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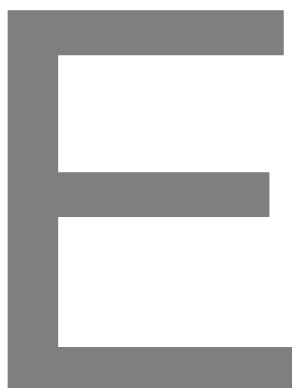
163rd session of the Committee on the Human Rights of Parliamentarians

Decisions of the Committee on the Human Rights of Parliamentarians

Virtual session, 1 to 13 February 2021

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Côte d'Ivoire

Decision adopted by the Committee on the Human Rights of Parliamentarians at its 163rd session (virtual session, 1 to 13 February 2021)



Alain Lobognon, Twitter

CIV-07 - Alain Lobognon
CIV-09 - Guillaume Soro
CIV-10 - Loukimane Camara
CIV-11 - Kando Soumahoro
CIV-12 - Yao Soumaïla
CIV-13 - Soro Kanigui
CIV-14 - Issiaka Fofana
CIV-15 - Bassatigui Fofana
CIV-16 - Mohamed Sess Soukou
CIV-17 - Maurice Kakou Guikahué
CIV-18 - Pascal Affi N'Guessan
CIV-19 - Seri Bi N'Guessan
CIV-20 - Bassy-Koffy Lionel Bernard
CIV-21 - Mbari Toikeusse Albert Abdallah
CIV-22 - Jean Marie Kouassi Kouakou

Alleged human rights violations

- ✓ Arbitrary arrest and detention
- ✓ Lack of due process at the investigation stage
- ✓ Lack of fair trial proceedings at the investigation stage
- ✓ Violation of freedom of opinion and expression
- ✓ Failure to respect parliamentary immunity
- ✓ Threats, acts of intimidation

A. Summary of the case

This case concerns the situation of several Ivorian members of parliament who have faced violations of their fundamental rights since 2018 in the exercise of their parliamentary mandate. Some members of parliament, including Mr. Alain Lobognon, Mr. Loukimane Camara, Mr. Kando Soumahoro, Mr. Yao Soumaïla, Mr. Soro Kanigui, Mr. Maurice Kakou Guikahué, Mr. Pascal Affi N'Guessan, Mr. Seri Bi N'Guessan,

Case CIV-COLL-01

Côte d'Ivoire: Parliament affiliated to the IPU

Victims: 15 opposition members of parliament

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

Submission of complaints: January 2019; February and November 2020

Recent IPU decision: November 2020

IPU mission(s): - - -

Recent Committee hearing: Hearing of the delegation of Côte d'Ivoire at the 140th IPU Assembly (Doha, April 2019)

Recent follow-up:

- Communications from the authorities: Observations from the Government and letter from the Speaker of the National Assembly (May and October 2020)
- Communications from the complainant: November 2020, January 2021
- Communications addressed to the authorities: Letter to the Speaker of the National Assembly and the President of the Senate (December 2020)
- Communications addressed to the complainant: November 2020, January 2021

and Mr. Bassy-Koffy Lionel Bernard, were arbitrarily arrested and detained between 2019 and 2020. Among the members of parliament prosecuted, there is also the case of the former Speaker of the National Assembly, Mr. Guillaume Soro. Despite the order of the African Court on Human and Peoples' Rights (AfCHPR) in April 2020 ordering the suspension of the proceedings against him, the Ivorian courts sentenced him to a 20-year term of imprisonment and to deprivation of his civic and political rights for misappropriation of public funds. Mr. Soro was also charged in a separate case relating to an alleged destabilization plan against the State of Côte d'Ivoire. This charge is based on an audio recording dating back to 2017, the authenticity of which remains to be proven.

Mr. Issiaka Fofana, Mr. Bassatigui Fofana and Mr. Mohamed Sess Soukou have also been accused in the same case and have had to go into exile following the political harassment campaign led against them because of their political affiliation (members of the opposition) and support of Mr. Soro's movement. According to the complainant, the exiled members of parliament could return to Côte d'Ivoire if they renounced their support to Mr. Soro. The supporters of the current Head of State allegedly also proposed to Mr. Soro to join the movement of President Ouattara (Rally of Houphouëtists for Democracy and Peace (RHDP)) in exchange for dropping all charges against him. Furthermore, the complainant alleges that the member of parliament Mr. Bassatigui Fofana returned from exile, distanced himself from Mr. Soro and joined the RHDP.

The member of parliament Mr. Alain Lobognon is the only parliamentarian that remains in detention since December 2019 as part of a judicial investigation against him for allegedly causing public disorder and challenging State authority. This is not Mr. Lobognon's first detention, as in 2019 he was detained and sentenced to a one-year prison term by the first instance court for disseminating a message on social networks that amounted to fake news and causing public disorder. In January 2021, the Independent Electoral Commission validated Mr. Lobognon's candidacy in the forthcoming March 2021 legislative elections in spite of the fact that he was still in detention.

In November 2020, the Committee received new complaints regarding six other parliamentarians in connection with three different situations that are closely linked. The first situation concerns two members of parliament and two senators. Mr. Maurice Kakou Guikahué, Mr. Pascal Affi N'Guessan, Mr. Seri Bi N'Guessan and Mr. Bassy-Koffy Lionel Bernard were arrested and detained even though their parliamentary immunity had not been lifted. These parliamentarians were apprehended for having taken part in the creation of the National Transitional Council with the aim of forming a "transitional government". The four parliamentarians have been charged with plotting against the State and an insurrectional movement, murder and acts of terrorism. The second situation involves the member of parliament, Mr. Mbari Toikeuse Albert Abdallah, sought by the Prosecutor for the same reasons, but who ended his flight after the above-mentioned four parliamentarians had been released. As for Mr. Guikahué, he was apparently urgently transferred to France for medical treatment. Regarding the third situation, the disobedience movement supported by the opposition led to violent manifestations, which allegedly instigated the attack against member of parliament Mr. Jean-Marie Kouassi Kouakou, whose residence and material goods were looted in October 2020 by opposition militants. According to the complainant, Mr. Kouakou had asked the administrative authorities for protection, but they had failed in fulfilling their duty to protect him.

Although provisionally released under judicial supervision, all the members of parliament and senators are still being prosecuted and the effective exercise of their parliamentary mandate remains impeded. The violations of which they are victims are to be seen in the context of the presidential elections of October 2020, when the outgoing president Mr. Alassane Ouattara was declared the winner, thus obtaining a third term in breach of the provisions of the Ivorian Constitution, according to the opposition.

B. Decision

The Committee on the Human Rights of Parliamentarians

1. *Declares itself* competent to examine the cases of Mr. Maurice Kakou Guikahué, Mr. Pascal Affi N'Guessan, Mr. Seri Bi N'Guessan, Mr. Bassy-Koffy Lionel Bernard, Mr. Mbari Toikeusse Albert Abdallah and Mr. Jean Marie Kouassi Kouakou, considering that the communication: (i) was submitted in due form by a qualified complainant pursuant to section I.1.(b) 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); (ii) concerns incumbent members of parliament at the time of the initial facts; and (iii) concerns allegations of arbitrary arrest and detention, violation of freedom of opinion and expression, impunity and failure to respect parliamentary immunity, allegations which fall within the competence of the Committee; and *decides* to merge the cases of the six members of parliament into the present collective case CIV-COLL-01;

2. *Regrets deeply* that the member of parliament Mr. Alain Lobognon is being held in detention since December 2019 without trial and any known material evidence; *questions* the justifications for such detention in light of the release under judicial supervision of the other parliamentarians who continue being prosecuted with the same charges as Mr. Logognon; *calls upon* the authorities, in the absence of evidence, to release him immediately and suspend all judicial prosecution against him; *hopes* that, once released, Mr. Lobognon will be able to move freely and pursue his campaign unimpeded;
3. *Is concerned* by the recent arrests and detentions in violation of the parliamentary immunity of the two members of parliament and two senators, and that the restrictive conditions attached to their release, in particular the ban from leaving Côte d'Ivoire, the need to obtain authorization for travel in Ivorian territory and the ban to take part in political gatherings reinforce the complainant's allegations that the proceedings against these members of parliament are politically motivated and are part of the continued political and judicial harassment the Ivorian opposition has been subjected to since 2019;
4. *Remains equally concerned* by the situation of all the other members of parliament who, in spite of having being released, continue being subjected to judicial proceedings, and notes with great concern the pressure the authorities allegedly exercise against them; *underlines* that the essence of democracy is the respect for differences of opinions, and that forcing members of the opposition to renounce their political position in exchange for non-prosecution is infringing the provisions of the Constitution of Côte d'Ivoire; *calls upon* the authorities, therefore, in the absence of evidence, to declare null and void the charges issued against all the parliamentarians and to encourage an inclusive national political dialogue where all parties, including the opposition members in exile, can freely express their opinions without fear of reprisals;
5. *Takes note* of the recent information about the members of parliament Issiaka Fofana and Mohamed Sess Soukou, according to which they had left Côte d'Ivoire in total secrecy; *also takes note* of the developments in Mr. Bassatigui Fofana's situation; and *decides* to close this case pursuant to section IX, paragraph 25(c), of the Procedure for the examination and treatment of complaints, as the complainant stated that further action by the Committee in the case of Mr. Fofana was no longer useful in view of his return to Côte d'Ivoire and absence of judicial prosecution and arrest warrant against him;
6. *Regrets* the lack of response by the parliamentary authorities on the subject of the recent detentions and the situation of the other members of parliament, notably of Mr. Guillaume Soro; *once again invites* the authorities to provide a copy of the decision of the first instance court condemning Mr. Soro;
7. *Requests* the Secretary General to convey this decision to the parliamentary authorities, the Minister of Justice and the complainant and to any third party likely to be in a position to supply relevant information;
8. *Decides* to continue examining this case.

Madagascar

Decision adopted by the Committee on the Human Rights of Parliamentarians at its 163rd session (virtual session, 1 to 13 February 2021)



Alphonse Maka President of the Malagasy Fampihavanana Council (National Reconciliation Council - CFM) speaks to the press at the opening of the session on May 31 2018 in Antananarivo to try to find a political solution to the current crisis in the country. RIJASOLO/AFP

- MDG05 - Lantoniaina Rabenatoandro
- MDG06 - Henri Randrianjatovo
- MDG07 - Mamisoa Rakotomandimbandraibe
- MDG08 - Raymond Rakotozandry
- MDG09 - Randrianatoandro Raharinaivo
- MDG10 - Eliane Naïka (Ms.)
- MDG11 - Mamy Rakotoarivelo
- MDG12 - Jacques Arinosy Razafimbelo
- MDG13 - Yves Aimé Rakotoarison
- MDG14 - Fidison Mananjara
- MDG15 - Stanislas Zafilahy
- MDG16 - Rakotonirina H. Lovanantenaina

Alleged human rights violations

- ✓ Lack of due process at the investigation stage
- ✓ Lack of fair trial proceedings
- ✓ Excessive delays

A. Summary of the case

The 12 former parliamentarians concerned were all proponents of former deposed President, Mr. Ravalomana, and who were detained and prosecuted after speaking out against the unconstitutional dissolution of parliament in March 2009 by Mr. Rajoelina (who subsequently became President of the High Transitional Authority until the 2013 elections). They have been freed and have resumed their political activities.

Except for Ms. Naïka, who was granted amnesty in February 2013, the proceedings initiated against the former parliamentarians have not been formally closed by the authorities. Most of them were charged with public order offences in 2009. Five of them were given suspended prison terms. According to the complainant, all proceedings against the former parliamentarians were politically motivated. While most of the proceedings appear to have been suspended since 2010, none of the

Case MDG-COLL-01

Madagascar: Parliament affiliated to the IPU

Victims: 12 former members of the Parliament unconstitutionally dissolved in March 2009 belonging to the opposition (11 men and one female)

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

Submission of complaint: April 2009

Recent IPU decision: [October 2013](#)

IPU mission(s): - - -

Recent Committee hearing(s): - - -

Recent follow-up:

- Communication from the authorities: Message from the Director of Human Rights and International Relations, Ministry of Justice (January 2018)
- Communication from the complainant: January 2021
- Communication addressed to the authorities: Letter to the Speaker of the National Assembly (December 2020)
- Communication addressed to the complainant: January 2021

former parliamentarians has received written confirmation that the charges against them have been dropped or that the proceedings have been closed.

Despite the promises made by the authorities in 2011 through the establishment of a road map to end the crisis, which provided for State amnesty, reparation and/or compensation for any person who had been a victim of the 2002–2011 political events, they have still not taken any conclusive measures to officially close the case once and for all against the 12 former parliamentarians. In 2018, the Minister of Justice had indicated that the Malagasy Reconciliation Council (CFM) was the only body empowered to decide whether or not to grant amnesty to former parliamentarians.

According to information published in press articles and corroborated by the complainant, in September 2020 the President of the Malagasy Reconciliation Council had reportedly indicated that in August 2019 the CFM had submitted to the attention of the Prime Minister and Justice Minister two preliminary draft decrees – one establishing a National Solidarity Fund (FNS) and a National Compensation Fund (CNRI), and the other on the terms of compensation. According to the CFM President, it is now up to the executive and legislative authorities to follow up on the matter.

To date, the authorities have not provided any official information on the Malagasy Reconciliation Council, which, in four years of existence, has failed to implement the provisions provided for in the road map to end the crisis established in 2011.

