



Inter-Parliamentary Union
For democracy. For everyone.

DH/2025/176-R.1
Geneva, 3–19 February 2025

176th session of the Committee on the Human Rights of Parliamentarians

Decisions adopted by the Committee on the Human Rights of Parliamentarians

Geneva, 3 to 19 February 2025

CONTENTS

	Page
Africa	
• Côte d'Ivoire: Alain Lobognon et al. <i>Decision</i>	1
• Democratic Republic of the Congo: Dieudonné Bakungu Mythondeke <i>Decision</i>	4
• Democratic Republic of the Congo: Martin Fayulu Madidi <i>Decision</i>	6
• Gabon: Justin Ndoundangoye <i>Decision</i>	8
• Zimbabwe: Job Sikhala <i>Decision</i>	11
Americas	
• Colombia: Wilson Borja <i>Decision</i>	14
• Colombia: Luis Tovar Bello <i>Decision</i>	16
• Colombia: Armando Benedetti Villaneda et al. <i>Decision</i>	18
Asia	
• Bangladesh: Fazel Karim Chowdhury <i>Decision</i>	20
• Bangladesh: Habib Millat et al. <i>Decision</i>	23

	Page
• India: Mahua Moitra (Ms.) <i>Decision</i>	26
• Malaysia: Rafizi Ramli et al. <i>Decision</i>	30
• Pakistan: Muhammad Ali Wazir <i>Decision</i>	32
• Thailand: Pita Limjaroenrat et al. <i>Decision</i>	35
 EURO	
• Ukraine: Artem Gennadievich Dmytruk <i>Decision</i>	41
 MENA	
• Israel: Ofer Cassif <i>Decision</i>	45
• Palestine/Israel: Marwan Barghouti <i>Decision</i>	48
• Palestine/Israel: Ahmad Sa'adat <i>Decision</i>	52

Côte d'Ivoire

Decision adopted by the Committee on the Human Rights of Parliamentarians at its 176th session (Geneva, 3 to 19 February 2025)



Riot police (left) face members of the political party Generations and Peoples Solidarity (GPS) in front of the party's headquarters in Abidjan on 23 December 2019, after police intervened to evacuate party members. SIA KAMBOU / AFP

CIV-07 – Alain Lobognon
CIV-09 – Guillaume Soro
CIV-10 – Loukimane Camara
CIV-11 – Kando Soumahoro
CIV-12 – Yao Soumaïla
CIV-14 – Issiaka Fofana
CIV-16 – Sess Soukou Mohamed

Alleged human rights violations

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

A. Summary of the case

This case concerns the situation of seven former Ivorian members of parliament who have faced violations of their fundamental rights since 2019 in the exercise of their parliamentary mandate. The violations they suffered occurred 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.

Some former members of parliament, including Mr. Alain Lobognon, Mr. Loukimane Camara, Mr. Kando Soumahoro and Mr. Yao Soumaïla were accused of causing public disorder and endangering State security. They were arbitrarily arrested and detained between 2019 and 2020. They were released on bail in September 2020 until the end of their trial, when they were convicted of causing public disorder and sentenced to nine months in prison on 14 May 2021. As they had already served their sentence while on remand, they were free.

Case CIV-COLL-01

Côte d'Ivoire: Parliament affiliated to the IPU

Victims: Seven 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: October 2022

IPU mission(s): - - -

Recent Committee hearing: Hearing of the delegation of Côte d'Ivoire at the 145th IPU Assembly in Kigali (October 2022)

Recent follow-up:

- Communication from the authorities: Letter from the Speaker of the National Assembly (October 2022)
- Communication from the complainant: January 2025
- Communication to the authorities: Letter to the Speaker of the National Assembly (November 2023)
- Communication to the complainant: January 2025

Mr. Alain Lobognon was released on 23 June 2021, at the end of his trial, after having served his sentence. He was sentenced to 17 months in prison and deprivation of his political rights for five years. In February 2023, the Court of Appeal acquitted Mr. Lobognon of the charges against him and reinstated his political rights.

The former Speaker of the National Assembly, Mr. Guillaume Soro, is also among the former members of parliament charged. He was sentenced in April 2020 to 20 years in prison and the deprivation of his political rights, for misappropriation of public funds. On 23 June 2021, Mr. Soro was also sentenced to life in prison for conspiracy and endangering state security. The complainants continue to assert that the proceedings to which Mr. Soro was subjected, and the prison sentences handed down against him, are part of a process of politically motivated persecution aimed at preventing him from exercising his political rights in Côte d'Ivoire. In the judgment of 23 June 2021, former members of parliament Mr. Issiaka Fofana and Mr. Mohamed Sess Soukou were also found guilty of attempting to endanger state security and were sentenced to 20 years in prison. All three men are currently in exile.

On 22 February 2024 Mr. Issiaka Fofana received a presidential pardon from the Head of State as part of efforts to consolidate peace in the country. There are currently no legal proceedings against him.

During a hearing with the Committee on the Human Rights of Parliamentarians at the 145th IPU Assembly in October 2022, the Ivorian delegation stated that all the former members of parliament had been released, and that some of them had been placed under judicial supervision. The authorities also said that the settling of the cases of several former members of parliament was to be seen against the background of a process of reconciliation initiated by the government in power and motivated by a policy of appeasement.

On 21 August 2024, former member of parliament Mr. Kando Soumahoro was tried by the court responsible for trying *flagrante delicto* offences (*Tribunal des flagrants délits*) and sentenced to three years in prison, including two years non-suspended. He was accused of causing public disorder and of attempting to reform the Generations and Peoples Solidarity (GPS) political party – the opposition movement formerly led by Mr. Guillaume Soro that had been dissolved by the Abidjan Criminal Court on 23 June 2021. Although this conviction was not related to his parliamentary mandate, and does not fall within the Committee's mandate, the complainants said it showed that former members of parliament close to Mr. Guillaume Soro were still being prevented from fully exercising their rights and continued to have proceedings brought against them as soon as they showed their opposition to the government in power.

Presidential elections in Côte d'Ivoire are scheduled to take place in October 2025. Notwithstanding the various convictions that prevent him from taking part in this election, Mr. Guillaume Soro, still in exile, has announced his candidacy.

B. Decision

The Committee on the Human Rights of Parliamentarians

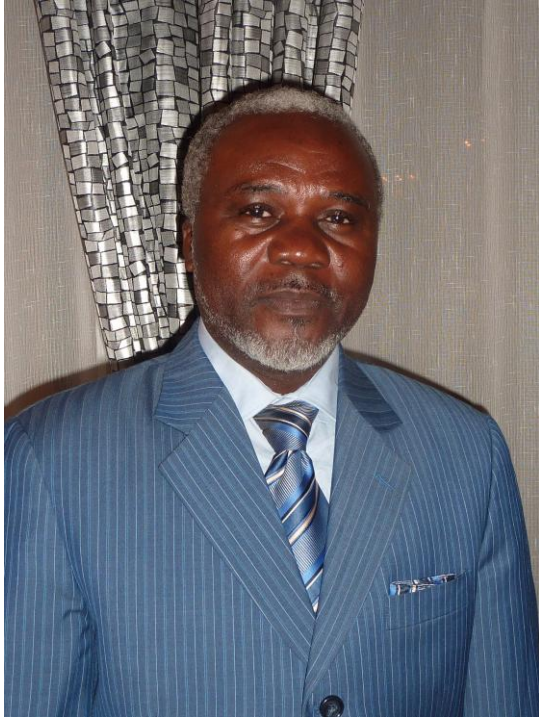
1. *Notes* the information concerning Mr. Alain Lobognon, whose civil and political rights were reinstated in February 2023; *notes* also that Mr. Issiaka Fofana has received a presidential pardon; and *decides* to close these two cases pursuant to section IX, paragraph 25(b) of its Procedure for the examination and treatment of complaints, considering that they are no longer subject to any restrictions of their fundamental rights, which means that their cases have been resolved in a satisfactory manner;
2. *Is concerned* about the restrictions allegedly imposed on the former members of parliament who are currently in Côte d'Ivoire, particularly about their inability to exercise their civil and political rights in an unrestricted manner; and *remains concerned* also about the convictions of Guillaume Soro and Mohamed Sess Soukou, which, according to the complainants, are not based on any tangible evidence proving the charges against them;
3. *Recalls* the fruitful meeting it had with the Ivorian authorities at the 145th IPU Assembly in October 2022, and the measures for improved political relations taken to foster a climate of peace, including the release of all detained former members of parliament; *welcomes* the

presidential pardon granted in February 2024; and *calls on* the Ivorian authorities to take all necessary measures to guarantee the rights of the former members of parliament, lift the restrictions placed on the exercise of their fundamental rights and foster the definitive resolution of the cases under examination;

4. *Encourages* the Ivorian authorities, in this electoral year when tensions could lead to new violations against certain members of the National Assembly, to take all necessary measures to guarantee the fundamental rights of all current and former parliamentarians, including the right to freedom of expression, in order to ensure that the political debate reflects all opinions, including those that are unfavourable to the Head of State and to government policy;
5. *Requests* the Secretary General to convey this decision to the parliamentary authorities, the Minister of Justice and the complainant, as well as to any third party likely to be in a position to supply relevant information;
6. *Decides* to continue examining the case.

Democratic Republic of the Congo

Decision adopted by the Committee on the Human Rights of Parliamentarians at its 176th session (Geneva, 3 to 19 February 2025)



Mr. Mythondeke © IPU June 2013

COD-72 – Mr. Dieudonné Bakungu Mythondeke

Alleged human rights violations

- ✓ Threats, acts of intimidation
- ✓ Violation of freedom of movement

A. Summary of the case

Mr. Mythondeke was arrested, together with his family and bodyguards, in disputed circumstances, in February 2012. Charged with rebellion and breaches of state security, he was acquitted of all charges brought against him but was sentenced in first and final instance by the Supreme Court on 25 February 2012 to a 12-month prison term for incitement to hatred. The court proceedings were characterized by irregularities, which were largely upheld in the Supreme Court ruling. Mr. Mythondeke was released on 28 January 2013 after serving his sentence. He also won a civil claims case against the Congolese State in 2015. However, the State has reportedly not paid the amount ordered by the court.

Given the concerns for their safety and the absence of any measures by the Democratic Republic of the Congo (DRC) authorities to ensure their protection and to put an end to the threats, Mr. Mythondeke and his family reportedly took refuge abroad in early 2014. Mr. Mythondeke wished to relocate to another country for security reasons, but did not obtain any assistance in regard to relocation because, according to United Nations reports, he had provided substantial financial and political support to an armed group before his arrest. The former member of parliament denies those accusations and invokes the presumption of innocence.

Case COD-72

Democratic Republic of the Congo:
Parliament affiliated to the IPU

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

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

Submission of complaints: August 2012 and May 2014

Recent IPU decision: February 2022

IPU mission: June 2013

Recent Committee hearing: Hearing with the DRC delegation at the 149th IPU Assembly in Geneva (October 2024)

Recent follow-up:

- Communication from the authorities: Letter from the Speaker of the National Assembly, making no reference to the case (January 2020)
- Communication from the complainant: January 2025
- Communications to the authorities: Letters to the President of the Republic and to the Speaker of the National Assembly (December 2024)
- Communication to the complainant: January 2025

The Speaker of the National Assembly reported in a letter dated 21 August 2017 that he had asked the executive branch to launch investigations into the reasons why Mr. Mythondeke had gone into exile and to seek proposals on how to facilitate his return. However, since 2017, the parliamentary authorities have not provided any information on the status of the investigations or on Mr. Mythondeke's situation. In December 2020, Mr. Mythondeke returned to the DRC in deplorable travel conditions. The return was said to have been motivated by the failure of the Office of the United Nations High Commissioner for Refugees (UNHCR) in Brazzaville to take any action and the desire to move his case forward with the Congolese authorities.

Since his return to the DRC, the former member of parliament has been desperately seeking compensation from the Congolese State for the violations he suffered, especially since, on 18 March 2021, the High Court in Goma handed down a judgment on the attack on his home in 2012, ordering the DRC to compensate him for the damages incurred by returning all his personal belongings that had been plundered and destroyed by soldiers from the Armed Forces of the Democratic Republic of the Congo (*Forces armées de la république démocratique du Congo*, FARDC) and Congolese national police officers. The court also ordered the DRC to repair his house and pay him financial compensation. The judgment became final on 18 April 2021, as the State reportedly did not appeal the court's decision.

