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147th IPU Assembly

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Committee on the Human Rights of Parliamentarians

*Decision adopted by the
Committee on the Human Rights of Parliamentarians at its 172nd session
(Luanda, 22-26 October 2023)*

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#IPU147

Egypt

Decision adopted by the Committee on the Human Rights of Parliamentarians at its 172nd session (Luanda, 22-26 October 2023)



© Ayman Nour

EGY-08 – Ayman Nour

Alleged human rights violations

- ✓ Lack of fair trial proceedings
- ✓ Right of appeal
- ✓ Violation of freedom of opinion and expression
- ✓ Violation of freedom of movement

A. Summary of the case

Mr. Ayman Nour, a member of the House of Representatives of Egypt from 1995 until 2005, was included, together with 81 other Egyptian individuals, on a terrorist list for five years under a decision of the 13th Circuit of the Cairo Criminal Court of 20 April 2023. The Egyptian police had reportedly submitted a request to the Supreme State Security Prosecution to approve the decision, which it considered in a single session in the absence of Mr. Nour and the other individuals involved and in the absence of any judicial proceedings or trial.

Among other restrictions, this decision also prevents Mr. Nour from participating in the upcoming presidential elections in Egypt, due to be held in March 2024, and restricts his right to freedom of expression, given his vocal opposition to President Al-Sisi.

The complainant claims that the decision aims to silence dissenting voices in Egypt and does not contain any information justifying Mr. Nour's inclusion on the terrorist list. Mr. Nour, who is based abroad, filed an appeal before the court of cassation of Egypt, although it is not competent to examine such a decision.

CONFIDENTIAL CASE

Case EGY-08

Egypt: Parliament affiliated to the IPU

Victim: Male, former opposition member of the House of Representatives

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

Submission of complaint: April 2023

Recent IPU decision(s): - - -

Recent IPU mission(s): - - -

Recent Committee hearing(s): - - -

Recent follow-up:

- Communication(s) from the authorities: - - -
- Communication from the complainant: April 2023
- Communication(s) to the authorities: - - -
- Communication to the complainant: May 2023

It should be noted, however, that the complainant is not claiming that Mr. Nour's inclusion on the list is directly related to the exercise of his parliamentary mandate from 1995 to 2005.

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) and (c) of the Procedure for the examination and treatment of complaints (Annex I of the revised Rules and Practices of the Committee on the Human Rights of Parliamentarians);
2. *Notes* that the complaint concerns allegations of lack of fair trial proceedings, violation of the right of appeal, violation of freedom of opinion and expression, and violation of freedom of movement, which are allegations that fall within the Committee's mandate;
3. *Notes* that the complaint concerns a former member of parliament at the time of the alleged facts. The Committee is competent to examine alleged human rights violations of former members of parliament, but only if these violations appear to be directly linked to the exercise of their parliamentary mandate;
4. *Considers* that, given that Mr. Nour stopped being a member of the House of Representatives of Egypt in 2005, and that the alleged violations are not linked to his parliamentary mandate that ended 18 years ago, the complaint is inadmissible under the provisions of section IV of the Committee's 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).

Peru

Decision adopted by the Committee on the Human Rights of Parliamentarians at its 172nd session (Luanda, 22-26 October 2023)



© Twitter @MargotPalaciosH

PER-44 – Margot Palacios Huamán

Alleged human rights violations

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

A. Summary of the case

According to the complainant, Ms. Palacios has allegedly been the victim of threats, acts of intimidation, restrictions on freedom of opinion and expression, and restrictions on freedom of assembly and association as a consequence of her actions as an opposition parliamentarian.

The complainant reports that Ms. Palacios travelled to Europe from 6 to 15 February 2023. During the trip, she met with members of the Peruvian community abroad and with representatives of various international organizations. As a result of her criticism of the Government's actions, expressed publicly during her trip, she has allegedly been the victim of harassment, acts of intimidation and bullying by other members of Congress belonging to the governing party, the national media and other actors in Peruvian political life. The complainant considers that the systematic media presence of this multitude of actors, including on social media, is creating a hostile environment for the member of Congress, thus putting her safety at risk.

