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162nd session of the Committee on the Human Rights of Parliamentarians

Virtual session, 22 to 31 October 2020

Decisions of the Committee on the Human Rights of Parliamentarians

CONTENTS

Page

Americas

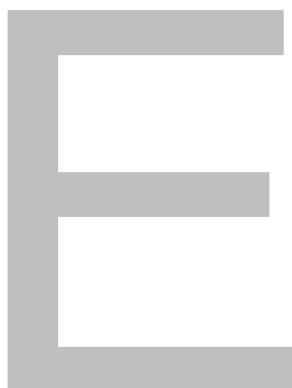
- **Colombia:** Mr. Álvaro Hernán Prada Artunduaga
Decision..... 1
- **Colombia:** Mr. Álvaro Uribe Vélez
Decision..... 3

Asia

- **Mongolia:** Mr. Jargaltulga Erdenebat
Decision..... 5
- **Pakistan:** Mr. Rana Sanallah
Decision..... 7

MENA

- **Yemen:** Twenty parliamentarians
Decision..... 9



Colombia

Decisions adopted by the Committee on the Human Rights of Parliamentarians at its 162nd session (virtual session, 31 October 2020)



© Álvaro Hernán Prada Artunduaga

COL-161 – Álvaro Hernán Prada Artunduaga

Alleged human rights violations

- ✓ Threats, acts of intimidation
- ✓ Lack of due process at the investigation stage
- ✓ Lack of fair trial proceedings

A. Summary of the case

According to the complainant, Mr. Álvaro Hernán Prada Artunduaga, a member of the Colombian House of Representatives since 2014, has been the subject of multiple threats from the former rebel group, the *Fuerzas Armadas Revolucionarias de Colombia* (Revolutionary Armed Forces of Colombia – FARC). Although FARC signed a peace agreement with the Colombian Government in 2016, an increasing number of dissident members of the group have failed to lay down their weapons, and remain active.

The complainant also states that Mr. Prada is subject to criminal proceedings that run counter to basic fair trial guarantees. It points in this regard, in particular, to the lack of jurisdiction of the Criminal Chamber of the Supreme Court to investigate the matter, the secrecy of the evidence gathered and lack of access thereto by the defence counsel, the illegality of the gathering of certain evidence, and the unlawful leaking of evidentiary material to the media and the public.

Case COL-161

Colombia: Parliament affiliated to the IPU

Victim: Member of the House of Representatives of Colombia belonging to the majority

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

Submission of complaint: August 2019

Recent IPU decision(s): - - -

Recent IPU Mission(s): - - -

Recent Committee hearing(s): - - -

Recent follow-up:

- Communications from the authorities: Letters from the President of the Colombian National Congress, the President and Vice-President of the Committee on Human Rights and Hearings of the House of Representatives and the Coordinator of the Senate's Committee on Human Rights and Hearings (October 2020)
- Communication from the complainant: October 2020
- Communication addressed to the authorities: Letter to the Speaker of the Colombian National Congress September 2020
- Communication addressed to the complainant: September 2020

In a letter dated 21 October 2020, the President and Vice-President of the House of Representatives' Committee on Human Rights and Hearings stated that, on that same day, the said committee had discussed the allegations. In response, the committee had adopted a decision in which it emphasized the principle of the separation of powers and the independence of the judiciary, and acknowledged the importance of the IPU Committee on the Human Rights of Parliamentarians investigating alleged violations affecting members of parliament. In the same decision, the committee stated that, with respect to the issue of the leaking of court files to the media and the potential unlawful modification of evidence by state officials, it intended to organize an open discussion with experts and members of academia, the outcome of which would be communicated to the IPU.

In a letter dated 19 October 2020, the Coordinator of the Senate's Committee on Human Rights and Hearings presented her observations, echoing directly and indirectly the allegations made by the complainant about the lack of fair trial proceedings and threats affecting Mr. Prada.