After several referrals to the Minister of Finance in 2023 and 2024, Mr. Mythondeke received a reply on 11 July 2024 confirming that he is owed US\$ 2 million as a result of the DRC's conviction following the attack he suffered in 2012. According to the Ministry of Finance, this debt is recorded in the domestic public debt portfolio, category V: "Court Conviction and Miscellaneous Compensation" for the 2012 financial year. According to the Congolese authorities, the payment of this debt will take place as part of the overall settlement of the domestic public debt, unless otherwise advised by the Directorate-General of the Treasury and Public Accounts.

B. Decision

The Committee on the Human Rights of Parliamentarians

1. *Deplores* the ongoing silence of the parliamentary authorities regarding Mr. Mythondeke's situation and the lack of response to his requests for information about it;
2. *Notes with deep regret* that, despite the court decisions of 2015 and 2021 recognizing the damages incurred by Mr. Mythondeke and ordering the DRC to pay him financial compensation, the Congolese authorities only registered the debt owed to him in the public debt portfolio in 2023; and *states* that the inclusion of this debt owed to Mr. Mythondeke in the domestic public debt portfolio does not exempt the DRC from paying it within a reasonable time frame in order to respect the beneficiary's rights;
3. *Notes* the measures taken by the Congolese authorities to regularize Mr. Mythondeke's situation; nevertheless, *urges* the competent authorities to speed up implementation of the court decisions so that Mr. Mythondeke and his family can close this chapter and return to decent living conditions in the DRC; *invites* the parliamentary authorities to follow the case and to take all necessary measures to finally resolve this case; and *wishes to* be kept informed of the progress made in this regard;
4. *Remains convinced* that a mission to Kinshasa, security permitting, would help to resolve this case and clarify the facts and concerns expressed to the competent authorities, and to meet with the sources and any other person likely to provide clarification in the other cases involving former Congolese members of parliament; and *hopes* to receive a positive response and support from the National Assembly to this end to enable the mission to proceed in the best possible conditions;
5. *Requests* the Secretary General to convey this decision to the parliamentary authorities, the Minister of Finance of the DRC and the complainant, as well as to any third party likely to be in a position to supply relevant information;
6. *Decides* to continue examining this case.

Democratic Republic of the Congo

Decision adopted by the Committee on the Human Rights of Parliamentarians at its 176th session (Geneva, 3 to 19 February 2025)



© IPU 2015

COD-85 – Martin Fayulu Madidi

Alleged human rights violations

✓ Impunity

A. Summary of the case

According to the complainant, Mr. Fayulu – a parliamentarian and leader of an opposition party – was assaulted, arrested and arbitrarily detained on 14 February 2016 by officers of the intelligence services before being released that same evening. His vehicle and personal belongings were confiscated and never returned to him. The incident took place two days before a national day of protest that was being jointly organized by opposition parties. Mr. Fayulu filed a complaint against his arbitrary arrest and the violation of his rights and parliamentary immunity. According to the complainant, the complaint has not been dealt with by the courts.

On 19 September 2016, during a protest by the opposition in Kinshasa, Mr. Fayulu sustained an injury to his head. The complainant claims that he was deliberately targeted by a police officer who allegedly attempted to assassinate him. He filed a complaint to no avail. The authorities considered that the opposition had planned the violence committed during the demonstrations and that their leaders, including Mr. Fayulu, had called out slogans inciting their supporters to violence. The United Nations' investigations into the successive incidents that took place at the end of 2016 reached different conclusions, mainly implicating the security forces, which continue to act with complete impunity.

These successive incidents occurred at a time of political tension in the Democratic Republic of the Congo (DRC) following the postponement of the legislative and presidential elections that were

Case COD-85

Democratic Republic of the Congo:
Parliament affiliated to the IPU

Victim: Former opposition member of parliament

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

Submission of complaint: March 2016

Recent IPU decision: October 2016

IPU Mission(s): - - -

Recent Committee hearing(s): Hearing with the delegation of the DRC at the 149th IPU Assembly (October 2024)

Recent follow up:

- Communication from the authorities: Letter from the Speaker of the National Assembly (January 2020)
- Communication from the complainant: October 2018
- Communications to the authorities: Letter to the Vice-President of the Senate and the Minister for Human Rights (February 2024)
- Communication to the complainant: July 2022

scheduled under the Constitution to take place before the end of 2016. The complainant has always asserted that these actions had targeted Mr. Fayulu because of his stance in favour of the Head of State stepping down at the end of his term of office, his role in coordinating an opposition platform, and his candidacy for the presidential elections.

In late 2016 and early 2017, the Speaker of the National Assembly stated that he had intervened to secure Mr. Fayulu's release in February 2016. He believed that he was not required to take any further measures, given that the case had been referred to the courts. He stated that he had forwarded the Committee's concerns to the Prosecutor General. In December 2017, Mr. Fayulu decided to no longer sit in the National Assembly, given the expiry of the political agreement of 31 December 2016 (the agreement had extended by one year the mandate of the institutions up for re-election). Mr. Fayulu considered that the National Assembly had become illegal and illegitimate on this date. Mr. Fayulu's parliamentary mandate was subsequently revoked by the National Assembly on 11 May 2018 on the grounds of prolonged and unjustified absence from parliamentary work.

On 30 May 2018, Mr. Fayulu was nominated to run in the presidential elections by an opposition platform. He had expressed serious doubts about the electoral process under way and had continued to call for a transition without President Kabila. Following the presidential elections that took place on 30 December 2018, Mr. Martin Fayulu and Mr. Félix Tshisekedi each proclaimed himself to be the winner. On 20 January 2019, the Constitutional Court confirmed the victory of President Tshisekedi. Mr. Fayulu contested the Court's conclusions and continued to proclaim himself the winner.

In a letter dated 22 January 2020, the parliamentary authorities stated that Mr. Fayulu was exercising his political activities freely and that the National Assembly had not been informed of any concerns about him. Since 2018, the complainant has submitted no information about Mr. Fayulu's situation, despite many requests for information in that regard.

B. Decision

The Committee on the Human Rights of Parliamentarians

1. *Thanks* the parliamentary authorities for the information conveyed in 2020 regarding Mr. Fayulu's situation; and *notes* the situation of the former parliamentarian, in particular his ability to exercise political activities freely and the absence of threats to his security;
2. *Regrets* the lack of response from the complainant since 2018, despite the repeated requests for information about Mr. Fayulu's situation and the status of the complaints he submitted concerning the violations suffered; *considers* that it is unable to continue to effectively examine the case; and *decides*, therefore, to close the case pursuant to paragraphs 25 and 25(b) of Annex I of its revised Rules and Practices;
3. *Recalls*, nevertheless, the eminently political nature of this case and the serious allegations made by the complainant, including the attempted assassination of Mr. Fayulu and the intention to reduce him to silence by depriving him of his liberty; and *reaffirms* that impunity constitutes a threat both to parliamentarians and to those they represent, and violates their fundamental rights, while also affecting the ability of parliament to fulfil its institutional mission;
4. *Encourages* the Congolese authorities to take all measures likely to guarantee respect for the fundamental rights of all members of the National Assembly, both former and current, and whatever their political leanings, in order to guarantee that similar violations do not occur in the future;
5. *Requests* the Secretary General to convey this decision to the parliamentary authorities and the complainant.

GABON

Decision adopted by the Committee on the Human Rights of Parliamentarians at its 176th session (Geneva, 3 to 19 February 2025)



© Justin Ndoundangoye

GAB-04 – Justin Ndoundangoye

Alleged human rights violations

- ✓ Torture, ill-treatment and other acts of violence
- ✓ Arbitrary arrest and detention
- ✓ Lack of due process at the investigation stage
- ✓ Failure to respect parliamentary immunity
- ✓ Impunity

A. Summary of the case

Mr. Justin Ndoundangoye, a former Gabonese member of parliament, was arrested and held in detention at the Central Prison of Libreville on 9 January 2020. He was provisionally released and placed under house arrest on 20 October 2023. Initially accused of instigating misappropriation of public funds (*détournement de fonds publics*), bribery (*concussion*), money laundering and conspiracy offences, he was found guilty of bribe-taking (*corruption passive*) and sentenced at first instance on 10 December 2021 to a five-year prison term. He was also fined 10 million CFA francs and ordered to reimburse 145 million CFA francs to the State of Gabon by way of damages. On 4 March 2022, the Court of Appeal of Libreville upheld the ruling.

The complainant claims that Mr. Ndoundangoye was kept in police custody for a period of two weeks in violation of the provisions of article 56 of the Code of Criminal Procedure of Gabon, which provides for a maximum period of 48 hours, renewable once. During those two weeks, he was allegedly questioned by officials of the Directorate General for Counter-Interference and

Case GAB-04

Gabon: Parliament affiliated to the IPU

Victim: Member of the majority

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

Submission of complaint: May 2020

Recent IPU decision: October 2022

IPU mission(s): - - -

Recent Committee hearing: Hearing with the transitional parliamentary authorities at the 146th IPU Assembly (October 2023)

Recent follow-up:

- Communication from the authorities: Letter from the Assistant Secretary General of the National Assembly (May 2022)
- Communication from the complainant: December 2023
- Communication to the authorities: Letter to the Speaker of the National Assembly (December 2023)
- Communication to the complainant: January 2024

Military Security, who were not qualified as criminal investigation officers. He was reportedly unable to speak to his lawyers while in police custody. It is alleged that the lawyers did not have access to the case file, either to the procedural documents or to the evidence against him, and that the only document available to the defence at the start of the proceedings was the pretrial detention order.

The complainant also claims that, on the night of 25 to 26 January 2020, after ordering him to take off all his clothes, three hooded prison officers tied up Mr. Ndoundangoye with his hands behind his back. They allegedly asked him to lie flat on his stomach, legs apart. With an officer holding each leg, he was reportedly beaten on his testicles by the third officer, using a thick rope knotted at the end. He reportedly received sustained blows to his testicles for some time, and was then turned over, knees pressed against his temples, legs still apart, and subjected to blows by the knotted rope to his penis. He also reportedly at this time received several punches and kicks to his ribs and hips. The officers allegedly photographed him while he was naked. Before leaving him, they are said to have strongly advised him not to say a word to his lawyer, otherwise they would come back for "a killing". In taking these threats further, they allegedly threatened to rape his wife and kill his children if the matter was publicized.

A request for intervention in the form of protection was reportedly sent to the specialized investigating judge, with an official copy sent to the Public Prosecutor. In particular, the judge was reportedly asked to order that Mr. Ndoundangoye be admitted to hospital so he could undergo appropriate examinations following the alleged acts of torture. This request reportedly remained unanswered.

According to the complainant, Mr. Ndoundangoye was held in solitary confinement in inhumane and degrading conditions throughout his detention. In particular, he was reportedly held in a very small cell in the disciplinary wing of Libreville central prison without access to drinking water. He was allegedly only able to keep himself hydrated thanks to the cans of water brought to him by his family every week. He was also forbidden from taking part in the religious services held every Sunday in the prison's multi-purpose room.

On 26 August 2023, legislative elections were held in parallel with the presidential elections. On 30 August 2023, the National Electoral Commission announced the election of President Ali Bongo for a third term in office. On the same day, members of the military, joining forces in a "Committee for the Transition and Restoration of Institutions" (CTRI), seized power, claiming that the country was facing "a serious institutional, political, economic and social crisis". The CTRI announced the dissolution of all state institutions and annulled the results of the August 2023 elections. It also appointed General Brice Oligui Nguema, former head of the presidential guard, as its head. In September 2023, a Transitional Charter was published, and Mr. Oligui Nguema was sworn in as Transitional President. In October 2023 a bicameral transitional parliament held its first sitting.

At its hearing before the Committee on the Human Rights of Parliamentarians, the Gabonese delegation of the transitional parliament attending the 147th IPU Assembly expressed the transitional parliament's willingness to cooperate with the Committee in seeking a satisfactory resolution of the case. In December 2023, the complainant reported that two separate legal proceedings against Mr. Ndoundangoye were still pending before the courts, at least one of which would appear to relate to the same offences for which he had already been convicted at first and second instance and imprisoned for almost four years.