B. Decision

The Committee on the Human Rights of Parliamentarians

1. *Deplores* the prolonged silence of the Malagasy parliamentary authorities in this case;
2. *Deeply regrets* that, despite the commitment made by the Malagasy authorities and the official written requests of the IPU addressed to the parliamentary and judicial authorities, it has been almost 10 years since the former parliamentarians have been left in legal uncertainty and have been calling for their case to be resolved through the implementation of the road map to end the crisis established in 2011;
3. *Notes with concern* that the legal uncertainty in which the former parliamentarians concerned find themselves and the absence of any amnesty, reparation and/or compensation, despite the authorities' efforts in favour of reconciliation, represent both a serious denial of justice against them and a risk that legal proceedings may be reactivated at any time, which prevents them from moving on;
4. *Calls on* the Malagasy authorities, therefore, to take serious measures aimed at officially closing the cases of the former parliamentarians concerned once and for all and to provide, where appropriate, official confirmation that the prosecutions and legal proceedings have indeed been dropped;
5. *Invites* the authorities to provide information on: (i) the role of the Malagasy Reconciliation Council in granting amnesty, reparation and/or compensation; (ii) the two preliminary draft decrees that have reportedly been submitted to the attention of the Prime Minister and the Minister of Justice concerning the establishment of a National Solidarity Fund (FNS), a National Compensation Fund (CNRI) and terms of compensation; and (iii) to clarify the reasons preventing the CFM from ruling once and for all on the case of former parliamentarians;
6. *Recalls* that it is the responsibility of the parliamentary authorities to ensure the effective implementation of the commitments made by the executive and judicial powers contained in the road map to end the crisis; *urges*, the Malagasy Parliament, therefore, to take the necessary steps to help resolve the case of former parliamentarians by taking concrete steps; and *calls on* parliament to keep the Committee informed of any action it has taken to this end;

7. *Requests* the Secretary General to convey this decision to the parliamentary authorities, the Minister of Justice, the President of the Malagasy Reconciliation Council, and to the complainant and any third party likely to be in a position to supply relevant information;
8. *Decides* to continue examining this case.

Niger

Decision adopted by the Committee on the Human Rights of Parliamentarians at its 163rd session (virtual session, 1 to 13 February 2021)



© Seidou Bakari

NER-116 – Seidou Bakari

Alleged human rights violations

- ✓ Arbitrary arrest and detention
- ✓ Lack of due process at the investigation stage
- ✓ Excessive delays
- ✓ Failure to respect parliamentary immunity
- ✓ Violation of freedom of opinion and expression

A. Summary of the case

On 28 July 2015, the Bureau of the National Assembly authorized the arrest of member of parliament Seidou Bakari, chairperson of the parliamentary group of the MODEN/FA Lumana-Africa party, without first affording him a hearing. When he failed to be re-elected, he was arrested at the end of his parliamentary mandate, on 16 May 2016, and has been held in pretrial detention without trial since that date. Following serious health problems, he is currently in hospital, as his condition requires specialized medical care that is not available in prison.

Mr. Seidou Bakari is accused of embezzling public funds in 2005, while he was coordinating a food crisis unit under the aegis of the Office of the Prime Minister, who at that time was Mr. Amadou Hama, one of the main opponents of the Head of State, and whose case is also under examination by the Committee on the Human Rights of Parliamentarians.

According to the complainant, Mr. Bakari's parliamentary immunity was not respected, in that he was not given a hearing by the Bureau and no criminal charges had been laid against him before his immunity was lifted. The complainant considers that his continuing detention

Case NER-116

Niger: Parliament affiliated to the IPU

Victim: A former opposition member of the National Assembly

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

Submission of complaint: September 2015

Recent IPU decision: March 2018

IPU Mission(s): - - -

Recent Committee hearing: Hearing with the delegation of Niger at the 140th IPU Assembly (Doha, April 2019)

Recent follow up:

- Communication from the authorities: Letter from the Deputy Speaker of the National Assembly (April 2019)
- Communication from the complainant: January 2021
- Communications addressed to the authorities: Letter to the Minister of Justice (May 2019) and letter to the Speaker of the National Assembly (December 2020)
- Communication addressed to the complainant: January 2021

and the lack of progress in the judicial proceedings are deliberate and represent violations of Mr. Bakari's fundamental right to fair trial proceedings conducted without excessive delays. His requests for interim release were reportedly rejected in violation of the Code of Criminal Procedure. The complainant also alleges violation of his rights to defence and failure by the investigating judge to take account of the exculpatory evidence provided by Mr. Bakari's lawyer.

The complainant asserts that the charges brought against Mr. Bakari are unfounded and that he is the victim of political and judicial harassment purely because he is a member of the opposition and a close collaborator of Mr. Amadou Hama. As a member of parliament and chairperson of his parliamentary group, he supported Mr. Hama – then Speaker of the National Assembly – when the latter was subjected to criminal proceedings and had announced that his party would be siding with the opposition in the next presidential elections.

According to the parliamentary authorities, the case is not political in nature and procedures have been followed. No information has been provided recently by the authorities on Mr. Bakari's continued detention, nor on the status of the judicial proceedings. In a letter sent in April 2019, the Deputy Speaker of the National Assembly stated that the case was pending before the courts of Niger and that, under the principle of the separation of powers, the National Assembly was unable to intervene in any way.

B. Decision

The Committee on the Human Rights of Parliamentarians

1. *Reiterates its deep concern* at the prolonged length of Mr. Bakari's pretrial detention, which does not appear to be in keeping with articles 131 to 133 of the Niger Code of Criminal Procedure, and at the length of the preliminary investigation; *urges* the competent authorities, therefore, to release Mr Bakari immediately, also taking into account his deteriorating health, and to expedite the processing of the case;
2. *Recalls* its previous conclusions concerning the undeniable political dimension of the case, as well as its concerns about the parliamentary procedure followed in authorizing the lifting of Mr. Bakari's immunity; *notes with great interest*, however, that the Rules of Procedure of the National Assembly were subsequently amended to better regulate the lifting of parliamentary immunity by the Bureau when parliament is in recess; *thanks* the parliamentary authorities for providing a copy of the new Rules to the Committee;
3. *Urges* the Niger authorities to do their utmost to ensure the impartial and independent processing of the case as soon as possible and in strict compliance with national, regional and international standards in terms of a fair trial and the fight against corruption; *requests* the authorities to keep it informed of the decisions to be taken by the Niger courts and of any new developments concerning the proceedings and, if applicable, of the trial dates; *reaffirms its wish* to appoint a trial observer to follow the trial; and *looks forward* to receiving a positive response from the national authorities to this end and to obtaining their collaboration in ensuring the smooth conduct of the trial observation;
4. *Notes* the position of the National Assembly with respect to being unable to intervene in the case owing to the principle of the separation of powers and the independence of the judiciary; and *encourages* it nevertheless to continue dialogue with the Committee and transmit the concerns that remain in this case to the competent authorities; *recalls* in this regard that the Committee, in accordance with its Rules and Practices, does everything possible to promote dialogue with the authorities of the country concerned, and primarily with its parliament, with a view to reaching a satisfactory settlement of the cases before it;
5. *Requests* the Secretary General to convey this decision to the parliamentary authorities, the complainant and any third party likely to be in a position to supply relevant information or to contribute to the satisfactory resolution of the case;
6. *Decides* to continue examining the case.

Uganda

Decision adopted by the Committee on the Human Rights of Parliamentarians at its 163rd session (virtual session, 1 to 13 February 2021)



A patrol car of the Ugandan police is seen stationed outside the compound of Ugandan opposition leader Bobi Wine on 20 January 2021. SUMY SADURNI/AFP

UGA19 - Robert Kyagulanyi Ssentamu (aka Bobi Wine)
UGA20 - Francis Zaake
UGA21 - Kassiano Wadri
UGA22 - Gerald Karuhanga
UGA23 - Paul Mwiru

Alleged human rights violations

- ✓ Torture, ill-treatment and other acts of violence
- ✓ Arbitrary arrest and detention
- ✓ Lack of due process at the investigation stage
- ✓ Lack of fair trial proceedings
- ✓ Violation of freedom of opinion and expression
- ✓ Impunity

A. Summary of the case

The complaint was initially received against the background of the by-election in Arua municipality in Uganda on 15 August 2018. Mr. Kassiano Wadri, a former parliamentarian, stood in that election as an independent and was elected. The four other parliamentarians, who are either independents or from the opposition, campaigned for Mr. Wadri.

The five individuals were violently arrested on 14 August 2018, on the eve of the by-election, together with 29 other people, in the district of Arua, after President Yoweri Museveni's convoy was reportedly pelted with stones. According to credible reports, the parliamentarians were tortured and ill-treated while in detention. All those arrested, including the five parliamentarians, were charged with treason, which in Uganda carries the death penalty. On 6 August 2019, the following additional charges were reportedly brought against them in relation to the same events: intent to annoy, alarm or ridicule the President, incitement to

Case UGA-Coll-01

Uganda: Parliament affiliated to the IPU

Victims: Five male parliamentarians (including three young parliamentarians and a parliamentarian-elect); four independent and one opposition parliamentarian

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

Submission of complaint: August 2018

Recent IPU decision: November 2020

IPU mission: January 2020

Recent Committee hearing: Hearing with the Ugandan delegation to the 139th IPU Assembly (October 2018)

Recent follow-up:

- Communications from the authorities: Letter from the Attorney General (October 2018); letter from the Speaker of Parliament to the Minister of Foreign Affairs (November 2018); letters from the Speaker of Parliament (October 2019)
- Communication from the complainants: September 2020
- Communications addressed to the authorities: Letters addressed to the Speaker of Parliament, the President of the Republic, the Minister of Foreign Affairs and the Ugandan Ambassador in Geneva (November 2020)
- Communication addressed to the complainants: January 2021

violence, disobedience of lawful orders, failure to prevent obstruction of traffic, confusion or disorder during a public meeting, and failure to give right of way to the President.

The complainants claim that due process guarantees have been violated from the outset, that the parliamentarians are victims of political repression, as there is no evidence to support the charges brought against them, and that no action has been taken to hold to account the security forces that mistreated them while arresting them.

The complainants further state that, at the time the complaint was first lodged, Mr. Kyagulanyi was a popular young parliamentarian, strongly supported, among others, by the four other parliamentarians in this case, and a well-known singer who enjoyed wide popularity among young people. Through his songs and through his parliamentary work, between 2017 and 2021, he had been a vocal critic of President Museveni and his government. The complainants affirm that the authorities were doing everything possible to prevent Mr. Kyagulanyi from staging concerts and thus conveying his music and political message. These steps have gone as far as banning Mr. Kyagulanyi from wearing his trademark red beret.

From 25 to 29 January 2020, a Committee delegation conducted an on-site mission to Uganda. Despite its specific request, the delegation was not able to obtain concrete information on possible ongoing cases against police officers in connection with the allegations of torture against the five members of parliament. The delegation was told that no information could be disclosed as the matter was *sub judice*. Among other concerns, the delegation regretted that no progress seemed to have been made towards investigating these allegations and urged the relevant authorities to conduct a prompt, impartial and independent investigation, including, where appropriate, the filing of specific torture charges against the perpetrators and the application of the corresponding penalties under domestic law. It also urged parliament to use its oversight powers effectively to this end.

Mr. Francis Zaake was detained by police and the military again on the evening of Sunday 19 April 2020 and released on 29 April 2020. According to information received, Mr. Zaake was severely tortured while in detention, denied access to his lawyer and family, food and independent medical attention. According to the complainants, Mr. Zaake was initially charged with disobedience of lawful orders for distributing food to his community in the context of the COVID-19 pandemic. These charges were finally dropped in August 2020. The complainants also claim that no investigation has been carried out into these new allegations of torture and that no action has been taken by parliament to support him in his search for justice. According to credible reports from the complainants, Mr. Zaake continues to receive death threats and intimidating messages from police officers because of his political opinions and to force him to step down from the political stage.

Mr. Kyagulanyi stood as a presidential candidate in the general elections of 14 January 2021. According to the country's Election Commission, he came second in the vote, after Mr. Museveni who was re-elected for a sixth term. According to media reports, the internet in Uganda had been completely shut down in the days leading up to the elections under a government order. According to these reports, this measure disproportionately affected Mr. Kyagulanyi's campaign, considering that he was campaigning heavily on social media because some traditional outlets allegedly refused to include him in their election coverage. On 15 January 2021, Mr. Kyagulanyi's home was taken "under siege" by the military. He told the media that his life was in danger, that his phone had been blocked and his internet connection cut. On 17 January 2021, Mr. Francis Zaake was arrested outside Mr. Kyagulanyi's gate as he was trying to make his way to Mr. Kyagulanyi's house; he was allegedly severely beaten by soldiers and then released. According to information received, Mr. Zaake needed specialized medical care as a result of the beatings. On 25 January 2021, the High Court of Uganda ruled that Mr. Kyagulanyi's continued house arrest was illegal and ordered security forces to cease surrounding his home, which they did the following day.