B. Decision

The Committee on the Human Rights of Parliamentarians

1. *Thanks* the parliamentary authorities for their letters and observations;
2. *Notes* that the complaint was submitted in due form by a complainant qualified under Section I.1.(a) of the Procedure for the examination and treatment of complaints (Annex I of the Revised Rules and Practices of the Committee on the Human Rights of Parliamentarians);
3. *Notes* that the complaint concerns an incumbent member of parliament at the time of the initial allegations;
4. *Notes* that the complaint concerns alleged threats, acts of intimidation, lack of due process at the investigation stage and lack of fair trial proceedings, allegations that fall within the Committee's mandate;
5. *Considers*, therefore, that the complaint is admissible under the provisions of Section IV of the Procedure for the examination and treatment of complaints; and *declares* itself competent to examine the case;
6. *Requests* the Secretary General to convey this decision to all the relevant Colombian authorities and the complainant and to seek the official views of the judicial authorities on the allegations put forward by the complainant.

Colombia

*Decisions adopted by the Committee on the Human Rights of Parliamentarians
at its 162nd session (virtual session, 31 October 2020)*



© Álvaro Uribe Vélez

COL-162 – Álvaro Uribe Vélez

Alleged human rights violations

- ✓ Threats, acts of intimidation
- ✓ Arbitrary arrest and detention
- ✓ Lack of due process at the investigation stage
- ✓ Lack of fair trial proceedings

A. Summary of the case

On 3 August 2020, the Colombian Supreme Court placed former Colombian senator and President, Mr. Álvaro Uribe Vélez, under house arrest in connection with charges of witness tampering and procedural fraud. These charges stem from the following facts: in 2012 and 2014, senator Iván Cepeda clashed with Mr. Uribe, who was elected to the Senate in 2014, accusing both him and his brother of founding a paramilitary group in the 1990s. Senator Cepeda presented testimonies from two former paramilitary members, but was then accused in court by Mr. Uribe of witness tampering and going beyond his parliamentary mandate. However, the tables were turned in 2018, when the Supreme Court ruled that Mr. Uribe should be investigated, following legal action taken against his lawyer, Mr. Diego Cadena, for allegedly having tried to interfere with the testimony of one of the two former paramilitary members, as well as other testimonies.

The complainant states that, from the outset, due process in the legal proceedings against Mr. Uribe has been disregarded. In this respect, it points in particular to the lack of jurisdiction of the Criminal Chamber of the Supreme Court to investigate the matter, bias on the part of one or more of the Court's judges, the secrecy of the evidence gathered and lack of access thereto by the defence counsel, and illegality in the gathering of certain evidence, in particular telephone recordings of Mr. Uribe. The complainant also points out that Mr. Uribe has denied the charges.

Case COL-162

Colombia: Parliament affiliated to the IPU

Victim: Former member of the Senate of Colombia

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

Submission of complaint: December 2019

Recent IPU decision(s): - - -

Recent IPU Mission(s): - - -

Recent Committee hearing(s): - - -

Recent follow-up

- Communication from the authorities: Letters from the President of the Colombian National Congress, the President and Vice-President of the Committee on Human Rights and Hearings of the House of Representatives and the Coordinator of the Senate's Committee on Human Rights and Hearings (October 2020)
- Communication from the complainant: October 2020
- Communications addressed to the authorities: Letter addressed to the Speaker of the Colombian National Congress (September 2020)
- Communication addressed to the complainant: September 2020

The President of the Senate, in his letter of 24 October 2020, stated that it was his duty to respect the separation of powers and the independence of the judiciary and to respect the latter's rulings in the expectation that they are adopted in accordance with the law and with respect for due process.

In a letter dated 21 October 2020, the President and Vice-President of the House of Representatives' Committee on Human Rights and Hearings stated that, on that same day, the said committee had discussed the allegations. In response, the committee had adopted a decision in which it emphasized the principle of the separation of powers and the independence of the judiciary, and acknowledged the importance of the IPU Committee on the Human Rights of Parliamentarians investigating alleged violations affecting members of parliament. In the same decision, the committee stated that, with respect to the issue of the leaking of court files to the media and the potential unlawful modification of evidence by state officials, it intended to organize an open discussion with experts and members of academia, the outcome of which would be communicated to the IPU.