In January 2024, the IPU Secretary General went to Gabon and met with the transitional authorities and the deposed president, Mr. Ali Bongo. On this occasion, the transitional authorities reaffirmed their commitment to doing everything possible to successfully accomplish their mission, which was set out in the Transitional Charter.

B. Decision

The Committee on the Human Rights of Parliamentarians

1. *Welcomes* the assurances given by the transitional authorities confirming their commitment to doing everything possible to successfully accomplish their mission; and *further welcomes* Mr. Ndoundangoye's provisional release;
2. *Reaffirms its concern*, however, about the allegations of threats, acts of torture and other cruel, inhumane or degrading treatment allegedly suffered by the said member of parliament throughout his detention, the perpetrators of which, according to the complainant, have not been prosecuted; *stresses* that the findings of the investigations reportedly carried out by

several Gabonese institutions into these allegations should be made available; and *urges*, once again, in this regard, the competent national authorities to provide detailed information and copies of relevant documents concerning these investigations;

3. *Notes* that legal proceedings are still pending before the courts; *remains deeply concerned* at the reiterated allegations of violations of the right to a fair trial in the proceedings against the member of parliament; *hopes*, in this respect, that all future stages of the legal proceedings will be conducted in an independent and impartial manner and in strict compliance with the relevant national and international standards; and *reiterates its request* to receive official and detailed information on the facts justifying each of the charges against Mr. Ndoundangoye and copies of the relevant court decisions;
4. *Acknowledges* the current efforts of the transitional authorities and *urges* the said authorities to continue to lay solid foundations for a new future for Gabon, based on justice, fairness and respect for human rights; *invites* the transitional authorities, in this regard, to pursue/continue a constructive dialogue with the Committee and the IPU in order to achieve a satisfactory and definitive resolution of the present case; *confirms* that the IPU is ready to provide capacity-building assistance to the transitional parliament in order to remedy the underlying problems that have given rise to the case; and *wishes* to receive official information regarding the best way to provide such assistance;
5. *Requests* the Secretary General to convey this decision to the transitional parliament of Gabon, the complainant and any third party likely to be in a position to supply relevant information;
6. *Decides* to continue examining the case.

Zimbabwe

Decision adopted by the Committee on the Human Rights of Parliamentarians at its 176th session (Geneva, 3 to 19 February 2025)



Job Sikhala © Freddy Michael Masarirevu

ZWE-46 – Job Sikhala

Alleged human rights violations

- ✓ Arbitrary arrest and detention
- ✓ Inhumane conditions of detention
- ✓ Lack of due process in proceedings against parliamentarians
- ✓ Lack of due process at the investigation stage
- ✓ Lack of fair trial proceedings
- ✓ Excessive delays
- ✓ Violation of freedom of opinion and expression
- ✓ Violation of freedom of assembly and association
- ✓ Violation of freedom of movement
- ✓ Other violations: right to take part in the conduct of public affairs

A. Summary of the case

Mr. Job Sikhala is long-standing opposition parliamentarian who was arrested numerous times during his political career, even though he was never found guilty of committing a single offence prior to the present case. In a previous case before the IPU Committee on the Human Rights of Parliamentarians, the Committee concluded that the authorities had committed multiple violations against Mr. Sikhala and other opposition members of parliament, including arbitrary arrest and detention, torture and denial of the right to a fair trial.

According to the complainant, Mr. Sikhala was arrested on 14 June 2022 in connection with a speech he had made on 13 June at the funeral of Ms. Moreblessing Ali, a murdered opposition activist. The complainant stresses that Mr. Sikhala made the speech in his professional capacity as the grieving family's lawyer. According to the complainant, Mr. Sikhala's arrest and detention followed the posting of parts of the speech on social media, for which he was charged with the offence of inciting public violence. While in prison, Mr. Sikhala was presented with the additional charge of defeating or obstructing the course of justice.

The complainant further alleges that, immediately after the speech, senior politicians and government spokespersons, including the Permanent Secretary of Information, Mr. Ndabaningi Mangwana, made prejudicial statements presuming Mr. Sikhala's guilt and demanding his immediate arrest. According to the complainant, this in itself violated Mr. Sikhala's right to be presumed innocent until proven guilty.

Case ZWE-46

Zimbabwe: 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 complaints: August and September 2022

Recent IPU decision: October 2023

IPU mission: September 2009

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

Recent follow-up:

- Communication from the authorities: Letter from the Speaker of the National Assembly (February 2025)
- Communication from the complainant: June 2024
- Communication to the authorities: Letter to the Speaker of the National Assembly (November 2023)
- Communication to the complainant: June 2024

More than one year after his arrest, Mr. Sikhala remained in the Chikurubi maximum security prison, as his numerous petitions for bail were systematically rejected. The complainant claims that Mr. Sikhala was treated as a convicted criminal, despite the fact that until May 2023 he was a sitting member of parliament with no prior convictions. The complainant stresses that there was no legal basis to keep Mr. Sikhala in pretrial detention and insists that the courts were violating his right to bail as enshrined in the relevant sections of the Constitution and the Code of Criminal Procedure. The complainant also alleges that Mr. Sikhala faced inhumane prison conditions. He was reportedly shackled with leg irons for prolonged periods of time, forced to sleep on the bare floor and was repeatedly denied medical care. During the presentation of the report by the President of the Committee on the Human Rights of Parliamentarians to the Governing Council at the 145th IPU Assembly in Kigali in October 2022, the Speaker of the National Assembly took the floor to challenge the allegation that Mr. Sikhala had been denied medical care during his incarceration, and asserted that Mr. Sikhala continued to enjoy his privileges as a member of parliament, including financial and medical benefits. The complainant challenged that assertion and shared reports that, as of October 2023, Mr. Sikhala's health had dangerously deteriorated and that he had been deprived of the medical care he urgently needed in prison.

Mr. Rahim Khan, an attorney and judge in Botswana with over 40 years of legal experience, was appointed by the IPU to attend and follow the trial of Mr. Sikhala. In his report, the trial observer concluded that the State had failed to bring substantive evidence that proved that Mr. Sikhala was aware that an investigation was taking place and that his words had the effect of interfering with, or obstructing, justice. The trial observer stressed the following:

"It is my considered opinion that, with the litany of unproven facts and the lack of evidence, it will be most prejudicial to convict the accused of this particular crime. These inconsistencies are so glaring that no right-thinking court could on the basis of these facts find the accused guilty".

On 3 May 2023, the Harare magistrates court found Mr. Sikhala guilty and sentenced him to a six-month suspended sentence and a US\$ 600 fine on the charge of defeating or obstructing the course of justice. The trial observer highlighted that the court had reached its conclusions in contradiction to applicable legal principles, based on the "say so" of three police officers who were heard as witnesses. In addition, the trial observer reached the conclusion that by consistently denying bail to Mr. Sikhala, the court had deviated from principles defined by law and set out in precedents in Zimbabwe and other common-law countries.

According to the complainant, Mr. Sikhala lost the possibility of keeping his seat in parliament, as his long-standing incarceration had denied him the opportunity to actively campaign for the August 2023 elections.

On 30 January 2024, Mr. Sikhala was released, after the Harare magistrates court had found him guilty of incitement to violence and convicted him to a two-year suspended sentence. Mr. Sikhala spent a total of 595 days in prison. The release of Mr. Sikhala took place five days after Citizens Coalition for Change (CCC) chairperson, Mr. Nelson Chamisa, announced his resignation over accusations that the CCC had been "hijacked" and sabotaged by the ruling party, which led to the disintegration of the opposition into several groups. Mr. Sikhala remains active and vocal in Zimbabwean civil society and politics despite the loss of his parliamentary mandate. International human rights groups welcomed his release while calling on the authorities to overturn earlier convictions on the basis of violations of his right to a fair trial and to put an end to the weaponization of the justice system to harass opposition leaders.¹ In May 2024, Mr. Sikhala paid a visit to the IPU Secretary General to thank him and the IPU Committee on the Human Rights of Parliamentarians for their support in facilitating his release.

B. Decision

The Committee on the Human Rights of Parliamentarians

1. *Thanks* the Speaker of the National Assembly of Zimbabwe for the information provided by letter in response to its requests for information;
2. *Welcomes* the fact that, as confirmed by the complainant and Mr. Sikhala himself, he has been

¹ <https://www.amnesty.org/en/documents/afr46/7791/2024/en/>

released, that the arbitrary case trials against him have been resolved and that he is now able to exercise his fundamental rights once again; *decides*, therefore, to close the case in line with paragraph 25 of Annex I to its revised Rules and Practices; *recalls*, however, that the Committee reserves the right to re-open this case should any new information be subsequently provided by the complainant to show that Mr. Sikhala is being subjected to further human rights violations linked to the previous exercise of his parliamentary mandate;

3. *Deplores* that Mr. Sikhala had been held, reportedly in inhumane conditions, in Chikurubi maximum security prison on remand for 595 days after his arrest on 14 June 2022 and that all his applications for bail were denied;
4. *Remains deeply concerned* over the number of flaws that the trial observer identified in the handling of the legal proceedings brought against Mr. Sikhala, in particular the acceptance of inconsistent and unreliable evidence against Mr. Sikhala and the repeated denial of bail in contradiction to established principles of law in Zimbabwe and other common law legal systems; *believes* that the report gives serious weight to the accusation made by the complainant that the case made against Mr. Sikhala came merely in response to the exercise of his right to free speech; and *remains firm in its belief* that he should never have been detained and prosecuted in the first place;
5. *Requests* the Secretary General to convey this decision to the parliamentary authorities and other relevant national authorities and the complainant.

Colombia

Decision adopted by the Committee on the Human Rights of Parliamentarians at its 176th session (Geneva, 3 to 19 February 2025)



Mr. Wilson Borja (right) stands next to an agent of the Colombia's National Protection Unit, assigned to his security, outside his house in Bogota on 27 October 2014. AFP PHOTO/Eitan Abramovich

COL-140 – Wilson Borja

Alleged human rights violations

- ✓ Torture, ill-treatment and other acts of violence
- ✓ Threats, acts of intimidation
- ✓ Lack of due process at the investigation stage

A. Summary of the case

On 15 December 2000, Mr. Wilson Borja was the victim of an attempt on his life. Five individuals, including three army officers, were sentenced to prison for their involvement in the crime. Among them were Army Captain Jorge Ernesto Rojas Galindo, who was sentenced to 18 years and 6 months; Army Corporal Evangelista Basto Bernal, sentenced to 18 years and 6 months, and Army Major César Alonso Maldonado Vidales, sentenced to 27 years and 9 months. Mr. Regulo Rueda Chávez, a paramilitary member, was sentenced to 27 years and 9 months in prison.

Shortly after being sentenced, Army Major Maldonado Vidales reportedly escaped from the Military Police Battalion 13 detention centre, even though he was being guarded by some 30 prison officers, raising questions about the enforcement of his sentence.

According to the complainant, a prominent commander of the paramilitary group United Self-Defence Forces of Colombia (AUC), Mr. Salvatore Mancuso, held information about the AUC's involvement in the attempt on Mr. Borja's life. Mr. Mancuso was extradited to the United States of America in 2008, but solely in connection with drug-related charges. After serving his sentence, Mr. Mancuso was released and returned to Colombia in 2024, where he has reportedly been cooperating with ongoing investigations into war crimes committed during the 1990s and 2000s. In his confessions thus far, it appears that Mr. Mancuso disclosed that the attempted assassination of Mr. Borja was carried out under the orders of then AUC leader, Mr. Carlos Castaño, who was killed in April 2004 during an internal power struggle.

In August 2024, Mr. Borja passed away due to illness.

Case COL-140

Colombia: 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 2005

Recent IPU decision(s): February 2018

IPU Mission: [October 2010](#)

Recent Committee hearing(s): - - -

Recent follow-up:

- Communications from the authorities: Letter from the Deputy Minister of the Interior (April 2011); letter from the Prosecutor's Office (January 2011)
- Communication from the complainant: January 2018
- Communication to the authorities: Letter addressed to the President of the Colombian National Congress (December 2023)
- Communication to the complainant: January 2024

B. Decision

The Committee on the Human Rights of Parliamentarians

1. *Reaffirms* its long-standing deep concern about the fact that state agents played a crucial part in the attempt on Mr. Borja's life; and *notes* that, while the three army officers who were identified as culprits were all sentenced to hefty prison terms, only two of them appear to have effectively served their sentence, raising doubts about the extent to which justice was rendered in practice;
2. *Notes also* that the attempt on Mr. Borja's life has to be seen in the context of widespread collusion at the time between paramilitary groups and state agents and those who spoke out against human rights abuses committed by these groups and the State; and *trusts* that Mr. Mancuso's cooperation in the ongoing efforts under the transitional justice framework will shed further light on his own responsibility and that of other paramilitary members in the crime in question and that those held responsible will receive appropriate punishment;
3. *Decides*, however, to close further examination of the case in light of paragraph 25(a), section IX, of Annex I to its Rules and Practices and Mr. Borja's passing;
4. *Requests* the Secretary General to convey this decision to the relevant authorities.