B. Decision

The Committee on the Human Rights of Parliamentarians

1. *Reiterates* its previous long-standing concerns, as most recently reflected in the decision adopted by the IPU Governing Council in November 2020;
2. *Is gravely concerned* to learn that, despite its repeated calls and its continued dialogue with the authorities, including during a field mission conducted in January 2020, similar situations with similar outcomes continue to occur in Uganda whereby parliamentarians are detained and tortured by state officials with total impunity, as reportedly happened once again to Mr. Zaake on 17 January 2021; *reiterates* that impunity, by shielding those responsible from judicial action and accountability, decisively encourages the perpetration of further serious human rights violations and that attacks against the life and personal integrity of members of parliament, when left unpunished, not only violate the fundamental rights of individual parliamentarians and of those who elected them, but also affect the integrity of parliament and its ability to fulfil its role as an institution; *urges*, once again, parliament to use its oversight powers effectively to ensure that the very serious and detailed allegations of torture against the five members of parliament in 2018 and against Mr. Zaake in April 2020 and in January 2021 are fully and immediately investigated, followed by whatever accountability steps are warranted as a result; and *requests* the parliamentary authorities to provide information on any relevant developments in this regard and on any action taken by parliament to this end;
3. *Is deeply concerned* about the repeated steps taken to prevent Mr. Kyagulanyi from conveying his political message, including by putting him under *de facto* house arrest for more than a week in January 2021, which run counter to his rights not to be arbitrarily detained, to freedom of expression and freedom of assembly, to take part in the conduct of public affairs, to vote and be elected, and to have equal access to elected office; *takes note* that military forces have finally withdrawn from around Mr. Kyagulanyi's house; *recalls* that, according to its Rules and Practices, the Committee is competent to defend the human rights of current, and in certain circumstances, former members of a national parliament whenever their rights are at risk or appear to have been violated, and in the case of a former parliamentarian when the alleged arbitrary actions refer directly to events that took place when the individual was still a member of parliament; *considers*, in this regard, that independently of the fact that the alleged violations occurred in the context of his presidential campaign, the above-mentioned events took place at a time when Mr. Kyagulanyi was still an elected member of the Ugandan Parliament; and *urges*, therefore, the Ugandan authorities to lift all other restrictions imposed on him and to do everything possible to allow him full enjoyment of his human rights;
4. *Is concerned* about the allegation that the internet in Uganda had been shut down in the days leading up to the elections under a government order; *considers* that free access to the internet is necessary to promote respect for the rights to freedom of expression and of assembly and association, and that in the context of elections it also provides voters with access to different sources of information about parties, candidates and the wider electoral process, while allowing candidates to interact with voters and convey their political messages; *urges*, therefore, the Ugandan authorities to take steps, to the maximum of their available resources, to ensure effective access to the internet and other digital technologies for all parts of the population, including political opponents and opposition parliamentarians, and to guarantee that any restrictions on freedom of expression, including during election periods, fully comply with relevant regional and international human rights standards;
5. *Is appalled* by the wealth of public information from different kinds of sources about the violence and human rights abuses that apparently characterized the recently concluded elections in Uganda, including, *inter alia*, killings by security forces, arrests and beatings of opposition supporters and journalists, and disruption of opposition rallies; and *strongly urges*, in this regard, the Ugandan authorities to ensure an environment free of violence, irrespective of its origin, to take all necessary measures to protect human life, to respect people's rights to freedom of expression and peaceful assembly and to take part in the conduct of public affairs,

and to ensure a thorough investigation and prosecution of those responsible for abuses, which includes human rights abuses committed against current and former members of parliament;

6. *Invites* the newly elected parliament to engage in a constructive dialogue with the Committee and the IPU to advance towards a satisfactory settlement of these cases; *confirms* that the IPU stands ready to provide capacity-building assistance to parliament and other state institutions in order to address the underlying concerns that are at the origin of the current cases; *wishes* to receive official information on how this assistance can best be provided;
7. *Requests* the Secretary General to convey this decision to the Speaker of the Parliament of Uganda, the complainants and any third party likely to be in a position to supply relevant information;
8. *Decides* to continue examining this case.

Brazil

Decision adopted by the Committee on the Human Rights of Parliamentarians at its 163rd session (virtual session, 1 to 13 February 2021)



David Miranda, Rio de Janeiro federal deputy for the Socialism and Liberty Party (PSOL). © David Miranda

BRA-14 – Jean Wyllys de Matos Santos
BRA-15 – David Miranda

Alleged human rights violations

- ✓ Threats, acts of intimidation
- ✓ Violation of freedom of opinion and expression
- ✓ Impunity
- ✓ Other violations – Discrimination

A. Summary of the case

Mr. Jean Wyllys was a Brazilian member of parliament from 2010 until 2019. He is openly gay. From January 2019, Mr. David Miranda succeeded him as a member of the Brazilian Chamber of Deputies. Both are active supporters of the rights of lesbian, gay, bisexual, transgender and intersex (LGBTI) persons and members of the Socialism and Liberty Party (*Partido Socialismo e Liberdade* – PSOL), currently the main opposition party in parliament.

Mr. Wyllys was elected as a member of the Brazilian Chamber of Deputies in 2010 and re-elected in 2014 and 2018. In January 2019, he decided to give up his parliamentary seat and go into exile, owing to a rising number of death threats, the alleged failure of the Brazilian authorities to offer adequate protection and take effective action to hold those responsible to account, and an increasingly hostile environment for vocal advocates of LGBTI rights following the election of Mr. Jair Bolsonaro as President of Brazil. In this regard, the complainants point out that, despite numerous demands made

Case BRA-COLL-01

Brazil: Parliament affiliated to the IPU

Victims: Male opposition members of parliament

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

Submission of complaints: February 2019 and September 2020

Recent IPU decisions: October 2019 and November 2020

IPU mission(s): - - -

Recent Committee hearing: Hearing with the Brazilian delegation during the 141st IPU Assembly (October 2019)

Recent follow-up:

- Communication(s) from the authorities: - - -
- Communications from the complainants: June and September 2020
- Communication addressed to the authorities: Letter addressed to the President of the IPU Group (December 2020)
- Communication addressed to the complainants: June 2020

in 2013, 2016, 2017 and 2018, Mr. Wyllys only received a security detail from Congress in 2018 and that those measures were not sufficient to protect him.

Another crucial event that led to Mr. Wyllys' decision to leave parliament and the country was the assassination of Ms. Marielle Franco in March 2018. She was a local council member from Rio de Janeiro, the State that Mr. Wyllys represented in the Chamber of Deputies and a close friend of both Mr. Wyllys and Mr. Miranda. Like them, Ms. Franco actively and vocally supported better respect for the rights of the poor and the marginalized, as well as for LGBTI rights. Two ex-police officers were arrested in March 2019 over their alleged involvement in this murder.

When Mr. Wyllys went into exile, his alternate, Mr. David Miranda, took over his seat in the Chamber of Deputies. The complainants claim that Mr. Miranda has also been repeatedly harassed and subjected to slurs by conservative political forces and that, since he replaced his exiled colleague, the threats against Mr. Miranda and his family and the hostility towards LGBTI persons have gained in intensity and scale. The complainants point out that the security protection offered to Mr. Miranda remains inadequate.

The complainants have provided the IPU with documents on reports of numerous threats and acts of intimidation against both members of parliament, as well as copies of several complaints made by them to the police and of their repeated requests for protection to the parliamentary authorities. The complainants state that the threats against Mr. Wyllys and Mr. Miranda were never properly investigated by the police. They also state that the threats have to be seen in the context of their continued harassment, denigration and defamation by conservative forces in Brazil, as well as the increasing prevalence of discrimination and violence against LGBTI persons in the country.

In November 2018, the Inter-American Commission on Human Rights (IACHR) adopted precautionary measures in favour of Mr. Wyllys, asking the Brazilian State to take effective action to protect his right to life, as well as his and his family's physical integrity. According to the complainants, the IACHR's measure was not implemented.

B. Decision

The Committee on the Human Rights of Parliamentarians

1. *Regrets* the lack of response from the Brazilian parliamentary authorities to its repeated requests for information and official observations; *recalls* in this regard that, in accordance with its Rules and Practices, it does everything possible to promote dialogue with the authorities of the country concerned, and primarily with its parliament, with a view to reaching a satisfactory settlement in the cases before it;
2. *Is deeply concerned* about the threats and intimidation faced by Mr. Wyllys and Mr. Miranda, which led them to conclude that their lives were in jeopardy and prompted Mr. Wyllys to abandon his seat in parliament; *is also concerned* that their complaints to the relevant national authorities have apparently not been adequately investigated; *points out* that the fact that Mr. Miranda, as Mr. Wyllys' successor, has been subject to the very same threats and intimidation bears out that this situation will only repeat itself unless firm action is taken to establish accountability for these acts; and *recalls* that threats to the life and security of members of parliament, if left unpunished, infringe their rights to life, security and freedom of expression and undermine their ability to exercise their parliamentary mandate, affecting the ability of parliament as an institution to fulfil its role;
3. *Considers*, therefore, that the National Congress of Brazil has a vested interest in using its powers to the fullest to help ensure that these threats are fully and immediately investigated, followed by whatever accountability steps are warranted as a result; *urges* the parliamentary authorities to do everything possible to help ensure that those responsible for the threats against Mr. Wyllys and Mr. Miranda are held to account, including by facilitating action taken by the executive authorities to this end; and *wishes* to receive official information on any action that parliament has taken to this effect;

4. *Is appalled* by the evident homophobic dimension to the threats and acts of harassment and intimidation faced by Mr. Wyllys and Mr. Miranda and by the allegation that they were denied adequate protection due to their sexual orientation and their political views; *considers* that parliaments should contribute decisively to the building of a climate of tolerance and respect in which all people, including LGBTI persons and those who defend their rights, can express their thoughts and opinions without fear of being attacked, punished, or stigmatized for doing so; *urges* parliament, therefore, to do its utmost to ensure that an adequate level of protection is provided to Mr. Miranda, and to take concrete measures to counter the stigmatization and discrimination faced by Mr. Wyllys and Mr. Miranda and to prevent the repetition of such situations; *requests* parliament to keep it informed of progress made in this regard;
5. *Requests* the Secretary General to convey this decision to the parliamentary authorities, other relevant national authorities, the complainants and any third party likely to be in a position to supply relevant information;
6. *Decides* to continue examining this case.

Ecuador

Decision adopted by the Committee on the Human Rights of Parliamentarians at its 163rd session (virtual session, 1 to 13 February 2021)



Lourdes Tibán speaks at a public gathering in Quito, Ecuador, 1 October 2016. (Photo by Franklin Jácome/ACG).

ECU-71 – Lourdes Tibán

Alleged human rights violations

- ✓ Threats, acts of intimidation

A. Summary of the case

According to the complainant, former parliamentarian Lourdes Tibán is a prominent figure in Ecuadorian politics and an indigenous community leader. The complainant claims that, when Ms. Tibán was a member of the National Assembly (2009–2017), her head-on opposition to the then Government's policies made her the target of persecution and attacks from the executive branch in Ecuador. Her harassment was characterized, among others, by the recurrent dissemination by State-run media of false information about her and of denigrating comments relating to her condition as an indigenous woman. The complainant requested the Committee to help Ms. Tibán obtain reparation for the suffering inflicted upon her during her parliamentary term, since Ms. Tibán had exhausted all domestic legal remedies to initiate proceedings in Ecuador to obtain redress.

In response to the Committee's request for information, the Speaker of the National Assembly of Ecuador, in a letter of 30 December 2020, provided a detailed report on communications between Ms. Tibán and the leadership of the National Assembly at the time, as well as excerpts from the institutional archives. The letter contained abundant information on action taken by the National Assembly to protect Ms. Tibán upon her request, including various reports on investigations conducted by the Security Department of Parliament on allegations of attacks against the member of parliament in the surroundings of the parliament's building, a collection of testimonies, among others. There was also a clear indication that in 2015 the national police, after conducting a risk assessment

Case ECU-71

Ecuador: Parliament affiliated to the IPU

Victim: Female opposition member of the National Assembly

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

Submission of complaint: January 2017

Recent IPU decision: January 2018

IPU Mission(s): - - -

Recent Committee hearings: Hearing with the Legal Adviser of the National Assembly (January 2020); Working meeting between the IPU Secretariat and the Secretariat for International Relations of the National Assembly (January 2021)

Recent follow up:

- Communication from the authorities: Letter from the Speaker of the National Assembly (December 2020)
- Communication from the complainant: January 2021
- Communication addressed to the authorities: Letter addressed to the Speaker of the National Assembly (January 2021)
- Communication addressed to the complainant: January 2021

on her situation, provided Ms. Tibán with police protection for a period of six months, considering that she was under “intermediary risk”.

B. Decision

The Committee on the Human Rights of Parliamentarians

1. *Thanks* the Speaker of the National Assembly of Ecuador for the abundant information provided and his continued cooperation;
2. *Expresses concern* about the serious allegations, which have not been convincingly refuted, that Ms Tibán had faced harassment and threats for exercising her right to freedom of expression and her parliamentary mandate; *recalls* that freedom of expression goes to the heart of democracy, is essential to members of parliament and includes not only speech, opinions and expressions that are favourably received or regarded as inoffensive;
3. *Is deeply concerned* in particular about the discriminatory and gender-based nature of the violence committed against Ms Tibán during her parliamentary mandate; *considers* that she had been particularly exposed to intersecting forms of discrimination and violence because of her condition as an indigenous woman and opposition member of parliament; *affirms* that the National Assembly, through its legislative, budgetary and oversight powers, has the duty to act with due diligence to contribute to preventing, investigating and punishing all forms of violence against women, as well as to implement any necessary measures to eradicate the obstacles that may prevent indigenous women from fully exercising their human rights without discrimination;
4. *Recalls* that sexism and gender-based violence against women parliamentarians undermine their dignity, create an intimidating, hostile, degrading, humiliating or offensive environment and perpetuate gender inequality and stereotypes; *also recalls* that these negative effects may be all the more detrimental to women members of parliament from under-represented or marginalized groups, such as indigenous peoples;
5. *Notes with interest* that the National Assembly is currently working with the IPU to carry out an evaluation of the gender sensitivity of parliament; *sincerely hopes* that the outcomes of such evaluation will provide the National Assembly with new tools to take all necessary steps to ensure that similar situations do not recur; *recommends* that the IPU offer capacity-building assistance in this regard if so requested; and *invites* the National Assembly to provide further official information on how this assistance could best be provided;
6. *Notes*, nevertheless, that the alleged facts relating to Ms. Tibán took place more than five years ago, that Ms. Tibán’s parliamentary term ended in 2017, and that she received punctual protection during her parliamentary term;
7. *Decides* to close the case in accordance with section IX, paragraph 25(a), of its Procedure for the examination and treatment of complaints, given that any further action in the case has become moot;
8. *Requests* the Secretary General to convey this decision to the parliamentary authorities and the complainant.