In a letter dated 19 October 2020, the Coordinator of the Senate's Committee on Human Rights and Hearings presented her observations, echoing directly and indirectly the allegations made by the complainant about the lack of fair trial proceedings in this case.

B. Decision

The Committee on the Human Rights of Parliamentarians

1. *Thanks* the parliamentary authorities for their letters and observations;
2. *Notes* that the complaint was submitted in due form by a complainant qualified under Section I.1(a) of the Procedure for the examination and treatment of complaints (Annex I of the Revised Rules and Practices of the Committee on the Human Rights of Parliamentarians);
3. *Notes* that the complaint concerns an incumbent member of parliament at the time of the initial allegations;
4. *Notes* that the complaint concerns alleged threats, acts of intimidation, arbitrary arrest and detention, lack of due process at the investigation stage and lack of fair trial proceedings, allegations that fall within the Committee's mandate;
5. *Considers* therefore that the complaint is admissible under the provisions of Section IV of the Procedure for the examination and treatment of complaints; and *declares* itself competent to examine the case;
6. *Requests* the Secretary General to convey this decision to all the relevant Colombian authorities and the complainant and to seek the official views of the judicial authorities on the allegations put forward by the complainant.

Mongolia

*Decisions adopted by the Committee on the Human Rights of Parliamentarians
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© Jargaltulga Erdenebat

MNG-08 – Jargaltulga Erdenebat

Alleged human rights violations

- ✓ Lack of due process at the investigation stage
- ✓ Lack of fair trial proceedings
- ✓ Failure to respect parliamentary immunity

A. Summary of the case

Mr. Jargaltulga Erdenebat, a member of the State Great Hural since 2012, was arrested from his home on 13 June 2020 and detained ahead of the parliamentary elections in Mongolia, which took place on 24 June 2020. Mr. Erdenebat was allegedly detained on the grounds that he failed to pay his bail, which amounted to 10 billion Mongolian Tugriks.

The complainants allege that Mr. Erdenebat's arrest and detention violated his parliamentary immunity, as the Prosecutor General did not request parliament to lift his immunity or suspend his mandate. The complainants also allege that Mr. Erdenebat's arrest and detention should have been authorized by the General Electoral Commission, given that he was a candidate in the parliamentary elections. Mr. Erdenebat was nevertheless able to run in the elections from his prison cell and won a seat in the State Great Hural.

After a six-month investigation, Mr. Erdenebat's trial was held on 3 July 2020 and he was convicted three days later to a six-year prison term for misappropriation of funds and abuse of power. The complainants allege that the charges against Mr. Erdenebat are politically motivated.

Case MNG-08

Mongolia: Parliament affiliated to the IPU

Victim: Male majority member of parliament

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

Submission of complaint(s): June 2020

Recent IPU decision(s): - - -

Recent IPU Mission(s): - - -

Recent Committee hearing(s): - - -

Recent follow-up:

- Communication from the authorities: Letter from the Vice-Chairman of the State Great Hural (September 2020)
- Communication from the complainant: October 2020
- Communication addressed to the authorities: Letter addressed to the Vice-Chairman of the State Great Hural (September 2020)
- Communication addressed to the complainant: October 2020

On 18 September 2020, the parliamentary authorities confirmed that General Electoral Commission did not approve Mr. Erdenebat's arrest and detention.

B. Decision

The Committee on the Human Rights of Parliamentarians

1. *Notes* that the complaint was submitted in due form by qualified complainants under Section I.1.(a) and (c) of the Procedure for the examination and treatment of complaints (Annex I of the Revised Rules and Practices of the Committee on the Human Rights of Parliamentarians);
2. *Notes* that the complaint concerns an incumbent member of the State Great Hural at the time of the initial allegations;
3. *Notes* that the complaint concerns allegations of lack of due process during the investigation stage, lack of fair trial proceedings and failure to respect parliamentary immunity, allegations that fall within the Committee's mandate;
4. *Considers*, therefore, that the complaint is admissible with regard to the provisions of Section IV of the Procedure for the examination and treatment of complaints.