Colombia

Decision adopted by the Committee on the Human Rights of Parliamentarians at its 176th session (Geneva, 3 to 19 February 2025)



© Luis Tovar Bello

COL-160 – Luis Tovar Bello

Alleged human rights violations

- ✓ Arbitrary invalidation of the election of a parliamentarian

A. Summary of the case

Mr. Luis Tovar Bello was elected to the Colombian House of Representatives in 2018. His election was subjected to a legal challenge, with the argument put forward that during the political campaign he had also supported a candidate from another party, and had hence engaged in “dual candidacy”, which under Colombian law is possible grounds for invalidation of the election. The complainant asserts that the subsequent invalidation proceedings against Mr. Tovar was flawed, that he was not guilty of dual candidacy and that the judges who had ruled on the legal challenge had a conflict of interest.

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 an incumbent member of parliament at the time of the initial allegations;
3. *Notes* that the complaint concerns the alleged arbitrary invalidation of the election of a parliamentarian, an allegation that falls within the purview of the Committee; *notes*, however, that, in spite of repeated requests for information, the complainant has not provided sufficient information on the specific grounds on which the parliamentarian’s mandate was invalidated, namely “dual candidacy”, and the alleged lack of due process that led to the invalidation;

Case COL-160

Colombia: Parliament affiliated to the IPU

Victim: Former member of the House of Representatives of Colombia belonging to the majority

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

Submission of complaint: August 2020

Recent IPU decision(s): - - -

IPU Mission(s): - - -

Recent Committee hearing(s): - - -

Recent follow-up:

- Communication from the authorities: Letters from the Speaker of the Colombian National Congress, the President and Vice-President of the Committee on Human Rights and Hearings of the House of Representatives and the Coordinator of the Senate’s Committee on Human Rights and Hearings (October 2020)
- Communication from the complainant: October 2020
- Communication to the authorities: Letter to the Speaker of the Colombian National Congress (January 2021)
- Communication to the complainant: January 2025

4. *Concludes*, therefore, that the complaint is inadmissible under section IV of its Procedure; and *decides* as a result not to examine this case;
5. *Requests* the Secretary General to inform the parliamentary authorities and the complainant of this decision.

Colombia

Decision adopted by the Committee on the Human Rights of Parliamentarians at its 176th session (Geneva, 3 to 19 February 2025)



Colombian senator Armando Benedetti. AFP PHOTO/Guillermo LEGARIA

COL158 – Armando Alberto Benedetti Villaneda
COL159 – Musa Abraham Besaile Fayad

Alleged human rights violations

- ✓ Lack of due process in proceedings brought against parliamentarians
- ✓ Lack of due process at the investigation stage
- ✓ Lack of fair trial proceedings
- ✓ Right of appeal

A. Summary of the case

Mr. Armando Alberto Benedetti Villaneda was a member of the Colombian Congress from 2002 until 2022, first as a member of the House of Representatives for the Liberal Party and since 2006 as a senator for the Social Party of National Unity. He served as President of the Senate from July 2010 to July 2011.

Mr. Musa Abraham Besaile Fayad has been a member of Congress since 2002, first with the political party *Cambio Radical* in the House of Representatives, and since 2010 as a senator on the ticket of the Social Party of National Unity. He was re-elected as senator in 2014 and served until 2017.

Both now former senators have been investigated on numerous accusations of corruption. These accusations include their alleged involvement in the “Odebrecht corruption scandal”, which has engulfed several South American countries, starting with Brazil where the Odebrecht conglomerate has its headquarters. In at least one of these cases, Mr. Besaile has admitted to having paid bribes.

The complainant asserts that the right to a fair trial of both men is not being respected.

Case COL-COLL-04

Colombia: Parliament affiliated to the IPU

Victims: Members of the National Congress of Colombia sitting in the majority at the time the criminal proceedings were initiated against them

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

Submission of complaints: December and November 2017, respectively

Recent IPU decision(s): - - -

IPU Mission(s): - - -

Recent Committee hearing(s): - - -

Recent follow-up:

- Communication from the authorities: - - -
- Communication from the complainant: January 2023
- Communication to the authorities: Letter to the President of the Senate and Speaker of the Colombian National Congress (December 2023)
- Communication to the complainant: January 2025

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 also* that the complaint concerns incumbent members of parliament at the time of the initial allegations;
3. *Notes further* that the complaint concerns allegations of violations of different parts of the right to fair trial, allegations which fall under the Committee's mandate;
4. *Notes*, however, that, despite repeated requests for information, the complainant has failed to provide the necessary clarity on how exactly the right to a fair trial is allegedly being disrespected and to provide updated information on the legal situation of the two former parliamentarians;
5. *Concludes*, therefore, that the complaint is inadmissible under section IV of the Procedure; and *decides* as a result not to examine this case;
6. *Requests* the Secretary General to convey this decision to the parliamentary authorities and the complainant.

Bangladesh

Decision adopted by the Committee on the Human Rights of Parliamentarians at its 176th session (Geneva, 3 to 19 February 2025)



© IPU 138 – Committee on the Human Rights of Parliamentarians (23 March 2018)

BGD-17 – Fazle Karim Chowdhury

Alleged human rights violations

- ✓ Threats, acts of intimidation
- ✓ Arbitrary arrest and detention
- ✓ Inhumane conditions of detention
- ✓ Lack of due process in proceedings against parliamentarians

A. Summary of the case

Mr. Fazle Karim Chowdhury, a former member of Bangladesh's Parliament representing the Awami League, held prominent roles throughout his parliamentary career, including chairing the Standing Committee on Ministry of Railways and serving on the Standing Committee on Ministry of Public Administration. He was also involved in international parliamentary work, notably as a member and President of the IPU Committee on the Human Rights of Parliamentarians.

Following the dissolution of parliament in August 2024, political adversaries allegedly seized the opportunity to target Mr. F. K. Chowdhury, resulting in his arrest on 12 September 2024. Since his detention, he has reportedly been subjected to harsh prison conditions, with his medical needs, which include specialized treatment for heart disease, diabetes and kidney issues, being denied. This has resulted in a significant and alarming deterioration in his health, to the point that his life is in danger.

According to the complainant, Mr. F. K. Chowdhury has been subjected to psychological abuse in prison, including humiliating media broadcasts, which have contributed to his serious mental health deterioration. In prison, his life is reportedly at serious risk due to potential assassination plots

Case BGD-17

Bangladesh: Parliament affiliated to the IPU

Victim: Male majority member of parliament

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

Submission of complaint: September 2024

Recent IPU decision: October 2024

IPU Mission(s): - - -

Recent Committee hearing(s): - - -

Recent follow-up:

- Communication(s) from the authorities: -
- Communication from the complainant: February 2025
- Communication to the authorities: Letter to Chief Adviser to the Interim Government, Attorney General and Chief Justice (December 2024)
- Communication to the complainant: February 2025

orchestrated by his political opponents. The complainant asserts that Mr. F. K. Chowdhury requires urgent medical attention abroad, as seeking care within Bangladesh would expose him to further risks, including mob violence.

According to the complainant, Mr. F. K. Chowdhury is facing numerous criminal charges, such as murder, extortion and bribery, which appear to be politically motivated and baseless. Mr. F. K. Chowdhury's family home was attacked and several of his employees were killed in what the complainant describes as politically driven violence. Social media campaigns have also been launched calling for the physical elimination of Mr. F. K. Chowdhury and the destruction of his property, and inciting violence against members of his family and his lawyers. The complainant alleges that Mr. F. K. Chowdhury's previous court appearances have been marred by violent mobs calling on his execution and attempting to break through the security around him with the aim of physically assaulting him. There are therefore concerns that Mr. F. K. Chowdhury's future court appearances could be opportunities for further harassment and physical assault.

In the context of ongoing efforts to maintain open channels of communication with the interim government, the IPU leadership has received assurances that the relevant national authorities remain fully committed to upholding the rule of law.

B. Decision

The Committee on the Human Rights of Parliamentarians

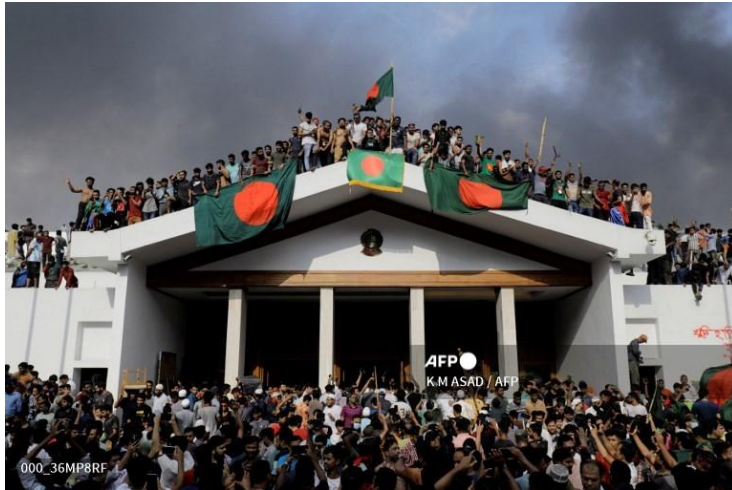
1. *Welcomes* the assurances provided by the interim government to the IPU leadership that the new administration in Bangladesh is striving to restore the rule of law and address the numerous challenges it faces with full respect for legality; *is deeply concerned*, however, about the continued detention of Mr. F. K. Chowdhury, in view of the worrying allegations of his deteriorating health, lack of access to medical care and appalling detention conditions; *recalls* that the State of Bangladesh has a heightened duty of care to take any necessary measures to protect the life of Mr. F. K. Chowdhury, since by arresting him it assumed the responsibility to care for his life and physical integrity; *urges* in this regard the competent authorities to take all necessary steps to ensure Mr. F. K. Chowdhury's full enjoyment of his rights, in particular his right to life, as a matter of urgency, including to consider allowing him to be transferred to a hospital where he can receive proper medical treatment from a doctor of his choice and releasing him on bail on humanitarian grounds; and *requests* the competent Bangladeshi authorities to keep it informed of any measures taken in this regard;
2. *Expresses deep concern* at the allegations of serious violations of the right to a fair trial in the proceedings against Mr. F. K. Chowdhury and of ill-treatment in detention; and *requests* the relevant authorities to provide official and detailed information on the facts justifying each of the charges brought against him, on the steps taken to investigate the alleged mistreatment in detention reported by the complainant, and on progress made in the identification and punishment of those responsible;
3. *Is also concerned* at the acts of violence and threats to which Mr. F. K. Chowdhury was allegedly subjected during his court appearances; *considers* that these allegations have to be taken all the more seriously in light of reports that a witch-hunt is taking place against high-ranking members of the Awami League in order to settle scores, sometimes with fatal consequences; and *urges* in this regard the relevant authorities to investigate the attacks along with the concrete death threats against Mr. F. K. Chowdhury, to provide information on progress made in the identification and punishment of those responsible and to ensure that such acts of violence do not recur in future court appearances, nor during transport to and from court, and that his physical integrity is protected in detention;
4. *Decides* to mandate a trial observer to monitor the upcoming court proceedings in the present case; and *requests* to be kept informed of the dates of the trial when available and of any other relevant judicial developments in the case;
5. *Decides also* to send a delegation to Bangladesh as soon as possible in order to meet with the authorities responsible for exercising legislative, executive and judicial powers, as well as the prison authorities and any other institution, civil society organization or individual in a position to provide relevant information regarding the situation of Mr. F. K. Chowdhury; *tasks* the delegation with visiting Mr. F. K. Chowdhury in detention; and *sincerely hopes* that the relevant

national authorities will cooperate fully and that the mission will help to swiftly find a satisfactory solution to this case in accordance with applicable national and international human rights standards;

6. *Requests* the Secretary General to convey this decision to the relevant authorities of Bangladesh and the complainant;
7. *Decides* to continue examining this case.