Ecuador

Decision adopted by the Committee on the Human Rights of Parliamentarians at its 163rd session (virtual session, 1 to 13 February 2021)



Christian Pabel Muñoz López © Alberto Romo/Asamblea Nacional

ECU72 - Juan Cristóbal Lloret Valdivieso
ECU73 - Christian Pabel Muñoz López
ECU74 - Gabriela A. Rivadeneira Burbano (Ms.)
ECU75 - Verónica Margarita Guevara Villacrés (Ms.)
ECU76 - Eduardo Mauricio Zambrano
ECU77 - José Franklin Chalá Cruz
ECU78 - Bairon Leonardo Valle Pinargote
ECU79 - Franklin Omar Samaniego Maigua
ECU80 - Diego Oswaldo Garcia Pozo
ECU81 - Liliana Elizabeth Durán Aguilar (Ms.)
ECU82 - Esteban Andrés Melo Garzón
ECU83 - Augusto Xavier Espinosa Andrade
ECU84 - Carlos Eloy Viteri Gualinga
ECU85 - Yofre Martin Poma Herrera
ECU86 - Doris Josefina Soliz Carrión (Ms.)
ECU88 - María Soledad Buendía Herdoiza (Ms.)
ECU90 - Luis Fernando Molina

Alleged human rights violations

- ✓ Torture, ill-treatment and other acts of violence
- ✓ Threats, acts of intimidation
- ✓ Arbitrary arrest and detention
- ✓ Violation of freedom of opinion and expression

Case ECU-COLL-02

Ecuador: Parliament affiliated to the IPU

Victims: Seventeen opposition members of parliament, five of which are women

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

Submission of complaints: September 2018 and October 2019

Recent IPU decision(s): - - -

IPU Mission(s): - - -

Recent Committee hearings: Hearing with the Legal Adviser of the National Assembly (January 2020); working meeting between the IPU Secretariat and the Secretariat for International Relations of the National Assembly (January 2021)

Recent follow up:

- Communication from the authorities: Letter from the Speaker of the National Assembly (December 2020)
- Communication from the complainants: November 2018
Communication addressed to the authorities: Letter addressed to the Speaker of the National Assembly (January 2021)
- Communication addressed to the complainants: January 2021

A. Summary of the case

According to the complainants, shortly before a controversial parliamentary debate on 14 June 2018, 13 of the above-mentioned parliamentarians (ECU-72 to ECU-84), all closely allied with former President Correa, were prevented from entering the National Assembly and physically assaulted by members of the national police.

Mr. Poma Herrera, Ms. Soliz Carrión, Ms. Rivadeneira Burbano, Ms. Buendía Herdoiza, Mr. Viteri Gualinga, Mr. Molina and Mr. Muñoz López (all titular members of the National Assembly of Ecuador, with the exception of Mr. Molina who is an alternate member of parliament) belong to the Citizen Revolution Movement (*Movimiento Revolución Ciudadana*, hereinafter MRC), a political movement in Ecuador formed by supporters of former President Correa. In early January 2018, they decided to distance themselves from the ruling PAIS Alliance (*Alianza PAIS*) party, led by President Lenin Moreno, over continuous disagreement with the new direction of the party after he took office in 2017.

According to the complainants, in response to their criticism of the current President of the Republic, the seven above-mentioned parliamentarians have been subject to intimidation and slurs on their honour and integrity. The situation reportedly worsened with the outburst of public protest in Ecuador in early October 2019, which came in response to the announcement and application of austerity measures. During the protests, the MRC asked for President Moreno's resignation. President Moreno in turn accused his predecessor and his supporters of being responsible for the chaos and violence that engulfed the country during the protests. In the course of one of the demonstrations, Mr. Poma was arrested. On 8 November 2019, the National Court of Justice convicted and sentenced him and four other individuals to a prison term of one year and four months for being accomplices in the commission of the offence of paralysing public service. On 2 April 2020, Mr. Poma was released after benefiting from a conditional suspension of sentence, which was granted by the Supreme Court of Ecuador. He regained his seat in parliament on 23 March 2020. According to official information provided by the National Assembly, Mr. Poma is currently exercising his duties and powers as a parliamentarian and actively participating in the work of the National Assembly.

According to the complainants, in the face of continued and increased harassment during the protests, Ms. Soliz, Ms. Rivadeneira, Ms. Buendía, Mr. Viteri and Mr. Molina went to the Mexican Embassy in Quito on 12 and 14 October 2019 seeking protection. On 9 January 2020, the Mexican authorities granted them asylum. With the cooperation of the Ecuadorian authorities, they were allowed to take a plane to Mexico that same day. The parliamentary authorities underscore that the parliamentarians left without there being any legal action pending against them.

B. Decision

The Committee on the Human Rights of Parliamentarians

1. *Thanks* the parliamentary authorities for their letters and continued cooperation;
2. *Notes* that the complaint was submitted in due form by a qualified complainant under section I.1 (a) and (b) 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 concerned incumbent titular and alternate members of parliament at the time of the initial facts;
4. *Notes* that the original complaint concerned allegations of ill-treatment and other acts of violence, threats, acts of intimidation, arbitrary arrest and detention and violation of freedom of opinion and expression, allegations that fall within the Committee's mandate;
5. *Notes* that, with regard to the alleged events of 14 June 2018, the complainants have not provided additional information, in spite of repeated requests; *considers* that available information, as transmitted by the complainants, has not allowed the Committee to state with certainty that the fundamental rights of the members of parliament concerned were at risk of being, or have been, violated; *declares*, therefore, this part of the complaint to be inadmissible;

recalls, however, that the Committee may reserve the right to re-examine a case in the light of new elements subsequently provided by the complainants;

6. *Considers* that, with regard to the situation of Mr. Poma Herrera, Ms. Soliz Carrión, Ms. Rivadeneira Burbano, Ms. Buendía Herdoiza, Mr. Viteri Gualinga, and Mr. Muñoz López, 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, it being understood that the complainants will provide further documentation to substantiate their claims;
7. *Considers* that, with regard to the situation of Mr. Molina, additional information is still needed to establish beyond doubt the nature, content and how he carried out the functions he had allegedly exercised as an alternate member of parliament at the time of the alleged facts;
8. *Decides*, therefore, to continue examining the cases of Mr. Poma Herrera, Ms. Soliz Carrión, Ms. Rivadeneira Burbano, Ms. Buendía Herdoiza, Mr. Viteri Gualinga, and Mr. Muñoz López and to defer the consideration of the admissibility of the individual situation of Mr Molina until sufficient and timely information is provided by the parties;
9. *Requests* the Secretary General to convey this decision to the relevant authorities, the complainants and any third party likely to be in a position to supply relevant information.

Guatemala

Decision adopted by the Committee on the Human Rights of Parliamentarians at its 163rd session (virtual session, 1 to 13 February 2021)



Mr Amilcar Pop during a parliamentary session. Copyright- National Congress of Guatemala

GTM-10 – Amilcar de Jesús Pop

Alleged human rights violations

- ✓ Threats, acts of intimidation
- ✓ Violation of freedom of opinion and expression

A. Summary of the case

Mr. Pop served as a member of Guatemala's Congress from 2011 to 2020. He was allegedly the subject of repeated death threats and serious harassment in reprisal for his work as an opposition member of parliament, during which he had raised, in defence of the rights of the Maya indigenous population, numerous cases of abuse by public officials and private companies. As part of his parliamentary activities, he launched investigations against more than 100 public officials, 26 mayors and six judges, accused of corruption, money laundering and illegal enrichment. He pushed for criminal cases to be brought against the former President and Vice-President of Guatemala. The complainants state that, despite several complaints to the relevant authorities, no effective action has been taken to look into the allegations of death threats or acts of intimidation.

According to information provided by the national authorities and corroborated by the complainants, Mr. Pop was granted permanent police protection in 2017 which, as of February 2021, still seemed to be in place.

In January 2020, after the end of his national parliamentary mandate, Mr. Pop was elected as a member of the Central American Parliament.

Case GTM-10

Guatemala: Parliament affiliated to the IPU

Victim: Opposition member of parliament

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

Submission of complaint: March 2015

Recent IPU decision: March 2016

IPU Mission(s): - - -

Recent Committee hearing(s): - - -

Recent follow up:

- Communication from the authorities: Letter from the Director of the Legislative Office of the Guatemalan Congress (February 2019)
- Communication from the complainants: July 2020
- Communication addressed to the authorities: Letter to the Speaker of Congress (December 2021)
- Communication addressed to the complainants: January 2021

B. Decision

The Committee on the Human Rights of Parliamentarians

1. *Highly appreciates* the efforts made by the National Congress and other Guatemalan authorities to provide Mr. Amilcar de Jesús Pop with adequate protection, which addressed a specific request made by the Committee in its previous decision on this case;
2. *Reiterates*, however, its previous concerns at the alleged threats and harassment targeting Mr. Pop when he was a member of parliament; *regrets* that the investigations into these allegations did not lead to the identification and punishment of those responsible; *recalls* in this regard that the relevant authorities have indicated that the information provided by Mr. Pop with regard to specific incidents that reportedly occurred several years ago has not been enough to allow them to make decisive headway and reach solid conclusions in the investigation;
3. *Decides* to close the case in accordance with section IX, paragraph 25(a), of its Procedure for the examination and treatment of complaints, given that a partial satisfactory settlement has been reached. In fact, Mr. Pop benefited from effective police protection during and after the end of his national parliamentary term and any further action concerning the investigation into the threats and harassment he faced when he was a parliamentarian has become moot;
4. *Requests* the Secretary General to convey this decision to the parliamentary authorities and to the complainants.

Cambodia

Decision adopted by the Committee on the Human Rights of Parliamentarians at its 163rd session (virtual session, 1 to 13 February 2021)



Former Cambodia National Rescue Party (CNRP) leader Kem Sokha arrives at the Phnom Penh municipal court for his trial in Phnom Penh on 22 January 2020. TANG CHHIN Sothy / 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
- ✓ Violation of freedom of assembly and association
- ✓ Abusive revocation of the parliamentary mandate
- ✓ Lack of due process at the investigation stage
- ✓ Lack of fair trial proceedings
- ✓ Excessive delays
- ✓ Failure to respect parliamentary immunity
- ✓ Violation of freedom of movement
- ✓ Threats, acts of intimidation
- ✓ Torture, ill-treatment and other acts of violence
- ✓ Impunity
- ✓ Arbitrary arrest and detention
- ✓ Inhumane conditions of detention

A. 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 members (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 to the ruling party. The Supreme Court decision was based on charges of conspiracy with a foreign country to overthrow the legitimate government brought against the President of the CNRP, Mr. Kem Sokha. 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 in the July 2018 elections to the National Assembly. The authorities stated that the National Assembly remained a multi-party 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 raised serious issues of due process and lack of judicial independence. Two members of parliament were subjected to physical attacks outside the National Assembly in 2015.

Mr. Kem Sokha, who became CNRP Acting President after its President, Mr. Sam Rainsy, went into exile in 2015, is accused of attempting to topple the Government on the basis of a 2013 speech he made on television in which he called for peaceful political change in Cambodia, without at any point inciting violence or hatred or uttering defamatory words. It is in connection with this accusation that Mr. Kem Sokha was arrested in September 2017 and placed in solitary confinement for one year, which was considered as arbitrary and politically motivated by the United Nations Working Group on Arbitrary Detention in April 2018. Following a request from his family, Mr. Kem Sokha was placed under house arrest in September 2018 for medical reasons. He was not able to meet with several persons who had wanted to visit him, as the number of visitors was restricted and subject to strict vetting from the Cambodian authorities.

On 10 November 2019, the Phnom Penh Municipal Court eased the bail restrictions that had effectively placed Mr. Kem Sokha under house arrest. He is still facing a 30-year prison term on treason charges

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 I)

Submission of complaint: November 2011

Recent IPU decision: October 2018

IPU mission: [February 2016](#)

Recent Committee hearing: Hearing with the Cambodia delegation to the 138th IPU Assembly (October 2018)

Recent follow-up:

- Communication from the authorities: Letter from the Secretary General of the National Assembly (January 2021);
- Communication from the complainant: January 2021
- Communication addressed to the authorities: Letter to the Secretary General of the National Assembly (December 2020)
- Communication addressed to the complainant: January 2021

and is reportedly banned from taking part in political life, as well as from leaving Cambodia. Mr. Kem Sokha's trial began in January 2020, but was suspended in March 2020 until further notice due to the COVID-19 pandemic.

A mass trial of CNRP supporters, including senior party leaders and at least 12 former parliamentarians belonging to this party, started in November 2020. Some 150 individuals linked to the CNRP reportedly stand accused before the Phnom Penh Municipal Court in six cases. The Court was scheduled to hold hearings in January and again on 4 March 2021. The charges vary in each case and are said to include "plotting", "incitement to commit a felony", "inciting military personnel to disobedience" and "criminal attempt" under Articles 453, 494, 495, 471 and 451, respectively, of the Criminal Code. Many of the charges appear to relate to expressions of support for the planned return, which the authorities prevented, of self-exiled CNRP leaders, Mr. Sam Rainsy and Ms. Mu Sochua, to Cambodia in November 2019 to celebrate the country's Independence Day. Many of the former CNRP parliamentarians who stand accused in the mass trial are in exile. Ms. Mu Sochua, and possibly others, attempted to return again to Cambodia in January 2021 with a view to defending themselves in the mass trial, but were again not allowed to enter the country given that the Cambodian authorities had revoked their Cambodian passports and refused to provide any other entry documents.