Pakistan

Decisions adopted by the Committee on the Human Rights of Parliamentarians at its 162nd session (virtual session, 31 October 2020)



Security officials of the Anti-Narcotics Force (ANF) escort arrested senior leader of the Pakistan Muslim League-Nawaz (PML-N), Mr. Rana Sanaullah (left) to court in Lahore on 2 July 2019. Mr. Sanaullah was put on a 14-day judicial remand on 2 July, a day after he was arrested by the ANF team for “possessing a large quantity of drugs in his vehicle”. | ARIF ALI/AFP

PAK-24 – Rana Sanaullah

Alleged human rights violations

- ✓ Threats, acts of intimidation
- ✓ Arbitrary arrest and detention
- ✓ Lack of due process at the investigation stage
- ✓ Violation of freedom of movement

A. Summary of the case

Mr. Rana Sanaullah is a member of the National Assembly of Pakistan from opposition party Pakistan Muslim League-Nawaz (PML-N) and a vocal critic of the Government. He was arrested on 1 July 2019 on suspicion of drug possession and trafficking. Mr. Sanaullah’s arrest took place amid a wave of purges of former officials linked to former Prime Minister Nawaz Sharif, including members of the Sharif family and the PML-N leadership. The complainant insists that Mr. Sanaullah’s trial is politically motivated and maintains that Mr. Sanaullah was framed by the Anti-Narcotics Force at the instigation of the incumbent Prime Minister.

Mr. Sanaullah was arrested by an anti-narcotics squad while he was on his way to a meeting with fellow members of parliament from PML-N and taken to a police station, where he was detained for 16 hours without any charges being brought against him. The next day, he was brought before a judge and presented with 15 kg of heroin that had allegedly been recovered from a suitcase in his car, which Mr. Sanaullah denied. He remained in pretrial detention for six months and was eventually released on bail by the Lahore High Court on 24 December 2019, after several unsuccessful attempts to obtain bail at the court of first instance. Given the political context of this case, the Lahore High Court made an exceptional reference to details pertaining to the

Case PAK-24

Pakistan: Parliament affiliated to the IPU

Victim: Minority member of the National Assembly of Pakistan

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

Submission of complaint: 28 January 2020

Recent IPU decision(s): - - -

Recent IPU Mission(s): - - -

Recent Committee hearing(s): - - -

Recent follow-up:

- Communication(s) from the authorities: - - -
- Communication from the complainant: August 2020
- Communication addressed to the authorities: Letter addressed to the Speaker of the National Assembly (October 2020)
- Communication addressed to the complainant: February 2020

merits of the case, casting doubt on allegations put forward by the prosecution and finding flaws in the evidence produced by the investigation, which it described as biased and riddled with deception. The court decision recognized that it could not ignore the fact that Mr. Sanaullah was a prominent leader of an opposition party, highlighting that “political victimization [of the opposition in Pakistan] is an open secret”. Mr. Sanaullah has since returned to his seat in parliament and reports that the Government is “preparing fresh corruption charges against him” and has recently frozen his financial assets, together with the accounts of his family members. In addition, the complainant reports that Mr. Sanaullah was placed on the “Exit Control List”, which does not allow him to travel abroad. Since his return to parliament, Mr. Sanaullah has demanded a parliamentary investigation into what he describes as a politically motivated intimidation campaign in an attempt to frame him and discredit the opposition party.