Bangladesh

Decision adopted by the Committee on the Human Rights of Parliamentarians at its 176th session (Geneva, 3 to 19 February 2025)



Anti-government protestors display the flag of Bangladesh as they storm former Prime Minister Sheikh Hasina's palace in Dhaka on 5 August 2024. 000_36MP8RF © K M ASAD / AFP

BGD-18 – Habibe Millat
BGD-19 – Asaduzzaman Noor
BGD-20 – Mosharraf Hossain
BGD-21 – Muhammad Faruk Khan

Alleged human rights violations

- ✓ Threats, acts of intimidation
- ✓ Arbitrary arrest and detention
- ✓ Inhumane conditions of detention
- ✓ Lack of due process in proceedings against parliamentarians

A. Summary of the case

According to the complainants, the four former members of the Bangladesh Parliament named in the present case are victims of a revenge spree against prominent members of the ousted Awami League party, of which they were recognized figures. Mr. Habibe Millat was a member of parliament in the previous parliamentary term, which ended in January 2024, while Mr. Asaduzzaman Noor, Mr. Mosharraf Hossain and Mr. Muhammad Faruk Khan were all sitting parliamentarians at the time of the dissolution of parliament in August 2024.

According to the complainants, Mr. Millat's residence in Sirajganj was attacked and set on fire during anti-government protests in early August 2024. His house was vandalized and set on fire on 4 August, looted on 5 August, and then set on fire again. Later that month, three murder cases were filed against him, alleging that he had ordered attacks on a protest march in Sirajganj in August 2024. More recently, additional cases have been brought against him for events that took place while he was a member of parliament, including charges of extortion and murder. The complainants assert that these allegations are fabricated. Fearing for his safety, Mr. Millat is currently in exile.

Mr. Noor was arrested without a warrant on 15 September 2024 and brought to court the following day in connection with a murder case. Since then, he has been detained in Keraniganj central prison

Case BGD-COLL-01

Bangladesh: Parliament affiliated to the IPU

Victims: Male majority members of parliament

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

Submission of complaints: October and November 2024

Recent IPU decision(s): - - -

IPU mission(s): - - -

Recent Committee hearing(s): - - -

Recent follow-up:

- Communication(s) from the authorities: -
- Communication from the complainants: February 2025
- Communication to the authorities: Letter to the Chief Adviser of the Interim Government (December 2024)
- Communication to the complainants: February 2025

without formal charges. He is accused in three separate murder cases brought following deaths during the anti-government protests in July and August 2024, along with several co-accused in each case. The complainants provided information on discrepancies in the cases, which had allegedly been ignored by the authorities. They also allege that the police have failed to provide any investigation reports detailing how Mr. Noor is connected to the crimes of which he is accused. Despite Mr. Noor's advanced age – he is 78 years old – and severe health conditions, including heart disease, spinal degeneration, diabetes and asthma, all bail applications have been denied. He has also been denied the right to receive visits from his family and to make phone calls. In mid-November 2024, Mr. Noor was hospitalized because of severe pain allegedly caused by his detention conditions. On 30 November 2024, while being escorted to treatment, he was reportedly confronted by a group of individuals armed with sticks. During the altercation his wheelchair was knocked over, but he managed to avoid injury. Following this incident, he was informed that he could no longer receive care at the hospital. The complainants assert that Mr. Noor's health is worsening, and that without urgent medical intervention his life is at great risk.

Mr. Hossain, aged 82, was arrested at his residence on 27 October 2024 in connection with an incident that took place in 2022, despite reportedly having an alibi for the time of the alleged event. The complainants allege that Mr. Hossain has been charged without concrete evidence or due process. Both his initial bail application and a subsequent application, which included a request for medical care, have been denied. The complainants also report that Mr. Hossain suffers from Parkinson's disease, heart and lung disease, and other serious conditions, and requires constant medical monitoring and physiotherapy. The prison facilities where he is being held lack the necessary infrastructure for his care, which has led to an alarming deterioration in his health. On 9 December 2024, the High Court granted Mr. Hossain bail. However, the Attorney General filed a motion to stay the bail order. On 19 December 2024, the Appellate Division of the Supreme Court upheld the stay, while ordering the authorities to ensure his medical care. According to the complainant, this order has not been implemented. Family members who have visited him in prison report that he has lost an alarming amount of weight and that his mobility has worsened. The complainants state that without urgent adequate medical intervention, Mr. Hossain's life remains at serious risk.

Mr. Faruk Khan, aged 73, was arrested without a warrant on 15 October 2024, while undergoing physiotherapy at the Combined Military Hospital in Dhaka Cantonment. He was not allowed to collect his medication before being taken into custody. The complainants allege that media reports stating that he had been arrested at his residence are false. After his arrest, Mr. Khan was detained at the Dhaka Metropolitan Police Detective Branch, where he had to sleep on a mattress on the floor. This caused him severe discomfort, since he was under strict instructions from his doctors to avoid bending or squatting for at least a year following hip replacement surgery in April 2024. Despite his health conditions, which include Parkinson's disease, hypertension and post-stroke complications, no adequate arrangements were made for his care.

According to the complainants, Mr. Khan was initially arrested in connection with a murder case for an incident in December 2022 involving the death of a member of the Bangladesh Nationalist Party. The complainants assert that the case documents fail to establish a link between Mr. Khan and the crime he is accused of. Additional charges have been brought against him in connection with deaths during the 2024 student-led protests. He has also been named in a case before the International Crimes Tribunal (ICT), where he and other former officials face unclear allegations. In this case, Mr. Khan and 13 other co-accused former government officials were brought before the ICT for a hearing on 18 November 2024. The defence lawyers reported that, despite several attempts to obtain clarification, no details of the specific charges against Mr. Khan had been provided. The same applied to all the cases brought against him, which has prevented Mr. Khan's legal team from adequately preparing his defence. The complainants also report that Mr. Khan's lawyers have been subjected to aggressive behaviour within the court premises. Despite Mr. Khan's advanced age and deteriorating health, all bail applications have been denied, and he remains in custody under harsh conditions.

In the context of ongoing efforts to maintain open channels of communication with the interim government, the IPU leadership has received assurances that the relevant national authorities remain fully committed to upholding the rule of law.

B. Decision

The Committee on the Human Rights of Parliamentarians

1. Notes that the complaints were submitted in due form by complainants 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 also* that the complaints concern four members of the Parliament of Bangladesh at the time of the alleged events;
 3. *Notes further* that the complaints concern allegations of threats, acts of intimidation, arbitrary arrest and detention, inhumane conditions of detention, and lack of due process in proceedings against parliamentarians, which fall within the Committee's mandate;
 4. *Considers*, therefore, that the complaints are 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. *Welcomes* the assurances provided by the interim government to the IPU leadership that the new administration in Bangladesh is striving to restore the rule of law and address the numerous challenges it faces in this regard;
 6. *Expresses deep concern* at the continued detention of Mr. Asaduzzaman Noor, Mr. Mosharraf Hossain and Mr. Muhammad Faruk Khan, in the light of the disturbing allegations of the appalling conditions of detention and the irreversible effects that these conditions are allegedly having on their health; *recalls* that the State of Bangladesh has a heightened duty of care to take all necessary measures to protect the lives of these three former members of parliament since, by arresting them, it has assumed responsibility for their lives and physical integrity; in this regard, *urges* the competent authorities to take all necessary steps to ensure the full enjoyment of their rights, in particular their right to life, as a matter of urgency, including considering allowing them to receive proper medical treatment from a doctor of their choice and releasing them on bail on humanitarian grounds on a case-by-case basis; and *requests* the competent Bangladeshi authorities to keep it informed of any measures taken in this regard;
 7. *Expresses deep concern also* at the allegations of serious violations of the right to a fair trial in the proceedings against the four former parliamentarians listed in the present case; *requests* in this regard the relevant authorities to provide official and detailed information on the facts justifying each of the charges brought against them; and *urges* the competent authorities to guarantee that these cases are handled fairly and independently, fully respecting international fair trial standards;
 8. *Decides* to mandate a trial observer to monitor the upcoming court proceedings in the present collective case; and *wishes* to be kept informed of the dates of the trial when available and of any other relevant judicial developments in the case;
 9. *Decides* to send a delegation to Bangladesh as soon as possible in order to meet with the authorities responsible for exercising legislative, executive and judicial powers, as well as with the prison authorities and any other institution, civil society organization or individual in a position to provide relevant information regarding the situation of the four former parliamentarians; *tasks* the delegation with visiting them in detention; and *sincerely hopes* that the relevant national authorities will cooperate fully and that the mission will help to swiftly find satisfactory solutions to this case in accordance with applicable national and international human rights standards;
 10. *Requests* the Secretary General to convey this decision to the relevant authorities of Bangladesh and the complainants;
 11. *Decides* to continue examining this case.

India

Decision adopted by the Committee on the Human Rights of Parliamentarians at its 176th session (Geneva, 3 to 19 February 2025)



© Mahua Moitra

IND-01 – Mahua Moitra

Alleged human rights violations

- ✓ Lack of due process in proceedings against parliamentarians
- ✓ Undue invalidation, suspension, revocation or other acts obstructing the exercise of the parliamentary mandate
- ✓ Other violations: gender-based discrimination

A. Summary of the case

The complainant states that Ms. Mahua Moitra is an opposition parliamentarian well known for her willingness to brave social norms that restrict the voices of women and her vocal criticism of the policies and leadership of the ruling Bharatiya Janata Party (BJP). She has made several outspoken speeches and raised queries in the Lok Sabha, the lower house of parliament, suggesting instances of cronyism, collusion and corruption involving Prime Minister Narendra Modi and Mr. Gautam Adani, who owns the Adani group conglomerate. The complainant claims that Ms. Moitra was targeted by the authorities because of her criticism and oversight work.

On 15 October 2023, Ms. Moitra was accused by Mr. Dubey, a BJP member of parliament, of sharing the login credentials of her parliamentary online portal with her friend Mr. Darshan Hiranandani, a businessman and competitor of Mr. Adani, so that he could assist her in formulating critical queries involving the Prime Minister and Mr. Adani. The complainant adds that the fact of sharing one's portal credentials does not breach rules of ethical conduct but is in fact a widespread practice among parliamentarians, who rely on the support of others for their work, which was

Case IND-01

India: Parliament affiliated to the IPU

Victim: A female opposition member of parliament

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

Submission of complaint: March 2024

Recent IPU decision: March 2024

IPU mission(s): - - -

Recent Committee hearing: Hearing with a member of the Indian delegation to the 149th IPU Assembly (October 2024)

Recent follow-up:

- Communication from the authorities: Letter from the Speaker of the Lok Sabha (May 2024)
- Communication from the complainant: October 2024
- Communication to the authorities: Letter to the Speaker of the Lok Sabha (September 2024)
- Communication to the complainant: October 2024

confirmed by several of her colleagues. Nevertheless, on 8 December 2023, Ms. Moitra was expelled by parliament following a contentious report by the Ethics Committee, which the complainant describes as an abusive and politically motivated reprisal for exercising her freedom of expression.

The complainant asserts that the Ethics Committee chose not to allow Ms. Moitra to submit questions to the two witnesses, who made contradictory, unfounded and untrue statements, as was echoed by opposition members of the Committee who questioned them, as established in the Committee's report. The complainant submits that the Committee adopted its report with a recommendation to expel Ms. Moitra by a vote of five for and five against, as the Chairperson's vote was decisive. All five members from the opposition submitted notes of dissent against the "derogatory", "partisan", "unethical", "illegal and unprecedented" nature of the inquiry by Chairperson Vinod Kumar Sonkar. In particular, the dissenting members of parliament denounced violations of Ms. Moitra's right to due process, as she was forced to prove her innocence in a process "used to malign and defame" her.