In November 2020, the United Nations Special Rapporteur on the situation of human rights in Cambodia stated that "the mass trials of CNRP activists appear to be politically motivated, lacking clear legal grounds, and constitute a serious violation of the due process rights, firmly established by international human rights law," adding that "such judicial proceedings appeared to be part of a strategy to intimidate and discredit opponents of the Government. This is not an isolated episode. Civic and democratic space in Cambodia has continued to shrink and there remains little evidence of political rapprochement and reconciliation".

B. Decision

The Committee on the Human Rights of Parliamentarians

1. *Thanks* the parliamentary authorities for the most recent information provided;
2. *Is deeply concerned* that at least 12 former CNRP parliamentarians now stand accused, along with many other CNRP supporters, of new, serious charges, which could result in hefty prison sentences, in connection with what appears to be the legitimate exercise of their political work and in violation of their basic human rights; *is shocked* that suspects who are in exile are not allowed to return to Cambodia to defend themselves in court; *considers* that the refusal by the authorities to grant them entry can only give further weight to the allegation that this mass trial is politically motivated; and *recalls* that, under international human rights law, everyone is entitled to return to their own country.
3. *Calls on* the relevant authorities to provide a detailed explanation regarding the facts underpinning the charges brought against the former parliamentarians in the mass trial; *urges* the authorities to respect due process, including the defendants' right to appear in person and to have access to all the evidence collected against them, and to ensure that the public can follow the court hearings physically and/or remotely online; *considers* that, in light of the important issues at stake in this trial, it is crucial to monitor the proceedings closely; *decides*, therefore, to appoint an observer to follow, remotely or in person if and when the situation permits, the proceedings and to report thereon;
4. *Is concerned* that Mr. Kem Sokha's trial does not appear to be advancing since its suspension in March 2020; *points out* the apparent contradiction in that the Cambodian authorities see no impediment to moving ahead with a mass trial despite the COVID-19 pandemic; *considers* that the stalemate in Mr. Kem Sokha's trial further underscores that the treason charge is baseless; *recalls* in this regard that the so-called evidence against Mr. Kem Sokha includes videos of a 2013 speech in which he at no point incited hatred or violence or uttered defamatory words, but rather emphasized that he was aiming to bring political change by winning the elections; and

once again urges the relevant authorities, therefore, to drop the charges and allow him to fully resume his political work;

5. *Reaffirms its previous deep concerns* in this respect regarding the fact that the Supreme Court dissolved the CNRP opposition party on account of this treason charge against Mr. Kem Sokha, even though his trial had not even begun; *stresses* that he and all other opposition members of parliament – who have not been prosecuted for these charges – should have been presumed innocent until proven guilty by a final court decision;
6. *Calls on* the Cambodian authorities, once more, to heed the Committee’s long-standing recommendations aimed at helping ensure respect for the fundamental rights of the former opposition members of parliament to freedom of expression, association and peaceful assembly, to a fair trial and to take part in the conduct of public affairs; *also calls on* the authorities to resume political dialogue with the opposition in the belief that this is indispensable to help build trust and find solutions to the current political situation;
7. *Requests* the Secretary General to convey this decision to the relevant authorities, the complainant and any third party likely to be in a position to supply relevant information;
8. *Decides* to continue examining the case.

Indonesia

Decision adopted by the Committee on the Human Rights of Parliamentarians at its 163rd session (virtual session, 1 to 13 February 2021)



People carry the coffin of Indonesian member of parliament, Nashiruddin Daud at Darussalam, Aceh Besar, 1 February 2000. AFP photo/Matnoor AL-FARISI /AFP

IDN-13 – Tengku Nashiruddin Daud

Alleged human rights violations

- ✓ Murder
- ✓ Impunity

A. Summary of the case

Mr. Daud was found murdered, bearing signs of torture, on 25 January 2000. The police concluded early on that three members of the former Free Aceh Movement (*Gerakan Aceh Merdeka* – GAM) – one of whom is now deceased – were responsible for the murder. To date, the two remaining suspects appear not to have been apprehended. The Indonesian National Human Rights Commission, the then Governor of Aceh, the complainant and others have contested the GAM's involvement, claiming that Mr. Daud's murder is far more likely to be linked to his outspoken criticism of government policies in Aceh and his condemnation of human rights abuses committed by the military in Aceh. During the Committee's on-site visit in September 2008, parliament and other authorities stated their commitment to lending impetus to the investigation.

A 2016 report from the Indonesian Parliament stated that the investigation was ongoing, with members of the GAM still the prime suspects in the murder. According to police reports, the investigation had been hindered by several factors, including the destruction caused by the 2006 tsunami. Parliament urged the police to expedite their investigation, given that the statute of

Case IDN-13

Indonesia: Parliament affiliated to the IPU

Victim: A male opposition member of parliament

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

Submission of complaint: October 2000

Recent IPU decision: January 2014

IPU mission: September 2008

Recent Committee hearing(s): - - -

Recent follow-up:

- Communications from the authorities: Letters from the Secretary General of the House of Representatives, February 2016 and April 2019
- Communication from the complainant: March 2020
- Communication addressed to the authorities: Letter to the Speaker of the House of Representatives (January 2021)
- Communication addressed to the complainant: January 2021

limitations on murder in Indonesia is 18 years.

Attempts have regularly been made to re-establish contact with Mr. Daud's family in light of the lack of new information from the original complainant. The latest attempt is still ongoing, as the new complainant in the case is endeavouring to liaise with family members.

It is not clear whether Mr. Daud's case has been included in the Indonesian Human Rights Commission's *pro justitia* inquiry into human rights abuses during the Aceh conflict that it opened in 2013, as well as in the ongoing work of the Aceh Truth and Reconciliation Commission since its establishment in 2016. The Secretariat has reached out to the Commission, but no response has been forthcoming.

B. Decision

The Committee on the Human Rights of Parliamentarians

1. *Expresses grave concern* over the persistent impunity in this case, 21 years after Mr. Tengku Nashiruddin Daud was tortured and murdered;
2. *Reiterates* its request for updated information on progress made in the pursuit of justice in this case since November 2019; *acknowledges* the commitment previously expressed by the Indonesian Parliament – in line with its duty, authority and function – to do its utmost to facilitate the resolution of this case; *regrets* that, in spite of past endeavours by the parliamentary authorities, its efforts have not resulted in concrete progress being made in this case;
3. *Recalls* the doubts it has consistently expressed as to the evidence on the basis of which the police concluded early on that members of the former Free Aceh Movement (*Gerakan Aceh Merdeka* – GAM) were responsible for the murder; *reiterates its concern* regarding the fact that the investigating authorities have systematically refused to consider the possible lead that Mr. Daud's murder is linked to his condemnation of human rights abuses committed by the military in Aceh; *points out* that its concerns in this respect have remained unanswered to this day;
4. *Wishes* to receive information from parliament on: (i) the steps that have been taken to advance the investigation since its last decision (January 2014); (ii) whether the matters raised by the then Governor of Aceh in his letter of July 2007 to the IPU Secretary General have been fully addressed; (iii) what action the House of Representatives is currently taking to monitor the police investigation; (iv) whether the Indonesian National Human Rights Commission's *pro justitia* inquiry also focused, directly or indirectly, on Mr. Daud's murder; (v) and what action has been taken by the Aceh Truth and Reconciliation Commission to shed light on the murder and ensure that justice is done;
5. *Calls on* the parliamentary authorities to help ensure an end to impunity in this case and therefore to do everything possible to promote accountability for Mr. Daud's torture and murder, including by facilitating action by the executive and judicial authorities, the Aceh Truth and Reconciliation Commission, the Indonesian National Human Rights Commission and other relevant stakeholders to this end;
6. *Requests* the Secretary General to convey this decision to the parliamentary authorities, the complainant and any third party likely to be in a position to supply relevant information;
7. *Decides* to continue examining this case.

Malaysia

Decision adopted by the Committee on the Human Rights of Parliamentarians at its 163rd session (virtual session, 1 to 13 February 2021)



Malaysian opposition veteran Karpal Singh (centre) speaks to the media outside a court room in Kuala Lumpur on 17 March 2008. AFP PHOTO/Saeed KHAN

MYS-20 – Karpal Singh

Alleged human rights violations

- ✓ Violation of freedom of opinion and expression

A. Summary of the case

In March 2009, Mr. Karpal Singh, Chairperson of the Democratic Action Party (DAP), was charged under the Sedition Act (1948) for allegedly having uttered seditious words against the Sultan of Perak on 6 February 2009.

On 11 June 2010, the High Court dismissed the charge against Mr. Singh, having determined that the prosecution had failed to prove a *prima facie* case. On 20 January 2012, the Court of Appeal reversed this decision and ordered Mr. Singh to enter his defence. On 21 February 2014, the High Court found Mr. Singh guilty of the charge and on 11 March 2014 sentenced him to payment of a fine of RM 4,000.

On 17 April 2014, Mr. Singh died in an ordinary car accident. His law firm filed an appeal to set aside the conviction.

On 30 May 2016, the Court of Appeal upheld the sedition conviction, but reduced the fine from RM 4,000 to RM 1,800.

On 29 March 2019, the Federal Court acquitted the late Mr. Singh of his sedition conviction and set aside his sentence of a fine of RM 1,800 after finding serious misdirection by the trial judge and Court of Appeal's majority judgment in not considering Mr. Singh's defence.

The legal basis for Mr. Singh's original prosecutions, the Sedition Act, dates from colonial times (1948) and originally sought to suppress dissent against the British rulers. It had seldom been used in the past and had never been invoked between 1948 and Malaysia's independence in 1957. Only a handful of cases had been pursued between 1957 and 2012. Since then, however, hundreds of cases

Case MYS-20

Malaysia: Parliament affiliated to the IPU

Victim: Opposition member of parliament

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

Submission of complaint: April 2009

Recent IPU decision: [March 2014](#)

IPU Mission: [June-July 2015](#)

Recent Committee hearing: Hearing with the Malaysian delegation at the 139th IPU Assembly (October 2019)

Recent follow-up:

- Communication from the authorities: Letter from the International Relations and Protocol Division of Parliament (February 2021)
- Communication from the complainant: January 2018
- Communication addressed to the authorities: Letter addressed to the Speaker of the House of Representatives (December 2020)
- Communication addressed to the complainant: January 2021

have been initiated under the Sedition Act. The Sedition Act was amended in April 2015, as a result of which the scope of the Act had been limited in some areas but extended in others.

B. Decision

The Committee on the Human Rights of Parliamentarians

1. *Thanks* the Malaysian parliamentary authorities for their cooperation and the information provided;
2. *Is pleased* that justice has finally prevailed in this case and that Mr. Karpal Singh's name has been cleared as a result; *reaffirms*, in this regard, its long-standing conviction that he was originally convicted on the basis of remarks that seem to fall squarely within the exercise of the right to freedom of expression;
3. *Reaffirms its views*, in this regard, that the provisions of the Sedition Act as amended remain excessively vague and broad, thus leaving the door open to abuse and setting a very low threshold for the type of criticism, remarks and acts that are criminalized, and which includes a mandatory minimum three-year prison sentence for sedition;
4. *Sincerely hopes*, therefore, that the authorities will undertake another review of the amended Sedition Act and that this will result in legislation that is fully compliant with international human rights standards; *wishes* to be kept informed of any steps taken in this regard; and *reiterates* that the IPU stands ready to make its extensive expertise in the area of freedom of expression available to the Parliament of Malaysia;
5. *Decides* to close the case of Mr. Karpal Singh in accordance with section IX, paragraph 25(a), of its Procedure for the examination and treatment of complaints;
6. *Requests* the Secretary General to convey this decision to the relevant authorities, including the offer of IPU assistance, and to the complainants.

Pakistan

Decision adopted by the Committee on the Human Rights of Parliamentarians at its 163rd session (virtual session, 1 to 13 February 2021)



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. 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 the opposition party, Pakistan Muslim League-Nawaz (PML-N), and a vocal critic of the Government. According to the complainant, Mr. Sanaullah 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 claims 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. In its decision, the Lahore High Court made reference to details pertaining to the merits

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: November 2020

IPU Mission(s): - - -

Recent Committee hearing(s): - - -

Recent follow-up:

- Communications from the authorities: - - -
- Communication from the complainant: February 2021
- Communication addressed to the authorities: Letter addressed to the Speaker of the National Assembly (December 2020)
- Communication addressed to the complainant: February 2021

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. According to the complainant, the Government is “preparing fresh corruption charges” against Mr. Sanaullah 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. The complainant also mentions that Mr. Sanaullah has also repeatedly requested that incriminating video recordings and other pieces of evidence that the executive authorities have declared they hold against him be made public or presented in a court of law, a request which has been repeatedly denied despite the insistence of Mr. Sanaullah’s counsel that it was his right to obtain them.

