainant(s): Section I (1)(a) of the [Committee Procedure](#) (Annex 1)

Submission of complaint: January 2018

Recent IPU decision: [January 2018](#)

IPU mission: - - -

Recent Committee hearings: Hearing with the head of the parliamentary group of Fatah at the 137th IPU Assembly (October 2017)

Recent follow-up

- Communication from the authorities: Letter from the Speaker of the Palestinian National Council (August 2018)
- Communication from the complainant: (September 2018)
- Communication from the IPU: Letter to the Speaker of the Palestinian National Council (September 2018)
- Communication from the IPU to complainant: (September 2018)

IPU technical assistance: Yes

Last report update: October 2018

the parliamentarians decided not to file a complaint before the national jurisdiction, invoking the latter's lack of independence and arbitrariness.

The complainant indicated that Ms. Abu Bakr, one of the members of parliament affected by the same restrictions, had been facing additional harassment and intimidation since February 2016, when she requested an investigation into the Minister of Local Governance's transactions. According to the complainant, she was subsequently accused of defamation and of insulting a minister.

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