During the 2 November 2023 hearing with the Ethics Committee, Ms. Moitra stressed that she remained in control of any questions submitted in the online system through a one-time password available to her alone and stressed that she had not violated any rule, despite the smear campaign organized against her by pro-government media. The complainant adds that Mr. Sonkar, the Committee Chairperson from the BJP, acted in bad faith when Ms. Moitra appeared before him. The complainant stresses that all five opposition members of the 10-member Ethics Committee walked out in protest at the Chairperson's line of questioning, which they described as unwarranted, sexist and biased. The complainant views the Committee Chairperson's line of questioning as prejudicial and discriminatory, with the intended effect of undermining her dignity as a woman. In its report, the Ethics Committee did not conclude that there was evidence of bribery or any misconduct aside from the fact of sharing her online portal credentials with an acquaintance and called for a criminal investigation to be opened by a competent body. However, the report labelled Ms. Moitra's conduct as "criminal" and called for her expulsion, even though no violation of any applicable rules was identified.

The complainant stresses that, following the Ethics Committee report, Ms. Moitra was expelled in a hurried procedure without being given an opportunity to be heard in plenary before the vote on her expulsion, despite repeated calls to that effect by herself and other members of the opposition. In addition, the complainant maintains that the Ethics Committee violated its own rules by failing to assuage itself that the original complaint of unethical behaviour was made in good faith and was not frivolous or vexatious, as required by section 233(A) of the Rules of the Ethics Committee. The complainant adds that the Committee relied on biased information provided by Ms. Moitra's ex-partner, who faces a legal dispute with her, including on her multiple complaints to the police for infraction and harassment after their relationship came to an acrimonious end. The complainant stresses that both the procedure of the Ethics Committee and the expulsion procedure were expedited under pressure from the top to ensure that Ms. Moitra lost her seat. The complainant adds that the Rules of the Lok Sabha do not allow the expulsion of parliamentarians, only their suspension.

Ms. Moitra's appeal to the Supreme Court did not result in a stay of the decision to expel her from parliament before the general 2024 elections. The complainant adds that, as a result of that decision, Ms. Moitra was immediately evicted from her official premises in New Delhi, which interfered with her electoral campaign. In addition, the complainant shared that on 21 March 2024 a first information report was issued against her, with allegations that she had received cash in exchange for the queries submitted to parliament through her web portal, which Ms. Moitra and Mr. Hiranandani, who allegedly gave the cash, denied. Within hours, Central Bureau of Investigation (CBI) agents raided four of her properties, which led Ms. Moitra to complain to the Electoral Commission to protest against what she saw as continued interference with her electoral campaign in an attempt to blacken her name by referring to her case as a "cash for queries scandal", despite the lack of any evidence to this allegation. The complainant adds that Ms. Moitra faced these measures precisely at the same time as she was undergoing a hysterectomy in an attempt to further victimize her.

General elections were held in India from 19 April to 1 June 2024. Ms. Moitra was re-elected in her constituency of Krishnanagar, which was heavily contested by the BJP.

The complainant insists that Ms. Moitra's situation must be seen within a broader pattern of escalating persecution of vocal opposition members by the BJP. The complainant shared reports of several allegedly abusive proceedings against opposition members of parliament, including against opposition leader Rahul Gandhi, who temporarily lost his seat after being found guilty of defaming the family name of Prime Minister Modi in an unprecedented verdict, which was later suspended following an appeal to the Supreme Court. The complainant also mentioned the example of the suspension of 143

opposition parliamentarians from both houses of parliament from mid-December 2023 to the end of the winter session, following protests by these parliamentarians against the denial of the right to discuss the conflict in Manipur and matters related to their own security in parliament.

The IPU received a letter from the Secretary General of the Lok Sabha in March 2024, which dismissed concerns raised by the complainant and stressed that the expulsion of Ms. Moitra had followed due process. According to the authorities, Ms. Moitra is not the first parliamentarian to be expelled for receiving rewards in exchange for raising critical queries in parliament, referring to a 2005 case where 11 parliamentarians, which included members from the BJP, were caught on camera while accepting cash as part of a sting operation. The BJP was then in opposition and its leader at the time had decried the punishment as disproportionate and arbitrary, even though the evidence of corruption was clear. During a hearing with the IPU Committee at the 149th IPU Assembly in October 2024, a high-ranking member of the Indian delegation stressed that Ms. Moitra had been successfully re-elected and had been able to carry out her duties without any hindrance ever since, adding that her appeal against violations of due process was under consideration by the Supreme Court.

However, the complainant reports that, on 13 December 2024, an exchange took place in the Lok Sabha between Mr. Dubey, Ms. Moitra and Parliamentary Affairs Minister Kiren Rijiju following a speech Ms. Moitra delivered on the occasion of the 75th anniversary of the adoption of the Constitution. The Minister reacted to the speech by warning Ms. Moitra that her reference to Justice Loya, who died in 2014 while he was in charge of an investigation into murder allegations involving the Minister of Home Affairs Amit Shah, was unacceptable. The complainant stresses that the Minister referred to Ms. Moitra in sexist terms and warned her that action would be taken against her, adding that she “cannot escape”, which was interpreted as an act of intimidation and harassment. The complainant adds that the breach of privilege motion against Mr. Rijiju co-signed by Ms. Moitra and 10 leaders of opposition parties was neither acknowledged nor registered, adding that his remarks remain in the records despite the Speaker’s assurance that they would be expunged. In addition, the complainant reports that months after Ms. Moitra’s re-election, her request to join the Foreign Affairs Committee remains pending despite the support of the Committee Chairperson to include her; as a result, Ms. Moitra was unable to carry out her work in the standing committee of her choice.

B. Decision

The Committee on the Human Rights of Parliamentarians

1. *Thanks* the member of parliament representing the Indian delegation to the 149th IPU Assembly in Geneva for the information provided at a hearing with the IPU Committee on the Human Rights of Parliamentarians; *recalls* that the Committee’s procedure is based on ongoing and constructive dialogue with the authorities, first and foremost the parliament of the country concerned; and *hopes* to continue to engage with the parliamentary authorities of India in the same spirit of mutual understanding and constructive dialogue in pursuit of a prompt satisfactory settlement of the present case;
2. *Is nonetheless concerned* by the allegations brought forward by the complainant, including the fact that the vote on Ms. Moitra’s expulsion took place on the basis of a contentious report adopted without consensus and without her being given the right to express herself in a case related to her, as well as by allegations that she had been submitted to discriminatory and prejudicial treatment by Mr. Sonkar, the Chairperson of the Ethics Committee;
3. *Is particularly concerned* by reports that Ms. Moitra was sanctioned in the absence of any breach of the law or applicable parliamentary rules; *recalls* the universal and inviolable nature of the legal principle of *nulla poena sine lege*, whereby no one may be held guilty of any offence on account of any act or omission that did not constitute an offence at the time when it was committed; and *cannot but conclude*, in light of information available to it, that the decision to expel Ms. Moitra from parliament was not founded in law;
4. *Acknowledges* the concern expressed by the authorities that in seeking assistance from third parties for drafting questions in the parliamentary online portal, matters related to national security may have been exposed; *notes*, however, that the regulation of cybersecurity related to the use of the parliamentary online portal is the collective responsibility of parliament as an institution; *observes* that the sharing of login details to the Lok Sabha appears to be a widespread practice in parliament, as established by statements made by a number of Ms. Moitra’s colleagues; *notes*, moreover, that Ms. Moitra was stripped of her seat in parliament, an

extremely serious punishment; and *cannot but reach the conclusion*, on the basis of information submitted to it by both parties, that even if Ms. Moitra’s expulsion had been in conformity with applicable rules and legal principles, such a sanction would be wholly disproportionate, as it not only deprived Ms. Moitra of her right to exercise her parliamentary mandate, but also deprived her electorate of representation in parliament;

5. *Is concerned* by the allegation that Ms. Moitra was expelled in retaliation for her oversight work in seeking answers on serious allegations of corruption, collusion and fraud, which have led to legal action in several jurisdictions; *believes* that a disproportionate sanction in such a context is likely to send a chilling effect to the opposition; *recalls*, in that regard, that the Universal Declaration on Democracy adopted by the IPU in 1997 establishes that “institutions and processes of democracy must accommodate the participation of all people” to “safeguard diversity, pluralism and the right to be different”; *is concerned* by the fact that after her re-election, Ms. Moitra was threatened and subjected to stigmatizing language on the floor of the Lok Sabha, and by the complainant’s allegation that no action had been taken in that regard; and *affirms* that freedom of expression is absolutely essential to the parliamentary mandate and that the exercise of this right includes not only statements that are favourably received or regarded as inoffensive, but also those that may offend, shock or disturb others;
6. *Calls on* the parliamentary authorities to do their utmost to protect the rights of Ms. Moitra and to defend all women parliamentarians from restrictive social norms that violate their rights and harm their ability to take part in the affairs of parliament on an equal footing with their male colleagues; and *hopes* to be able to close this case soon, provided no new allegations of violations are submitted by the complainant;
7. *Appreciates* the information submitted by the parliamentary authorities that a process of revising parliamentary rules is ongoing; *calls on* parliament to make use of this opportunity to revise its procedures to ensure that the situation that gave rise to Ms. Moitra’s expulsion is not repeated and that the rights of all members of parliament, both of the majority and the opposition, are protected equally in law and in practice; and *believes* that this ought to be facilitated by India’s long-standing tradition of democracy, parliamentary pluralism and aspiration to exemplify the lofty principle of unity in diversity;
8. *Requests* the Secretary General to convey this decision to the Speaker of the Lok Sabha, the complainant and any third party likely to be in a position to supply relevant information;
9. *Decides* to continue examining this case.

Malaysia

Decision adopted by the Committee on the Human Rights of Parliamentarians at its 176th session (Geneva, 3 to 19 February 2025)



Rafizi Ramli

MYS-24 – Rafizi Ramli
MYS-25 – Chua Tian Chang
MYS-38 – Nga Kor Ming
MYS-39 – Teo Nie Ching (Ms.)

Alleged human rights violations

- ✓ Violation of freedom of opinion and expression

A. Summary of the case

Mr. Nga Kor Ming and Ms. Teo Nie Ching were being investigated, as of 2015, under the Sedition Act of 1948. In 2018, it was reported that an instruction for no sedition charge to be brought against both individuals was pending before the Attorney General's Office. It appears that this instruction has been followed since. Both individuals freely serve in the current Malaysian Government as Minister and Deputy Minister.

On 29 September 2016, Mr. Chua Tian Chang was sentenced to a three-month prison term and fined RM 1,800 for sedition. His conviction was, however, overturned on 23 November 2018. Another charge of sedition against him was discontinued before then by the prosecution after his acquittal at first instance.

The Committee on the Human Rights of Parliamentarians has repeatedly expressed criticism of the existence and use of the Sedition Act, in the belief that it runs counter to the right to freedom of expression and opens the door to arbitrary restrictions to silence opposition voices. Despite promises by the current Malaysian Government to repeal the Sedition Act, this piece of

Case MYS-COLL-01

Malaysia: Parliament affiliated to the IPU

Victims: Four current and former members of parliament (three men and one woman)

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

Submission of complaint: September 2014

Recent IPU decision: October 2018

IPU mission: [July 2015](#)

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

Recent follow-up:

- Communication from the authorities: Letter from the International Relations and Protocol Division, Parliament of Malaysia (January 2024)
- Communication from the complainant: October 2018
- Communication to the authorities: Letter to the Speaker of the House of Representatives (December 2023)
- Communication to the complainant: January 2025

legislation remains in force. In 2023, the Government announced that, rather than considering a repeal of the Act, it was considering amending it by limiting its use to matters involving the Malaysian royal institution. Several human rights and legal defence organizations have criticized this proposal for keeping the threat to freedom of expression intact.

On 14 November 2016, Mr. Rafizi Ramli was sentenced under the Official Secrets Act to an 18-month prison term for unauthorized possession of the 1Malaysia Development Berhad (1MDB) audit report and for exposing it to the media. On 23 August 2017, the High Court set aside his conviction for possession of the classified document but upheld his conviction for disclosing its contents. Despite overturning one conviction, the 18-month prison sentence remained, as the sentences were to run concurrently. The court granted a stay of execution pending a further appeal to the Court of Appeal. On 1 June 2018, the Court of Appeal allowed Mr. Ramli's appeal against the prison sentence, releasing him on a two-year "good behaviour" bond of RM 10,000. This decision effectively overturned his imprisonment, enabling him to participate in future elections. At the time, Mr. Ramli also remained subject to other charges or criminal investigations. In this regard, on 15 November 2019, the High Court acquitted and discharged Mr. Ramli after overturning his conviction for charges under the Banking and Financial Institutions Act (BAFIA) in 2018 in connection with his disclosure of banking details related to the National Feedlot Corporation for the purpose of exposing alleged acts of corruption. At present, it appears that Mr. Ramli, who is currently the Minister of Economy in the Malaysian Government, is no longer facing any legal proceedings.