B. Decision

The Committee on the Human Rights of Parliamentarians

1. *Regrets* the lack of response from the Pakistani authorities to the Committee’s repeated requests for information and official observations; *recalls*, in this regard, that the Committee, in accordance with its Rules and Practices, does everything possible to promote dialogue with the authorities of the country concerned, and primarily with its parliament, with a view to reaching a satisfactory settlement in the cases before it;
2. *Is concerned* about the allegations that Mr. Sanaullah was arbitrarily arrested and maintained in pretrial detention for a period of six months, which does not appear to be in keeping with Article 10 of the Constitution of Pakistan and other relevant provisions of the Pakistani Criminal Code and the Code of Criminal Procedure, and that he allegedly faced what seem to be violations of his rights to be heard by an independent and impartial tribunal, to be presumed innocent until proven guilty, to be informed promptly of the charges made against him, and to be tried without delay; *is also concerned* by the allegation that the charges brought against Mr. Sanaullah are reportedly politically motivated and not based on substantial evidence, as acknowledged by the Lahore High Court in its ruling of 24 December 2019, and that Mr. Sanaullah is currently facing threats and acts of harassment and intimidation because of his political affiliation;
3. *Urges* the Pakistani authorities to do their utmost to ensure the impartial and independent processing of Mr. Sanaullah’s case as soon as possible and in strict compliance with national and international standards in terms of a fair trial, and to ensure that effective investigations into the above-mentioned threats, acts of harassment and intimidation are being carried out and protection offered to Mr. Sanaullah; *wishes*, therefore, to receive official information from the parliamentary authorities on any action taken to this effect;
4. *Requests* that the executive authorities provide detailed information on the reasons why they have allegedly refused to make public the video recordings and other pieces of evidence incriminating Mr. Sanaullah that they have declared they hold against him, in spite of repeated requests from Mr. Sanaullah and his counsel in a court of law; *urges*, in this regard, the competent authorities to take all necessary steps to ensure that all available evidence is produced in a timely manner before the competent courts in accordance with Pakistani laws or, otherwise, to immediately put an end to the ongoing criminal proceedings if there is no concrete evidence supporting the thesis of Mr. Sanaullah’s criminal liability;
5. *Reiterates* its request to the parliamentary authorities for their official views on the allegations made by the complainant, including detailed information on the restrictions placed on Mr. Sanaullah, the reasons for the decision to place him on the “Exit Control List” and to freeze his financial assets, as well as those of his family members;

6. *Hereby mandates* a trial observer to monitor the upcoming court proceedings against Mr. Sanaullah; and *requests* the authorities to inform the IPU of the dates of the trials when available and of any other relevant judicial developments in the case;
7. *Requests* the Secretary General to convey this decision to the parliamentary authorities, other relevant national authorities, the complainant and any third party likely to be in a position to supply relevant information, and to proceed with all necessary arrangements to organize the trial observation mission as soon as the COVID-19 pandemic-related travel restrictions are lifted;
8. *Decides* to continue examining this case.

Sri Lanka

Decision adopted by the Committee on the Human Rights of Parliamentarians at its 163rd session (virtual session, 1 to 13 February 2021)



Canada 2004© Tamil Nation website

LKA-49 – Joseph Pararajasingham

Alleged human rights violations

- ✓ Murder
- ✓ Impunity

A. Summary of the case

Mr. Joseph Pararajasingham was shot dead on 24 December 2005 while attending the midnight Christmas Eve Mass in St. Mary's Cathedral in Batticaloa. The Cathedral was located in a high-security zone and was reportedly surrounded by military at the time of the murder. The complainants therefore feared that Mr. Pararajasingham's murderers enjoyed the complicity of the security forces.

In October 2015, four suspects, including Mr. Sivanesathurai Chandrakanthan (alias Pillayan), the former Chief Minister of the Eastern Provincial Council and leader of the Tamil Makkal Viduthalai Pulikal (TMVP), a political party that originated from a paramilitary group, known as the "Karuna group", were arrested. Four others, all members of the TMVP, were also said to have been involved in the murder, two of whom were reportedly in Dubai and India.

On 13 January 2021, the five suspects – four of whom had been detained originally, and the fifth who had allegedly been detained later – were acquitted and released. The acquittal came after the Attorney General's Office informed the court

Case LKA-49

Sri Lanka: Parliament affiliated to the IPU

Victim: Opposition member of parliament

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

Submission of complaint: December 2005

Recent IPU decision: October 2017

Recent IPU Mission: [July 2013](#)

Recent Committee hearing: Hearing with the Deputy Speaker and other members of the Sri Lankan delegation to the 133rd IPU Assembly (October 2015)

Recent follow up:

- Communication from the authorities: Letter from the Chief of Protocol of Parliament, forwarding a report from the Attorney General's Department (January 2021)
- Communication from the complainants: January 2018
- Communication addressed to the authorities: Letter addressed to the Speaker of Parliament (December 2020)
- Communication addressed to the complainants: January 2021

that it would not proceed with the prosecution. The Attorney General's Office had apparently provided no reason publicly for its decision.

Mr. Chandrakanthan was elected to parliament in August 2020 and is currently supporting the Government.

On 16 September 2015, the Office of the United Nations High Commissioner for Human Rights (OHCHR) released its report A/HRC/30/CRP.2 on its comprehensive investigation into alleged serious violations and abuses of human rights and related crimes committed by both parties (that is, the Government and related institutions, on the one hand, and the Liberation Tigers of Tamil Eelam (LTTE) on the other) in Sri Lanka between 2002 and 2011. The report mentions, with regard to the murder of Mr. Pararajasingham, that "there are reasonable grounds to believe that the Karuna group killed Joseph Pararajasingham, and that it was aided and abetted by security and army personnel". The OHCHR report concluded more generally that, with regard to the crimes committed during the violent conflict "the sheer number of allegations, their gravity and recurrence and the similarities in their *modus operandi*, as well as the consistent pattern of conduct this shows, all point to systematic crimes which cannot be treated as ordinary crimes" and that "Sri Lanka's criminal justice system is not currently equipped to conduct an independent and credible investigation into allegations of this breadth and magnitude, or to hold accountable those responsible for such violations".

After a new government had taken up office early 2015, in October of the same year, the United Nations (UN) Human Rights Council adopted resolution A/HRC/RES/30/1, supported by Sri Lanka, in which the Council: (i) welcomed the recognition by the Government of Sri Lanka that accountability was essential to uphold the rule of law and to build the confidence of the people of all communities of Sri Lanka in the justice system; (ii) noted with appreciation the proposal of the Government of Sri Lanka to establish a judicial mechanism with a special counsel to investigate allegations of violations and abuses of human rights and of violations of international humanitarian law, as applicable; (iii) affirmed that a credible justice process should include independent judicial and prosecutorial institutions led by individuals known for their integrity and impartiality; and (iv) affirmed in that regard the importance of Commonwealth and other foreign judges.

Following presidential elections in Sri Lanka in November 2019, which brought to power Mr. Gotabaya Rajapaksa, the Sri Lankan Government withdrew in February 2020 from the UN Human Rights Council's cooperation framework set out in resolution A/HRC/RES/30/1.

In its latest report of January 2021 on "Promoting reconciliation, accountability and human rights in Sri Lanka", the OHCHR stated that "developments over the past year have fundamentally changed the environment for advancing reconciliation, accountability and human rights in Sri Lanka, eroded democratic checks and balances and civic space, and reprised a dangerous exclusionary and majoritarian discourse. These trends threaten to reverse the limited but important gains made in recent years and risk the recurrence of the policies and practices that gave rise to the grave violations of the past". In its chapter on "Political obstruction of accountability for crimes and human rights violations," the report states that "the current government has proactively obstructed or sought to stop ongoing investigations and criminal trials to prevent accountability for past crimes. On 9 January 2020, the Government appointed a Presidential Commission of Inquiry to investigate alleged "political victimization" of public officials, members of the armed forces and police, and employees of state corporations by the previous government. With its broad mandate, the Commission has intervened in police investigations and court proceedings and had the effect of undermining the police and judiciary in several high-profile human rights and corruption-related cases".

B. Decision

The Committee on the Human Rights of Parliamentarians

1. *Thanks* the parliamentary authorities for the latest information provided;
2. *Is appalled* that 15 years after Mr. Pararajasingham's murder the pursuit of justice in this case appears to have largely started anew; *is deeply concerned* at this state of affairs, given that important leads exist that point to the identity of the culprits and that the reported ties that

existed at the time of the murder between the alleged culprits and the authorities then in power and the alleged interference by the same current authorities in several important criminal proceedings could well offer an explanation for the latest turn of events in this case; and *wishes* to receive further details as to why the Attorney General chose to discontinue proceedings against the suspects detained in 2015;

3. *Reaffirms* that the Sri Lankan authorities are duty-bound to do everything possible to ensure that this high-profile crime does not go unpunished; *urges* them, therefore, to continue the investigation, including by actively seeking fresh evidence and by ensuring that witnesses receive the necessary protection so that they cannot be subject to reprisals; and *wishes* to ascertain what steps are being taken to this end;
4. *Recalls* that parliament, in the exercise of its oversight function, can help ensure that an effective investigation is carried out, especially when it concerns a former member; *wishes*, therefore, to ascertain the views of the current parliament as to the possibility of it regularly monitoring the investigation;
5. *Remains convinced* that the solution to the case of Mr. Pararajasingham's murder has to be part of a comprehensive and serious approach by the Sri Lankan authorities to promote truth, justice and reconciliation for the crimes committed during the violent conflict between the authorities and the LTTE; *is deeply concerned*, therefore, at the latest OHCHR report, which refers to the clear intention of the current Sri Lankan Government to move away from honouring earlier international commitments to promote accountability and reconciliation in this regard; and *urges* the Sri Lankan authorities to return to the cooperation framework set up under UN Human Rights Council resolution A/HRC/RES/30/1, including by accepting offers of assistance and seeking opportunities to benefit from international expertise that would allow them to make progress in the pursuit of justice and reconciliation, such as in the case of Mr. Pararajasingham;
6. *Requests* the Secretary General to convey this decision and the request for information to the relevant authorities, including the Attorney General, the complainants and any third party likely to be in a position to supply relevant information;
7. *Decides* to continue examining the case.

Sri Lanka

Decision adopted by the Committee on the Human Rights of Parliamentarians at its 163rd session (virtual session, 1 to 13 February 2021)



Sri Lankan army troops guard the bullet-riddled vehicle of Tamil legislator Nadarajah Raviraj, who was gunned down on 10 November 2006 in the capital, Colombo. AFP photo/Lakruwan WANNIARACHCHI

LKA-53 – Nadarajah Raviraj

Alleged human rights violations

- ✓ Murder
- ✓ Impunity

A. Summary of the case

Mr. Nadarajah Raviraj, a member of parliament belonging to the Tamil National Alliance (TNA), was assassinated on 10 November 2006 while travelling in his vehicle on a highway in Colombo. Seven persons were arrested, four of whom in March 2015, namely two lieutenant commanders of the Sri Lankan Navy, one navy officer and one police officer. Four of the seven suspects, namely those arrested in 2006 and one of the lieutenant commanders arrested in March 2015, were released on bail. The investigation has also pointed to the complicity in the crime of Mr. Sivakanthan Vivekanandan (alias Charan), a Tamil Makkal Viduthalai Pulikal (TMVP) member, who is said to be in Switzerland. His extradition process has been initiated. The Sri Lankan authorities have also made a Mutual Legal Assistance request to the United Kingdom authorities to enlist the support of its Metropolitan Police Service, New Scotland Yard.

The accused were served with indictments on 21 July 2016 and remanded in custody until the trial was concluded by the High Court which, on 24 December 2016, decided to discharge all suspects. An appeal was filed by the Attorney General against the judgment, which is pending. The aggrieved party has opposed the appeal, and the matter has been fixed for inquiry and argument by the Court of Appeal on 16 and 17 February 2021.

Case LKA-53

Sri Lanka: Parliament affiliated to the IPU

Victim: Opposition member of parliament

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

Submission of complaint: November 2006

Recent IPU decision: [October 2017](#)

IPU Mission: [July 2013](#)

Recent Committee hearing: Hearing with the Deputy Speaker and other members of the Sri Lankan delegation to the 133rd IPU Assembly (October 2015)

Recent follow up:

- Communication from the authorities: Letter from the Chief of Protocol of Parliament forwarding a report from the Attorney General's Department (January 2021)
- Communication from the complainant: January 2018
- Communication addressed to the authorities: Letter addressed to the Speaker of Parliament (December 2020)
- Communication addressed to the complainant: January 2021

On 16 September 2015, the Office of the United Nations High Commissioner for Human Rights (OHCHR) released its report A/HRC/30/CRP.2 on its comprehensive investigation into alleged serious violations and abuses of human rights and related crimes committed by both parties (that is, the Government and related institutions, on the one hand, and the Liberation Tigers of Tamil Eelam (LTTE) on the other) in Sri Lanka between 2002 and 2011. The report mentions that Mr. Raviraj was widely known for his moderate views and critical statements of both the LTTE and the Government, particularly in the weeks leading up to his murder. Along with other parliamentarians, he had set up the Civilian Monitoring Committee, which alleged the Government was responsible for abductions, enforced disappearances and unlawful killings. The report also points to the fact that, the day before he was killed, Mr. Raviraj and other TNA parliamentarians took part in a demonstration in front of the United Nations (UN) offices in Colombo to protest against the killing of Tamil civilians by the military in the east and the increasing abductions and extrajudicial killings.

After a new government had taken up office early 2015, in October the same year, the UN Human Rights Council adopted resolution A/HRC/RES/30/1, supported by Sri Lanka, in which the Council: (i) welcomed the recognition by the Government of Sri Lanka that accountability was essential to uphold the rule of law and to build the confidence of the people of all communities of Sri Lanka in the justice system; (ii) noted with appreciation the proposal of the Government of Sri Lanka to establish a judicial mechanism with a special counsel to investigate allegations of violations and abuses of human rights and of violations of international humanitarian law, as applicable; (iii) affirmed that a credible justice process should include independent judicial and prosecutorial institutions led by individuals known for their integrity and impartiality; and (iv) affirmed in that regard the importance of Commonwealth and other foreign judges.