The complainant included in the documentation sent to the IPU a number of press reports and social media posts in which various members of Congress belonging to the governing party accuse member of Congress Palacios of “generating rejection of the country abroad”, “spreading hatred”, “distorting

Case PER-44

Peru: Parliament affiliated to the IPU

Victims: A female opposition member of parliament

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

Submission of complaint: February 2023

Recent IPU decision(s): - - -

IPU mission(s): - - -

Recent Committee hearing: Hearing with the delegation of the Peru at the 147th IPU Assembly (October 2023)

Recent follow-up:

- Communication from the authorities: Letter from the Secretary General of Parliament (April 2023)
- Communication from the complainant: March 2023
- Communication to the authorities: Letter to the Speaker of the National Assembly (September 2023)
- Communication to the complainant: October 2023

the reality of the country" among other accusations, and call for sanctions against her. The complainant asserts that Ms. Palacios did not file a complaint in Peru for the alleged human rights violations described in the complaint.

According to information contained in the complaint, the acts of harassment also take the form of specific acts of intimidation, such as filing a formal complaint against Ms. Palacios concerning her trip to Europe in official letter no. 823-2022-2023-PRCV/CR presented to the Ethics Committee of the Congress of the Republic. Another complaint against her and 48 other opposition members of parliament is reportedly being processed by the Subcommittee on Constitutional Accusations of the Congress of the Republic for alleged acts of "constitutional and criminal offences for failure to fulfil their duties of political oversight and to provide ongoing support to the President of the Republic, ministers of State and other senior officials".

In a letter dated 25 April 2023 to the IPU Secretary General and signed by the Secretary General of Parliament, it was stated that the complaint filed against member of parliament Palacios with the Ethics Committee had been declared inadmissible and dismissed on 28 March 2023. However, the complaint against her and 48 other parliamentarians was "pending classification" by the Congress Subcommittee on Constitutional Accusations.

At the hearing held at the 147th IPU Assembly, the Peruvian delegation stated that, on 6 October 2023, the Subcommittee on Constitutional Accusations had approved by a majority the qualifying report declaring inadmissible the complaint filed against 49 members of parliament, including Ms. Palacios. The delegation provided copies of this subcommittee report confirming this statement.

B. Decision

The Committee on the Human Rights of Parliamentarians

1. *Thanks* the Peruvian delegation for the information provided in writing and for its discussions with the Committee on the Human Rights of Parliamentarians at the 147th IPU Assembly concerning the complaint under examination;
2. *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);
3. *Notes also* that the complaint concerns an incumbent member of parliament at the time of the initial allegations;
4. *Notes further* that the complaint concerns allegations of threats, acts of intimidation, violation of freedom of opinion and expression and violation of freedom of assembly and association, allegations which fall under the Committee's mandate;
5. *Notes* that Ms. Palacios has not filed a complaint in Peru concerning the alleged human rights violations described in the complaint, which has not enabled the national authorities to become aware of the alleged violations and to take the corresponding measures using the judicial and other remedies available;
6. *Notes also* that the complaint filed against member of parliament Palacios with the congressional Ethics Committee was declared inadmissible and dismissed on 28 March 2023, and that the complaint filed against 49 deputies, including Ms. Palacios, was also declared inadmissible and dismissed on 6 October 2023;
7. *Concludes* that the complaint is inadmissible under section IV of the Procedure, considering that the parliamentarian concerned has not been the subject of arbitrary acts directly affecting the exercise of her parliamentary mandate, that the parliamentary procedures initiated appear to have worked well and, consequently, guaranteed the protection of the parliamentarian's rights, and that any further action taken by the Committee in the present case at this stage would be devoid of purpose; and *decides* as a result not to examine this case;

8. *Requests* the Secretary General to convey this decision to the relevant authorities and the complainant.