B. Decision

The Committee on the Human Rights of Parliamentarians

1. *Takes note with satisfaction* that the original accusations under the Sedition Act against Mr. Nga Kor Ming, Ms. Teo Nie Ching and Mr. Chua Tian Chang did not result in any punishment; and *decides*, therefore, to close any further examination of their situation in line with paragraph 25 of Annex I to the revised Rules and Practices of the Committee on the Human Rights of Parliamentarians, considering that there are no grounds for any further action;
2. *Reaffirms its conviction*, nevertheless, that the Sedition Act remains vague and broad, thus leaving the door open to abuse; and *sincerely hopes*, therefore, that the authorities will finally and effectively carry out a review of the Sedition Act that will result in legislation that is fully compliant with international human rights;
3. *Is pleased* that Mr. Ramli is no longer subject to legal proceedings; *decides*, therefore, to close any further examination of his situation in line with paragraph 25 of Annex I to the revised Rules and Practices of the Committee, considering that there are no grounds for any further action; *regrets*, nevertheless, that he was prosecuted on account of having acted as a whistleblower to expose serious instances of corruption, as was later borne out in court; and *sincerely hopes* that the Malaysian authorities will take the necessary steps to help ensure that the concerns that gave rise to this case are not repeated, in particular by offering adequate whistleblower protection through an appropriate review of the Whistleblower Protection Act of 2010;
4. *Requests* the Secretary General to convey this decision to the relevant authorities and the complainant.

Pakistan

Decision adopted by the Committee on the Human Rights of Parliamentarians at its 176th session (Geneva, 3 to 19 February 2025)



Police officials arrested Pashtun human rights activist and former National Assembly Member Ali Wazir (centre) after a rally against enforced disappearances in Pakistan in Islamabad on 20 August 2023. | Ghulam Rasool / AFP

PAK-25 – Muhammad Ali Wazir

Alleged human rights violations

- ✓ Torture, ill-treatment and other acts of violence
- ✓ Arbitrary arrest and detention
- ✓ Inhumane conditions of detention
- ✓ Lack of due process at the investigation stage
- ✓ Lack of fair trial proceedings
- ✓ Excessive delays
- ✓ Right of appeal
- ✓ Violation of freedom of opinion and expression
- ✓ Violation of freedom of assembly and association
- ✓ Failure to respect parliamentary immunity
- ✓ Impunity

A. Summary of the case

Mr. Muhammad Ali Wazir was elected to the National Assembly of Pakistan in 2018. He is a co-founder of the Pashtun Tahaffuz (Protection) Movement (PTM), established in 2014 to defend the rights of the Pashtun people. Mr. Wazir is a well-known critic of the military of Pakistan, accusing them of instigating extrajudicial killings, enforced disappearances and other human rights violations against civilians in Khyber Pakhunkhwa and other areas predominantly inhabited by Pashtuns. This position earned him enemies among influential members of the military leadership, including General Qamar Javed Bajwa, the tenth chief of the Army Staff. Mr. Wazir has been arrested multiple times, together with other PTM leaders, for attending PTM gatherings and making critical statements against the military. Additionally, he has spoken out against the Taliban armed group, exposing himself and his family to deadly attacks.

The complainant reports that Mr. Wazir was arrested on 16 December 2020 in connection with a rally to mourn the victims of the 2014 Peshawar school massacre. The charges against him include preparing a criminal conspiracy and making derogatory remarks against the armed forces and other state institutions in his speeches. He has also been accused of sedition and spreading “hate speeches” against these institutions. However, the complainant rejects the charges as baseless and politically motivated. The

Case PAK-25

Pakistan: Parliament affiliated to the IPU

Victim: Independent member of the National Assembly of Pakistan

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

Submission of complaint: November 2021

Recent IPU decision: March 2023

IPU Mission: [Trial observer mission in July 2023.](#)

Recent Committee hearing(s): - - -

Recent follow-up:

- Communication from the authorities: November 2021
- Communication from the complainant: January 2025
- Communication to the authorities: December 2024
- Communication to the complainant: January 2025

complainant contends that the accusations against Mr. Wazir were intended to interfere with his parliamentary mandate and his advocacy for the rights of the Pashtun people, in violation of his rights to freedom of expression and to peaceful assembly.

According to the complainant, although Mr. Wazir was freed on bail by the Supreme Court on 30 November 2021, his release was forestalled due to a separate charge emanating from another jurisdiction. Since then, Mr. Wazir has been presented with new charges on five occasions, which prevented his leaving prison and regaining his seat in parliament, even when accorded bail and despite the fact that the anti-terrorism court acquitted him in October 2022. Furthermore, although the National Assembly Speaker issued an order summoning Mr. Wazir to the parliamentary budget session on 21 June 2022, Mr. Wazir was not able to attend the session as he had reportedly been beaten by state agents when he was undergoing a health check in hospital, which led him to demand to be returned to prison instead. The complainant reports that the prolonged detention of Mr. Wazir on remand violates his parliamentary mandate and puts his life at risk, as he suffers from hypertension, diabetes and other ailments.

Following the mobilization of numerous actors, including members of the Senate of Pakistan, to pressure the authorities to respect Mr. Wazir's rights, he was eventually released on bail on 14 February 2023. However, following his release, Mr. Wazir was arrested multiple times on allegedly trumped-up charges involving attacks on police officers, intentional road accidents, drug possession and a robbery of a petrol station. Some of the charges concerned events that allegedly took place during his prolonged incarceration in detention, which the complainant shows as proof of the spurious and *mala fide* nature of the accusations made by the security apparatus.

In July 2023, an IPU trial observer travelled to Pakistan to follow and report on a trial in another case. In her report, the observer noted that some courts interpreted laws relating to freedom of expression in ways that "would mean that no citizen is allowed to criticize ... or share views against the army". The report also noted with concern the practice of issuing multiple first information reports for "the same occurrence, suggesting that the motive of the State may have been to keep" critics in custody. She noted that Mr. Wazir has also "been arrested for similar charges [for having] criticized the government or the army".²

The complainant submits that this persecution through false cases, the reopening of cases that resulted in the acquittal of Mr. Wazir, and repeated arrests and relocation to different prisons continued well after the end of the parliamentary term on 10 August 2023. The complainant reports that, on 20 August 2023, Mr. Wazir was arrested once again as part of a violent crackdown that followed a large rally for human rights convened by the PTM in front of the Supreme Court of Islamabad. The complainant further reports that Mr. Wazir was tortured during this incarceration and that his tormentors openly taunted him by declaring "if we kill you, who will hold us accountable?"

According to the complainant, on 11 September 2023 Mr. Wazir was released on bail, only to be re-arrested minutes after his release. Mr. Wazir was arrested yet again on 3 August 2024 on related charges and has remained in detention in different prisons ever since. The complainant reports that, since then, the security situation in the province of Khyber Pakhtunkhwa has worsened even further. In February 2024, Pakistan held highly contested elections that pitted traditional parties close to the military authorities against opposition candidates, who obtained the most seats. The complainant adds that several PTM member candidates were attacked, and none were re-elected to the federal parliament. Mr. Wazir remains in detention as of 6 February 2025 and continues to face multiple trials.

According to the complainant, amid the highly polarized climate that followed the elections, the PTM was banned on 25 October 2024 over unsubstantiated security concerns and its activists were charged under the Anti-Terrorism Act of 1997. The PTM decried the arbitrary nature of the ban, pointing out the lack of evidence of any violent actions on its part, accusing the authorities of being either unable or unwilling to stem the flow of actual terror attacks. Amnesty International, among many organizations, called on the Pakistani authorities to lift the ban and to stop criminalizing dissent.³

² <https://www.ipu.org/file/18040/download>

³ <https://www.amnesty.org/en/latest/news/2024/10/pakistan-authorities-must-immediately-revoke-ban-on-pashtun-tahaffuz-movement/>

B. Decision

The Committee on the Human Rights of Parliamentarians

1. *Deplores* that, despite past efforts made by Pakistani parliamentarians that led to the release of their colleague from prison in 2023, Mr. Wazir has been arbitrarily detained on numerous occasions since then and continues to be submitted to multiple allegedly unfair trial proceedings based on repeated charges relating to alleged actions he took during his parliamentary mandate;
2. *Urges* the Pakistani authorities to release Mr. Wazir on bail without delay and to ensure that his rights to a fair trial and to freedom of expression are protected; *reiterates its wish* to be kept informed of the dates of the trial, and of any other relevant judicial developments in the case in preparation for a trial observation mission to Pakistan; and *wishes* to receive information on the precise legal and factual grounds that justify the ban and suppression of the “Pashtun Tahaffuz Movement”, the human rights organization co-founded by Mr. Wazir;
3. *Is deeply concerned* by reports that Mr. Wazir has been held in overcrowded prison cells despite the fact that he suffers from poor health; *wishes* to receive detailed information on the detention conditions of Mr. Wazir; and *recalls* that international human rights standards reflected in General Comment No. 35 of the United Nations Human Rights Committee specify that pretrial detention “shall be the exception rather than the rule”, should not be general practice, and should never apply automatically to all those charged with a certain crime;
4. *Remains deeply concerned*, as mentioned by the United Nations Human Rights Committee in its latest concluding observations on the human rights situation in Pakistan, by the high incidence of arbitrary arrest and detention, mistreatment and extra-legal use of force allegedly committed by security forces, and that such allegations remain largely unpunished;
5. *Is gravely concerned* by the callous threats reportedly made by the torturers of Mr. Wazir, which points to a climate of complete impunity for human rights violations against parliamentarians who criticize the military authorities; *recalls* that impunity, by shielding those responsible from judicial action and accountability, decisively encourages the perpetration of further human rights violations, and that violations against 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; *is deeply alarmed* that all of the latest cases concerning Pakistan before the IPU Committee are marked by a persistent pattern of impunity; *firmly believes* that such cases will continue to emerge as long as the underlying factors behind this pattern of impunity are addressed and perpetrators of violations are held to account; and *calls on* the parliamentary authorities to exercise their oversight function to ensure that the perpetrators of violations committed against Mr. Wazir, including the authors of the attacks against him in June 2022 and August 2023, are identified and brought to justice;
6. *Calls on* the Parliament of Pakistan to use its powers to carry out a full review of its legislation, including the Pakistan Penal Code and the Anti-Terrorism Act, and to abolish or amend it in line with Pakistan’s international human rights obligations, including the obligation to criminalize torture and mistreatment; *calls on* the authorities to make use of the expertise of the United Nations special procedures, including the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, to ensure that existing legislation is amended so as to comply with applicable international human rights standards; and *wishes* to receive information on all actions taken to this effect;
7. *Affirms* that the IPU stands ready to provide assistance upon request aimed at building the capacities of parliament and other public institutions to identify any underlying issues that have given rise to the current case and to rectify such issues, including with regard to the legislation and procedures implemented in the case; and *requests* the competent authorities to provide further information on how the IPU could best provide such assistance;
8. *Requests* the Secretary General to convey this decision to the parliamentary authorities and other relevant national authorities, the complainant and any interested third parties likely to be in a position to supply relevant information to assist the Committee in its work;
9. *Decides* to continue examining the case.



Inter-Parliamentary Union
For democracy. For everyone.