Following presidential elections in Sri Lanka in November 2019, which brought to power Mr. Gotabaya Rajapaksa, the Sri Lankan Government withdrew in February 2020 from the UN Human Rights Council's cooperation framework set out in resolution A/HRC/RES/30/1.

In its latest report of January 2021 on "Promoting reconciliation, accountability and human rights in Sri Lanka", the OHCHR stated that "developments over the past year have fundamentally changed the environment for advancing reconciliation, accountability and human rights in Sri Lanka, eroded democratic checks and balances and civic space, and reprised a dangerous exclusionary and majoritarian discourse. These trends threaten to reverse the limited but important gains made in recent years and risk the recurrence of the policies and practices that gave rise to the grave violations of the past". In its chapter on "Political obstruction of accountability for crimes and human rights violations", the report states that "the current government has proactively obstructed or sought to stop ongoing investigations and criminal trials to prevent accountability for past crimes. On 9 January 2020, the Government appointed a Presidential Commission of Inquiry to investigate alleged "political victimization" of public officials, members of the armed forces and police, and employees of state corporations by the previous government. With its broad mandate, the commission has intervened in police investigations and court proceedings and had the effect of undermining the police and judiciary in several high-profile human rights and corruption-related cases".

B. Decision

The Committee on the Human Rights of Parliamentarians

1. *Thanks* the parliamentary authorities for the latest information provided;
2. *Reaffirms* that the Sri Lankan authorities are duty-bound to do everything possible to ensure that this high-profile crime does not go unpunished; *trusts* that the Court of Appeal will soon decide on the appeal in light of all the available evidence; *expresses concern*, nevertheless, about the reported political obstruction of accountability for crimes and human rights violations by the current Sri Lankan Government, in particular in cases in which the suspects belonged to the army, and the alleged context of eroded checks and balances in which the current case also has to be seen;
3. *Recalls* that parliament, in the exercise of its oversight function, can help ensure that justice is effectively pursued and delivered, especially when it concerns a former member; *wishes*,

therefore, to ascertain the views of the current parliament as to the possibility of it regularly monitoring the judicial proceedings;

4. *Remains convinced* that the solution to the case of Mr. Raviraj's murder has to be part of a comprehensive and serious approach by the Sri Lankan authorities to promote truth, justice and reconciliation for the crimes committed during the violent conflict between the authorities and the LTTE; *is deeply concerned*, therefore, at the latest OHCHR report that refers to the clear intention by the current Sri Lankan Government to move away from honouring earlier international commitments to promote accountability and reconciliation in this regard; and *urges* the Sri Lankan authorities to return to the cooperation framework set up under UN Human Rights Council resolution A/HRC/RES/30/1, including by accepting offers of assistance and seeking opportunities to benefit from international expertise that would allow them to make progress in the pursuit of justice and reconciliation, such as in the case of Mr. Raviraj;
5. *Requests* the Secretary General to convey this decision and the request for information to the relevant authorities, including the Attorney General, the complainant and any third party likely to be in a position to supply relevant information;
6. *Decides* to continue examining the case.

Sri Lanka

Decision adopted by the Committee on the Human Rights of Parliamentarians at its 163rd session (virtual session, 1 to 13 February 2021)



CC [Alchetron, 2018](#)

LKA-63 – D.M. Dassanayake

Alleged human rights violations

✓ Murder

A. Summary of the case

Mr. D.M. Dassanayake, Minister of Nation-Building and a member of the Parliament of Sri Lanka, was killed on 8 January 2008, along with a bodyguard, in a roadside Claymore mine attack while on his way to parliament. The subsequent arrest of a key Liberation Tigers of Tamil Eelam (LTTE) suspect operating in Colombo led to the arrest of other suspects, whose revelations resulted in the recovery of the remote-control device used to detonate the explosive that killed Mr. Dassanayake. Three suspects have been indicted. One confessed and was found guilty in 2011, and trial proceedings continued against the other two until one of them died in 2015. The trial against the remaining suspect is now said to be near completion. The case was to be called to fix a further trial on 15 January 2021.

The murder of Mr. Dassanayake took place during the violent conflict between the Sri Lankan authorities and the LTTE, during which serious violations and abuses of human rights and related crimes were committed by both parties.

After a new government had taken up office in Sri Lanka in early 2015, in October of the same year the United Nations (UN) Human Rights Council adopted resolution A/HRC/RES/30/1, supported by Sri Lanka, in which the Council: (i) welcomed the recognition by the Government of Sri Lanka that accountability was essential to uphold the rule of law and to build the confidence of the

Case LKA-63

Sri Lanka: Parliament affiliated to the IPU

Victim: Majority member

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

Submission of complaint: January 2008

Recent IPU decision: [October 2017](#)

IPU Mission: [July 2013](#)

Recent Committee hearing: Hearing with the Deputy Speaker and other members of the Sri Lankan delegation to the 133rd IPU Assembly (October 2015)

Recent follow up:

- Communication from the authorities: Letter from the Chief of Protocol of Parliament, forwarding a report from the Attorney General's Department (January 2021)
- Communication from the complainant: January 2018
- Communication addressed to the authorities: Letter addressed to the Speaker of Parliament (December 2020)
- Communication addressed to the complainant: January 2021

people of all communities of Sri Lanka in the justice system; (ii) noted with appreciation the proposal of the Government of Sri Lanka to establish a judicial mechanism with a special counsel to investigate allegations of violations and abuses of human rights and of violations of international humanitarian law, as applicable; (iii) affirmed that a credible justice process should include independent judicial and prosecutorial institutions led by individuals known for their integrity and impartiality; and (iv) affirmed in that regard the importance of Commonwealth and other foreign judges.

Following presidential elections in Sri Lanka in November 2019, which brought to power Mr. Gotabaya Rajapaksa, the Sri Lankan Government withdrew in February 2020 from the UN Human Rights Council's cooperation framework set out in resolution A/HRC/RES/30/1.

In its latest report of January 2021 on "Promoting reconciliation, accountability and human rights in Sri Lanka", the Office of the United Nations High Commissioner for Human Rights stated that "developments over the past year have fundamentally changed the environment for advancing reconciliation, accountability and human rights in Sri Lanka, eroded democratic checks and balances and civic space, and reprised a dangerous exclusionary and majoritarian discourse. These trends threaten to reverse the limited but important gains made in recent years and risk the recurrence of the policies and practices that gave rise to the grave violations of the past".

B. Decision

The Committee on the Human Rights of Parliamentarians

1. *Thanks* the parliamentary authorities for the latest information provided;
2. *Recalls* the important principle that justice delayed is justice denied; *calls on* the relevant authorities to expedite the completion of the legal proceedings against the single suspect in the case of Mr. Dassanayake; and *wishes* to be kept informed in this regard;
3. *Recalls* that parliament, in the exercise of its oversight function, can help ensure that justice is effectively pursued and delivered, especially when it concerns a former member; *wishes*, therefore, to ascertain the views of the current parliament as to the possibility of it regularly monitoring the legal proceedings so that they are indeed speedily completed;
4. *Remains convinced* that this case also has to be seen in the context of the need for a comprehensive and serious approach by the Sri Lankan authorities to promote truth, justice and reconciliation for the crimes committed during the violent conflict between the authorities and the LTTE; *is deeply concerned*, therefore, at the latest UN report that refers to the clear intention of the current Sri Lankan Government to move away from honouring earlier international commitments to promote accountability and reconciliation in this regard; and *urges* the Sri Lankan authorities to return to the cooperation framework set up under UN Human Rights Council resolution A/HRC/RES/30/1, including by accepting offers of assistance and seeking opportunities to benefit from international expertise that would allow them to make progress in the pursuit of justice and reconciliation;
5. *Requests* the Secretary General to convey this decision and the request for information to the relevant authorities, the complainant and any third party likely to be in a position to supply relevant information;
6. *Decides* to continue examining the case.

Sri Lanka

Decision adopted by the Committee on the Human Rights of Parliamentarians at its 163rd session (virtual session, 1 to 13 February 2021)



LKA-69 – Sivaganam Shritharan

Alleged human rights violations

- ✓ Torture, ill-treatment and other acts of violence
- ✓ Impunity

A. Summary of the case

Mr. Sivaganam Shritharan has been a member of parliament since 2010, belonging to the Tamil National Alliance (TNA). On 7 March 2011, Mr. Shritharan was travelling from Vavuniyaa to Colombo to attend parliament the following day. At around 6 p.m., when his vehicle was passing Nochchiyagama, on the Anuradhapura Puttalam Road (a 100% Sinhalese area, according to the complainant), at a place called Udukkulam, three persons got out of a vehicle parked on the roadside without a number plate, opened fire at the vehicle and hurled two hand grenades under it. Owing to the skills of the driver, Mr. Shritharan escaped unscathed and the vehicle was only lightly damaged. The Eelam People's Democratic Party, an allegedly government-backed paramilitary group and political party, was said to be responsible for the assassination attempt.

In its latest report of January 2021 on “Promoting reconciliation, accountability and human rights in Sri Lanka”, the Office of the United Nations High Commissioner for Human Rights (OHCHR) stated that “developments over the past year have fundamentally changed the environment for advancing reconciliation, accountability and human rights in Sri Lanka, eroded democratic checks and balances and civic space, and reprised a dangerous exclusionary and majoritarian discourse. These trends threaten to reverse the limited but important gains made in recent years and risk the recurrence of the policies and practices that gave rise to the

Case LKA-69

Sri Lanka: Parliament affiliated to the IPU

Victim: Opposition member of parliament

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

Submission of complaint: April 2011

Recent IPU decision: October 2015

IPU Mission: [July 2013](#)

Recent Committee hearing: Hearing with the Deputy Speaker and other members of the Sri Lankan delegation to the 133rd IPU Assembly (October 2015)

Recent follow up:

- Communication from the authorities: Letter from the Chief of Protocol of Parliament, forwarding a report from the Attorney General's Department (January 2021)
- Communication from the complainant: Meeting with the complainant at the IPU Secretariat (March 2019)
- Communication addressed to the authorities: Letter addressed to the Speaker of Parliament (December 2020)
- Communication addressed to the complainant: January 2021

grave violations of the past". In its chapter on "Political obstruction of accountability for crimes and human rights violations", the report states that "the current Government has proactively obstructed or sought to stop ongoing investigations and criminal trials to prevent accountability for past crimes. On 9 January 2020, the Government appointed a Presidential Commission of Inquiry to investigate alleged "political victimization" of public officials, members of the armed forces and police, and employees of state corporations by the previous government. With its broad mandate, the Commission has intervened in police investigations and court proceedings and had the effect of undermining the police and judiciary in several high profile human rights and corruption-related cases".

B. Decision

The Committee on the Human Rights of Parliamentarians

1. *Thanks* the parliamentary authorities for the latest information provided; *notes*, however, that this information does not contain any information on any progress made to establish accountability for the attempt on Mr. Shritharan's life in 2011;
2. *Believes* that the absence of such information may well indicate that those responsible for the attempted murder have yet to be identified and are still at large; *expresses concern* in this regard about the reported political obstruction of accountability for crimes and human rights violations by the current Sri Lankan Government;
3. *Reaffirms* that the Sri Lankan authorities are duty-bound to do everything possible to ensure that the attempt on Mr. Shritharan's life does not go unpunished; *urges* them, therefore, to carry out an effective investigation aimed at producing concrete results; and *wishes* to be informed of any steps taken to this end;
4. *Recalls* that parliament, in the exercise of its oversight function, can help ensure that justice is effectively pursued and delivered, especially when it concerns a former member; *wishes*, therefore, to ascertain the views of the current parliament as to the possibility of it regularly monitoring the judicial proceedings;
5. *Remains convinced* that the solution to the case of Mr. Shritharan has to be part of a comprehensive and serious approach by the Sri Lankan authorities to promote truth, justice and reconciliation for the crimes committed in the context of the violent conflict between the authorities and the LTTE; *is deeply concerned*, therefore, at the latest OHCHR report that signals the clear intention by the current Sri Lankan Government to move away from honouring earlier international commitments to promote accountability and reconciliation in this regard; and *urges* the Sri Lankan authorities to return to the framework of cooperation set up under United Nations Human Rights Council resolution A/HRC/RES/30/1, including by accepting offers of assistance and seeking opportunities to benefit from international expertise that would allow them to make progress in the pursuit of justice and reconciliation, such as in the case of Mr. Shritharan;
6. *Requests* the Secretary General to convey this decision and the request for information to the relevant authorities, the complainant and any third party likely to be in a position to supply relevant information;
7. *Decides* to continue examining the case.

Iraq

Decision adopted by the Committee on the Human Rights of Parliamentarians at its 163rd session (virtual session, 1 to 13 February 2021)



Mr. Al-Alwani five weeks after his sentencing, photo dated 2 January 2015 © Photo courtesy Mr Ahmed Jamil Salman Al-Alwani's family

IRQ-62 – Ahmed Jamil Salman Al-Alwani

Alleged human rights violations

- ✓ Torture, ill-treatment and other acts of violence
- ✓ Arbitrary arrest and detention
- ✓ Failure to respect parliamentary immunity
- ✓ Lack of fair trial proceedings

A. Summary of the case

Mr. Al-Alwani was arrested on 28 December 2013 during a raid conducted by Iraqi security forces on his home in Ramadi, in Al-Anbar Governorate. The complainants believe that Mr. Al-Alwani's arrest was in retaliation for his outspoken support of the grievances of the Sunni population and his vocal opposition to the Iraqi Prime Minister at the time, Mr. Nouri Al-Maliki.