B. Decision

The Committee on the Human Rights of Parliamentarians

1. *Notes* that the complaint was submitted in due form by a qualified complainant under section I.1.(a) of the Procedure for the examination and treatment of complaints (Annex I to the Revised Rules and Practices of the Committee on the Human Rights of Parliamentarians);
2. *Notes* that the complaint concerns an incumbent member of parliament at the time of the initial allegations;
3. *Notes* that the complaint concerns threats and acts of intimidation, arbitrary arrest and detention, lack of due process at the investigation stage and violation of freedom of movement, allegations that fall within the Committee’s mandate;
4. *Considers*, therefore, that the complaint is admissible under the provisions of Section IV of the Procedure for the examination and treatment of complaints; and *declares* itself competent to examine the case;

Yemen

*Decisions adopted by the Committee on the Human Rights of Parliamentarians
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Yemeni members of parliament vote in Sana'a on 24 June 2000 to approve the 12 June border accord signed with Saudi Arabia. © Khaled Fazaa/AFP

YEM-79 - Yasser Ahmed Salem al-Awadhi
YEM-80 - Yahya Ali al-Raee
YEM-81 - Saleh Ismail Abu Adel
YEM-82 - Abd Al-Aziz al-Janid
YEM-83 - Amine Ahmed Makharesh
YEM-84 - Faysal al-Shawafi
YEM-85 - Muhsin al-Ansi
YEM-86 - Qasem Hussein al-Hadha'a
YEM-87 - Ahmad al-Aqaari
YEM-88 - Ali Abd Allah Abu Haliqa
YEM-89 - Mohamed Yahya al-Hawri
YEM-90 - Mansour ali Wasel
YEM-91 - Ahmad Mohammad al-Dhubaibi
YEM-92 - Abdo Mohammad Beshr
YEM-93 - Khaled Mawjoud al-Saadi
YEM-94 - Khaled Mohammad Qasim al-Ansi
YEM-95 - Saleh Qaid al-Sharji
YEM-96 - Ahmed Mohsen al-Nuwaira
YEM-97 - Mohammad ali Siwar
YEM-98 - Abd al-Wali al-Jabri

Alleged human rights violations

- ✓ Abduction
- ✓ Threats, acts of intimidation
- ✓ Failure to respect parliamentary immunity
- ✓ Impunity
- ✓ Other violations: Assassination attempt

A. Summary of the case

This case concerns 20 members of the Yemeni Parliament, allegedly all elected during the 2003 parliamentary elections for a six-year term and who remain members of parliament in accordance with the Yemeni Constitution.

Case YEM-COLL-02

Yemen: Parliament affiliated to the IPU

Victims: 20 male members of parliament

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

Submission of complaints: October 2019, July 2020

Recent IPU decision(s): - - -

Recent IPU mission(s): - - -

Recent Committee hearing(s): - - -

Recent follow-up:

- Communication from Yemen: July 2020
- Communications from the complainants: July and October 2020
- Communication to Yemen: September 2020
- Communication addressed to the complainants: September 2020

Since the beginning of the political crisis in 2011 and the outbreak of the war in Yemen in 2015, two different factions claim to embody the Yemeni Parliament: the Houthi militia, which control parliament in Sana'a in addition to other institutions in the territories under their control; and the parliamentarians who fled Sana'a and engage with the internationally recognized government of President Abdrabbuh Mansur Hadi.

The present case concerns 19 members of parliament, who remained in Sana'a and allegedly suffer attacks carried out by the coalition forces led by Saudi Arabia and the United Arab Emirates, and one member who is alleged to have suffered human rights violations by the Houthis due to his support for the internationally recognized government.

B. Decision

The Committee on the Human Rights of Parliamentarians

1. *Notes* that the complaint was submitted in due form by qualified complainants under Section I.1.(a) of the Procedure for the examination and treatment of complaints (Annex I of the Revised Rules and Practices of the Committee on the Human Rights of Parliamentarians);
2. *Notes* that the complaint concerns 20 members of parliament at the time of the initial allegations;
3. *Notes* that the complaint concerns allegations of abduction, threats and acts of intimidation, failure to respect parliamentary immunity, impunity and an assassination attempt, allegations that fall within the Committee's mandate;
4. *Considers*, therefore, that the complaint is admissible with regard to the provisions of Section IV of the Procedure for the examination and treatment of complaints; and *declares* itself competent to examine the case.

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