South Sudan

Decision adopted by the Committee on the Human Rights of Parliamentarians at its 172nd session (Luanda, 22-26 October 2023)



© Daniel Juol Nhomngek

SSD-01 – Daniel Juol Nhomngek

Alleged human rights violations

- ✓ Threats, acts of intimidation
- ✓ Violation of freedom of opinion and expression
- ✓ Abusive revocation or suspension of the parliamentary mandate
- ✓ Other acts obstructing the exercise of the parliamentary mandate

A. Summary of the case

According to the complainant, Mr. Daniel Juol Nhomngek is a young member of parliament from the opposition who has regularly expressed views and opinions on matters of public interest such as the use of public funds and the fight against corruption in South Sudan. Among other issues, Mr. Juol Nhomngek has publicly denounced the alleged misappropriation and mismanagement of funds by the leadership of parliament, delays in the payment of members of parliament's benefits and other practices that appear to directly affect the ability of members of parliament to carry out their mandate properly.

Mr. Juol Nhomngek was suspended from parliament on 26 April 2023. He was not expected to be permitted to perform any parliamentary functions for the remaining duration of the legislative session that ended in June 2023. The suspension was finally lifted in August 2023. The complainant claims that the suspension was arbitrary and illegal considering, among other things, that the Speaker of Parliament had been both "judge and party" throughout the proceedings that had led to his suspension and that the applicable regulations had not been observed.

Case SSD-01

South Sudan: Parliament affiliated to the IPU

Victim: male, opposition member of parliament

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

Submission of complaint: May 2023

Recent IPU decision(s): - - -

Recent IPU mission(s): - - -

Recent Committee hearing(s): - - -

Recent follow-up:

- Communication(s) from the authorities:
- - -
- Communication from the complainant:
October 2023
- Communication to the authorities:
September 2023
- Communication to the complainant:
October 2023

The complainant alleges that Mr. Juol Nhomngek has been prevented from freely expressing his views on social media and from talking to the media, and that his suspension is a direct consequence of exercising his right to freedom of expression and of performing his parliamentary duties. The complainant also claims that the above-mentioned suspension was intended as a means of threatening or intimidating opposition members of parliament so that they would stop criticizing the Speaker and denouncing corruption in parliament.

In July 2023, Mr. Juol Nhomngek filed a case with the East African Court of Justice to challenge the decision to suspend him from parliament. These proceedings are ongoing.

B. Decision

The Committee on the Human Rights of Parliamentarians

1. *Notes* that the complaint was submitted in due form by a complainant qualified under section I.1(a) of the Procedure for the examination and treatment of complaints (Annex I of the revised Rules and Practices of the Committee on the Human Rights of Parliamentarians);
2. *Notes* that the complaint concerns a current member of the Transitional National Legislative Assembly of South Sudan;
3. *Notes* that the complaint concerns allegations of threats, acts of intimidation, violation of freedom of opinion and expression, abusive revocation or suspension of the parliamentary mandate and other acts obstructing the exercise of the parliamentary mandate, which fall within the Committee's mandate;
4. *Considers*, therefore, that the complaint is admissible under the provisions of section IV of the Procedure for the examination and treatment of complaints; and *declares itself* competent to examine the case;
5. *Notes with interest* that during a meeting with the Secretary General at the 147th IPU Assembly, the Speaker of the Transitional National Legislative Assembly of South Sudan has given assurances that parliament will respond soon to the Committee's repeated requests for information and comments on the allegations made by the complainant; *recalls* in this regard that the Committee does everything possible in accordance with its Rules and Practices to promote dialogue with the authorities of the country concerned, and primarily with its parliament, so as to establish the facts and reach a satisfactory resolution of the cases before it; *trusts* that the parliamentary authorities of the Transitional National Legislative Assembly will take all necessary steps to ensure that the official views regarding the above-mentioned allegations, together with any other relevant observations concerning this situation, reach the Committee as soon as possible;
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.

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