According to the complainants, Mr. Al-Alwani was initially held in secret detention centres, was exposed to ill-treatment and torture, did not receive a fair trial and saw his right to mount an adequate defence violated. The United Nations Working Group on Arbitrary Detention confirmed these allegations in its 2017 report (Opinion No. 36/2017), particularly following Mr. Al-Alwani's conviction in 2014 for murder and incitement to sectarian violence and his sentencing in 2016 to the death penalty under the Anti-Terrorism Law. Mr. Al-Alwani's lawyers have appealed the court rulings, which are still under review in cassation proceedings, as confirmed by the complainants and the President of the Supreme Judicial Council. Under the General Amnesty Law No. 27 of 2016, Mr. Al-Alwani submitted applications for pardon in three cases, which were subsequently rejected.

Case IRQ-62

Iraq: Parliament affiliated to the IPU

Victim: A male opposition member

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

Submission of complaint: December 2013

Recent IPU decision: May 2018

Recent IPU Mission(s): - - -

Recent Committee hearing: Hearing with the Iraqi delegation during the 138th IPU Assembly (March 2018)

Recent follow up:

- Communication from the authorities: Letter from the President of the Supreme Judicial Council (January 2020)
- Communication from the complainants: (December 2020)
- Communications addressed to the authorities: Letters to the Speaker of the Council of Representatives (July 2020 and January 2021); letter to the President of the parliamentary Human Rights Committee (July 2020); letter to the President of the Supreme Judicial Council (June 2020)
- Communication addressed to the complainants: December 2020

In November 2020, the complainants stated that a parliamentary delegation reportedly visited Mr. Al-Alwani, who allegedly had not received visits in the previous four months due to the COVID-19 pandemic. The prison visit was reportedly for the purpose of ensuring that Mr. Al-Alwani was in good health and of conveying supporting letters from the Speaker of Parliament and other tribal leaders. According to the complainants, Mr. Al-Alwani's physical and mental health is weak. The Iraqi authorities have yet to provide information on the alleged visit of the parliamentary delegation.

B. Decision

The Committee on the Human Rights of Parliamentarians

1. *Thanks* the President of the Supreme Judicial Council for having provided the long-requested information on the status of the legal proceedings against Mr. Al-Alwani;
2. *Deplores*, nevertheless, the lack of response from the Council of Representatives, despite its repeated requests for updated information since 2018; *questions* why the Iraqi parliamentary authorities have failed to provide updated information about the case of Mr. Al-Alwani, considering the alleged prison visit recently carried out by a parliamentary delegation, which could be seen as a positive step taken by the Council of Representatives to resolve the case; *wishes* to receive more information on the alleged visit, its purpose and outcome;
3. *Remains appalled* that Mr. Al-Alwani was sentenced to death following the conclusion of flawed legal proceedings as pointed out by the United Nations Working Group on Arbitrary Detention in its 2017 report; *firmly believes* also that the case of Mr. Al-Alwani has a political dimension, which puts in further doubt the fairness of the sentence imposed on him;
4. *Reiterates its long-standing concerns* regarding Mr. Al-Alwani's alleged torture, solitary confinement and lack of access to medical treatment, which allegations appear to have never been investigated by the authorities; *urges* the Iraqi authorities to finally shed full light on these allegations and ensure the corresponding accountability;
5. *Urges*, once more, the judicial authorities to lift the death sentence passed against Mr. Al-Alwani and to release him ahead of a retrial, which should take place promptly and in compliance with international standards of due process and fair trial; *calls on* the Council of Representatives to continue monitoring his case and to take urgent measures to ensure respect for Mr. Al-Alwani's rights; and *reiterates its wish* to be kept informed of any action taken to that end;
6. *Is deeply concerned* by the deterioration in Mr. Al-Alwani's physical and mental state of health due to his prolonged detention and the prospect of the implementation of the death sentence and therefore his imminent execution; *calls on* the Iraqi authorities to stand united for the protection and promotion of human rights by putting their existing divergences aside and reaching a satisfactory resolution in Mr. Al-Alwani's case, in line with the international human rights standards to which the State of Iraq has subscribed;
7. *Requests* the Secretary General to convey this decision to the Iraqi parliamentary authorities, the President of the Supreme Judicial Council, the complainants and any third party likely to be in a position to provide relevant information;
8. *Decides* to continue examining this case.

Libya

Decision adopted by the Committee on the Human Rights of Parliamentarians at its 163rd session (virtual session, 1 to 13 February 2021)



© Courtesy of the Sergiwa Family

LBY-01 – Seham Sergiwa

Alleged human rights violations

- ✓ Abduction
- ✓ Threats, acts of intimidation
- ✓ Failure to respect parliamentary immunity
- ✓ Impunity

A. Summary of the case

Ms. Seham Sergiwa was abducted from her home on 17 July 2019. According to the complainants, more than a dozen masked armed men raided her house, shooting her husband in the legs and wounding his eye and beating up one of her sons as they captured her. The complainants claim that the abductors are members of the 106th Brigade of the Libyan National Army led by Mr. Khalifa Haftar, an assertion based on the *modus operandi* of the abductors and the SUV vehicles used. The perpetrators allegedly spray-painted the message “the army is a red line [not to be crossed]” and the name of the Brigade responsible for Ms. Sergiwa’s abduction, “*Awliya al-Dam*” (Avengers of Blood) across her house.

Ms. Sergiwa’s abduction was allegedly in response to her political stance against the military operations in Tripoli, as she was taken from her home shortly after she gave an interview criticizing the military offensive and calling for an end to the bloodshed. The complainants believe that Ms. Sergiwa’s abduction was not a random act of violence, given her vocal criticism of Mr. Khalifa Haftar and the circumstances in which the attack took place. They explained that at 2 a.m. Ms. Sergiwa’s house was plunged into darkness, as if electricity had been cut off, and an explosion took place inside the house. The complainants also added that several Libyan officials living nearby, including the mayor of Benghazi, could have intervened with their armed guards to prevent or at least thwart the attack, but deliberately refrained from doing so. The complainants also added that the attackers allegedly arrived in cars belonging to Libya’s Criminal Investigation Department of the interim government in eastern Libya. Following the attack,

Case LBY-01

Libya: Parliament affiliated to the IPU

Victim: female, independent member of the House of Representatives

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

Submission of complaint: July 2019

Recent IPU decision: May 2020

Recent IPU Missions: - - -

Recent Committee hearings: Hearing with the Libyan delegation to the 141st IPU Assembly (October 2019)

Recent follow-up:

- Communication from the authorities: Letter from the Speaker of the House of Representatives (July 2020)
- Communication from the complainants: January 2021
- Communication addressed to the authorities: Letter addressed to the Speaker of the House of Representatives (December 2020)
- Communication addressed to the complainants: January 2021

Ms. Sergiwa's husband and her son were taken to hospital, where they were not permitted to receive any visits. The complainants also alleged that the militia had confiscated the telephones belonging to Ms. Sergiwa's family in order to prevent them from alerting the media about the attack.

On 18 July 2019, the House of Representatives in Tobruk issued a statement strongly condemning the abduction of Ms. Sergiwa by unknown individuals, and called upon the Ministry of the Interior, as well as all the security forces, to scale up their efforts to find Ms. Sergiwa, ensure her prompt release and hold to account those responsible for her abduction. The First and Second Deputy Speakers of the House of Representatives told the IPU Committee on the Human Rights of Parliamentarians on 13 October 2019 that the Minister of the Interior of the interim government in eastern Libya had said that terrorist groups might be responsible for the abduction of Ms. Sergiwa, that the House of Representatives continued to monitor the case, which was still under investigation, and that it could well be that Ms. Sergiwa would turn up alive.

In a statement to the United Nations Security Council on 5 May 2020 regarding the situation of Libya, the Prosecutor of the International Criminal Court (ICC), Ms. Fatou Bensouda, indicated that "her Office has obtained recent information which may point to those responsible for Ms. Sergiwa's disappearance".

In a letter dated 27 July 2020, the Speaker conveyed the decision adopted by the Committee in the case to the Minister of the Interior of the interim government in eastern Libya. In December 2020, the complainants stated that Ms. Sergiwa's case had been referred to a "specialized prosecution service". This allegation was supported by a video statement delivered by the Minister of the Interior, who claimed that Ms. Sergiwa's case had been referred to the competent prosecution service on 20 September 2020. The complainants added that the Libyan authorities did not inform Ms. Sergiwa's family about the conclusion of the investigation, the results obtained or the fact that the case had been referred to a "specialized prosecution service".

B. Decision

The Committee on the Human Rights of Parliamentarians

1. *Remains appalled* by the brutal abduction of Ms. Sergiwa from her home, particularly upon receiving additional information describing the night of the attack, which has left Ms. Sergiwa's family in complete shock;
2. *Stresses* that, thus far, no documents or other evidence have been produced by the authorities to convincingly refute the complainants' claim that Ms. Sergiwa was abducted by "Awliya al-Dam", a Brigade allegedly affiliated to the Libyan National Army led by Mr. Khalifa Haftar; *also points out* that the authorities did not provide any evidence to sustain the assertion of the Interior Minister of the interim government in eastern Libya that Ms. Sergiwa was abducted by terrorist groups and that she would turn up alive;
3. *Urges* the authorities to disclose the results achieved thus far in the investigation conducted by the Ministry of the Interior, along with any evidence they have been able to gather, and to keep Ms. Sergiwa's family, which has not received any information up to now, regularly informed of progress made; *further urges* the authorities to provide clarification on the "specialized prosecution service", which has been allegedly in charge of Ms. Sergiwa's case since September 2020;
4. *Deeply regrets* the lack of cooperation of the House of Representatives; and *believes* that the parliamentary authorities' failure to provide detailed information on the investigation fuels suspicions that they are unwilling to help establish the truth about Ms. Sergiwa's abduction; *underlines* that, as the guardian of the human rights of parliamentarians, the House of Representatives is entitled to ask the competent authorities questions on the status and outcome of a criminal investigation that relates to one of its members; *urges*, therefore, the Libyan House of Representatives to make use of its oversight power to ensure that an effective and thorough investigation had been conducted by the Ministry of the Interior, to request clear answers from the Government on the identity of the perpetrators, and to ensure that this

information is made available to Ms. Sergiwa's family; and *wishes* to be kept informed in this respect;

5. *Requests* the Secretary General to convey this decision to the parliamentary authorities, the Ministry of the Interior, the complainants and any third party likely to be in a position to supply relevant information;
6. *Decides* to continue examining this case.

Tunisia

Decision adopted by the Committee on the Human Rights of Parliamentarians at its 163rd session (virtual session, 1 to 13 February 2021)



© Abir Moussi

TUN-06 – Abir Moussi

Alleged human rights violations

- ✓ Threats, acts of intimidation
- ✓ Violation of freedom of opinion and expression
- ✓ Impunity
- ✓ Other violations¹

A. Summary of the case

Ms. Abir Moussi, a member of the Assembly of People's Representatives, has been the victim of gender-based violence and degrading insults linked directly to the exercise of her parliamentary mandate. The violence to which Ms. Moussi has been subjected is allegedly based, on the one hand, on the fact that she is the head of an opposition political party and, on the other hand, on the fact that it is gender-based. Ms. Moussi has also received serious death threats, which she has relayed to the police authorities currently responsible for her safety.

The allegations made by the complainant have been substantiated by video recordings and extracts from social media posts, which helped identify the alleged perpetrators, including a member of the majority party in the Assembly, Mr. Seifeddine Makhlouf. The latter is said to enjoy complete impunity due to his political affiliation as, to this day, no disciplinary measure seems to have been taken against him or any other member of the same political party accused of harassing Ms. Moussi. According to the complainant, the aim of the attacks was to intimidate Ms. Moussi and so remove the parliamentarian from political life.

Case TUN-06

Tunisia: Parliament affiliated to the IPU

Victim: Female opposition member of parliament

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

Submission of complaint: October 2020

Recent IPU decision(s): - - -

Recent IPU mission(s): - - -

Recent Committee hearing(s): - - -

Recent follow-up:

- Communications from the authorities: Letter addressed from the Chief of Staff of the President of the Assembly of People's Representatives (November 2020)
- Communication from the complainant: October 2020
- Communication addressed to the authorities: Letter addressed to the President of the Assembly of People's Representatives (January 2021)
- Communication addressed to the complainant: October 2020

1

The violations suffered by Ms. Moussi are reportedly gender-based, that is, "violence which is directed against a woman because she is a woman or that affects women disproportionately". For a full definition, see general recommendation No. 35 on gender-based violence against women, updating general recommendation No. 19 of the Committee on the Elimination of Discrimination against Women (CEDAW), United Nations.

In November 2020, the parliamentary authorities said that the Bureau of the Assembly of People's Representatives had met to condemn Mr. Makhlouf's conduct and express its support to Ms. Moussi. Nevertheless, the complainant claims that, in spite of that meeting, Ms. Moussi had again been the target of new attacks by Mr. Makhlouf, who has still not been held responsible for his behaviour against Ms. Moussi.

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 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 parliament at the time of the initial facts;
3. *Notes* that the complaint concerns allegations of gender-based threats and acts of intimidation, violation of freedom of opinion and expression, and impunity, allegations that fall within the Committee's mandate;
4. *Considers*, that the complaint therefore appears to be *prima facie* admissible under the provisions of section IV of the Procedure; and *declares itself* competent to examine the case.

*

* *