Thailand

Decision adopted by the Committee on the Human Rights of Parliamentarians at its 176th session (Geneva, 3 to 19 February 2025)



Former Move Forward Party (MFP) leader Pita Limjaroenrat (centre) and fellow MFP members of parliament attend a press conference at the Thai parliament in Bangkok. Jack TAYLOR / AFP

Parliamentarians deprived of their mandate and political rights for 10 years:

THA-184 - Pita Limjaroenrat
THA-185 - Apichat Sirisoontorn
THA-186 - Bencha Saengchan (Ms.)
THA-187 - Chaithawat Tulathon
THA-188 - Suthep Ou-Oun
THA-335 - Padipat Suntiphada

Former parliamentarians deprived of their political rights for 10 years:

THA-189 - Amarat Chokepamitkul (Ms.)
THA-190 - Nateepat Kulsetthasith (Ms.)
THA-191 - Somchai Fungcholjit

Parliamentarians who may lose their political rights for life:

THA-219 - Jirat Theangsuwan	THA-291 - Sirikanya Tansakun (Ms.)
THA-228 - Khamphong Thephakham	THA-304 - Surachet Pravinwongvuth
THA-236 - Manop Keereepuwadol	THA-306 - Surawat Thongbu
THA-240 - Nattacha Boonchaiinsawat	THA-310 - Taopiphop Limjitrakorn
THA-243 - Natthaphong Ruengpanyawut	THA-312 - Teerajchai Phuntumas
THA-244 - Nitipon Piwmow	THA-319 - Tunyawat Kamolwongwat
THA-249 - Nutthawut Buaprathum	THA-323 - Wanvipa Maison (Ms.)
THA-250 - Ongkan Chaibut	THA-326 - Wayo Assawarungruang
THA-252 - Pakornwut Udompipatskul	THA-330 - Wiroj Lakkanaadisorn
THA-269 - Prasertpong Sornuvatara	THA-331 - Woraphop Wiriyaroj
THA-276 - Rangsiman Rome	THA-332 - Wuttinan Boonchoo
THA-282 - Sakdinai Numnu	THA-333 - Yanathicha Buapuean (Ms.)

Former parliamentarians who may lose their political rights for life:

THA-336 - Chavalit Laohaudomphan
THA-337 - Kanphong Chongsuttanamanee
THA-338 - Nattaphon Suepsakwong
THA-339 - Parinya Chuaigate Keereerut
THA-340 - Phicharn Chaowapatanawong
THA-341 - Somkiat Chaivisuttigul
THA-342 - Somkiat Thanomsin
THA-343 - Supisarn Bhakdinarinath
THA-344 - Suttawan Suban Na Ayuthaya (Ms.)
THA-345 - Taweesak Taksin
THA-346 - Thongdaeng Benjapak

Parliamentarians charged with lèse majesté:

THA-266 - Piyarat Chongthep
THA-210 - Chonthicha Jangrew (Ms.)
THA-280 - Rukchanok Srinork (Ms.)

Parliamentarians who face no further legal action:

THA-192 - Annsiri Waiaikanok
THA-193 - Anupab Likitamnuaychai
THA-194 - Anusorn Kaewwichain
THA-195 - Apisit Laistrooglai
THA-196 - Bhuntin Noumjerm
THA-197 - Boonloet Saengpan
THA-198 - Chaiwat Sathawornwichit
THA-199 - Chalermpong Saengdee
THA-200 - Chalormchai Kulalert
THA-201 - Charin Wongpantiang
THA-202 - Charus Koomkainam
THA-203 - Chatr Supatwanich
THA-204 - Chawan Ponlameungdee
THA-205 - Chayaphon Satondee
THA-206 - Chetawan Thuaprakhon
THA-207 - Chitsanupong Tangmethakul
THA-208 - Chittawan Chinanuvat
THA-209 - Chollathanee Chueanoi
THA-211 - Chorayuth Chaturapornprasit
THA-212 - Chulapong Yukate
THA-213 - Chutchawan Apirukmonkong
THA-214 - Chutima Kotchapan (Ms.)
THA-215 - Chutipong Pipoppinyo
THA-216 - Ekkarach Udomumnouy
THA-217 - Itthiphon Chontharasiri
THA-218 - Jetsada Dontreesanoa
THA-220 - Julalack Khangutham (Ms.)
THA-221 - Kalyapat Rachitroj (Ms.)
THA-222 - Kamonthas Kittisoonthornsaku (Ms.)
THA-223 - Kanphong Prayoonsak
THA-224 - Kantaphon Duang-amphon
THA-225 - Koranic Chantada (Ms.)
THA-226 - Karit Pannaim
THA-227 - Karoonpon Tieansuwan
THA-229 - Khunakorn Mannatirai
THA-230 - Kiattikhun Tonyang
THA-264 - Pimkarn Kiratiwirapakorn (Ms.)
THA-265 - Piyachart Rujipornwasin
THA-267 - Pongpun Yodmuangcharoen
THA-268 - Poonsak Chanchampee
THA-270 - Prasit Puttamapadungsak
THA-271 - Pratyawan Chaisueb (Ms.)
THA-272 - Preeti Charoensilp
THA-273 - Pukkamon Noonanant (Ms.)
THA-274 - Puriwat Chaisamran
THA-275 - Rachanok Sukprasert (Ms.)
THA-277 - Rapassorn Niyamosatha (Ms.)
THA-278 - Ratchapong Siosuwan
THA-279 - Romadon Panjor
THA-281 - Sahassawat Kumkong
THA-283 - Sakon Soontornvanichkit
THA-284 - Saniwan Buaban (Ms.)
THA-285 - Sasinan Thamnithinan (Ms.)
THA-286 - Satit Taweephol
THA-287 - Sawangjit Laoharajanaphan (Ms.)
THA-288 - Shine Sittiphol
THA-289 - Sia Jampathong
THA-290 - Sirasit Songnuy
THA-292 - Sirilapas Kongtragan (Ms.)
THA-293 - Sirin Sanguansin
THA-294 - Siriroj Thanikkun
THA-295 - Sittiphol Viboonthanakul
THA-296 - Somchart Techathavorncharoen
THA-297 - Somdul Eutcharoen
THA-298 - Soraweei Subbaneda
THA-299 - Sorrapat Sriparch
THA-300 - Supachot Chaiyasat
THA-301 - Supakon Tangtiphaiboontana
THA-302 - Supapakorn Kityadhighuna
THA-303 - Suphanat Minchaiyunt
THA-305 - Suraphan Wiyakorn
THA-307 - Suttasitt Pottasak

THA-231 - Kittiphon Panprommart
THA-232 - Krit Chevathamnon (Ms.)
THA-233 - Krithiran Lersauritpakdee
THA-234 - Krit Silapachai
THA-235 - Laofang Bundidterdsakul
THA-237 - Nakorn Chareepan
THA-238 - Narongdet Urankul
THA-239 - Nataphol Tovichakchaikul
THA-241 - Nattapong Pipatchaisiri
THA-242 - Nattapong Sumanotham
THA-245 - Nittaya Meesri (Ms.)
THA-246 - Nobpadol Tibpayachol
THA-247 - Nont Pisarnlimjaroenkit
THA-248 - Nuttapong Premphunsawad
THA-251 - Orapan Juntarueang (Ms.)
THA-253 - Panyarut Nuntapusanooont (Ms.)
THA-254 - Paramait Vithayaruksun
THA-255 - Paramee Waichongcharoen
THA-256 - Parit Wacharasindhu
THA-257 - Patsarin Ramwong (Ms.)
THA-258 - Pavitra Jittakit (Ms.)
THA-259 - Phanida Mongkolsawat (Ms.)
THA-260 - Phattharaphong Leelaphat
THA-261 - Phetcharat Maichompoo (Ms.)
THA-262 - Phuthita Chaianun (Ms.)
THA-263 - Pichai Jangjunyawong

THA-308 - Takul Yasaeng
THA-309 - Tanadej Pengsuk
THA-311 - Tawiwong Totawiwong
THA-313 - Thanyathorn Dhaninwattanathorn
THA-314 - Thitikan Thitipruethikul
THA-315 - Tipa Paweenasatien (Ms.)
THA-316 - Tisana Choonhavan (Ms.)
THA-317 - Tissarat Laohaphol (Ms.)
THA-318 - Traiwat Imjai
THA-320 - Vittawat Tichawanich
THA-321 - Vitvisit Pansuanprook
THA-322 - Wannida Noppasit (Ms.)
THA-324 - Warayut Tongasuk
THA-325 - Warot Sirirak
THA-327 - Weeranan Huadsri
THA-328 - Weerapat Kantha
THA-329 - Weerawut Rukthieng
THA-334 - Yodchai Peungporn

Alleged human rights violations

- ✓ Lack of due process in proceedings against parliamentarians
- ✓ Violation of freedom of opinion and expression
- ✓ Violation of freedom of assembly and association
- ✓ Undue invalidation, suspension, revocation or other acts obstructing the exercise of the parliamentary mandate

A. Summary of the case

Thailand's Move Forward Party (MFP) obtained most seats in the May 2023 parliamentary elections after campaigning on a progressive agenda, which included a promise to reform the *lèse-majesté* rules contained in section 112 of the Criminal Code.

The complainant reports that, on 31 January 2024, the Constitutional Court of Thailand ruled that the proposal to discuss the amendment of this law by MFP leader and prime ministerial candidate, Mr. Pita Limjaroenrat, and other MFP parliamentarians was deemed to be sufficient grounds to be construed as an attempt to overthrow the democratic nature of the government with the King as Head of State. The complainant adds that the Court found that such a proposal contravened section 49(1) of the Constitution, which explicitly prohibits any individual from exercising their rights or liberties to overthrow the democratic nature of the government with the King as Head of State.

The complainant specifies that the court ruling ordered the MFP to cease and desist from any action to reform section 112 of the Criminal Code, including by expressing opinions, speaking, writing, publishing or conveying messages by any other means in pursuit of amending section 112. According

Case THA-COLL-02

Thailand: Parliament affiliated to the IPU

Victims: 163 opposition members of the National Assembly of Thailand (36 female and 127 male)

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

Submission of complaint: March 2024

Recent IPU decision: October 2024

IPU mission(s): - - -

Recent Committee hearing: Hearing with the Thai delegation to the 149th IPU Assembly (October 2024)

Recent follow-up:

- Communication from the authorities: October 2024
- Communication from the complainant: January 2025
- Communication to the authorities: Letter to the Speaker of the House of Representatives (September 2024)
- Communication to the complainant: October 2024

to the complainant, the MFP agreed to comply with the ruling and made it clear that it had no intention of overthrowing the monarchy, while regretting that Thai society would lose the opportunity to make use of its parliament to find a solution to the conflicts arising from section 112, which can lead to sentences of up to 50 years' imprisonment for critical posts on social media. Shortly after the Constitutional Court's ruling of 31 January 2024, a petition was filed with the National Anti-Corruption Commission (NACC) asking it to investigate claims of a serious ethical violation by the 44 lawmakers who had submitted the bill to amend section 112 of the Criminal Code in 2021. Section 235 of the Thai Constitution stipulates that, if the NACC finds grounds for allegations of a serious ethical violation by political office holders, it will have to forward the case to the Supreme Court's Criminal Division for Holders of Political Positions. The NACC was reported in August 2024 to be carrying out an investigation into the allegations of ethical misconduct, which was expected to last six months. If found guilty, the 44 parliamentarians concerned may lose their political rights for life.

In another procedure, the complainant claims that, on 12 March 2024, the Election Commission decided to petition the Constitutional Court to dissolve the MFP under the Organic Act on Political Parties (2017). According to the complainant, this step was politically motivated and violated the political rights of the members of parliament concerned as well as their parliamentary mandate.

On 7 August 2024, the Constitutional Court unanimously decided to dissolve the MFP and to ban Mr. Limjaroenrat and the other members of the MFP executive board from exercising their political rights for 10 years. The remaining 143 members of parliament who were elected in 2023 would have lost their seats had they not joined another party within 60 days. On 9 August 2024, all 143 members of parliament joined the newly established People's Party (PPP), which allowed them to keep their parliamentary seat. The aim of the PPP is to carry on the legacy of the MFP under the leadership of a new executive board led by Mr. Natthaphong Ruengpanyawut. The latter is one of the 44 current and former members of parliament who may lose their political rights for life in the NACC case. This group also includes Deputy Speaker Padipat Suntiphada, who lost his seat as a result of the 7 August 2024 ruling, even though he had left the MFP for the Fair Party shortly after the 2023 elections.

During its last review of the situation in Thailand, the United Nations (UN) Human Rights Committee expressed its concern about the "increase in the number of people detained and prosecuted for the crime of lese-majesty" and "about extreme sentencing practices, which result in dozens of years of imprisonment in some cases".¹ The UN Committee called on Thailand to amend section 112 to bring it into conformity with the International Covenant on Civil and Political Rights and reiterated that the imprisonment of persons for exercising their freedom of expression violates article 19 of the Covenant. Commenting on the 7 August ruling, two UN special rapporteurs said that they were "dismayed by the undemocratic use of the lèse-majesté law as a political tool to dissolve the [MFP]", adding that their proposal to amend section 112 "would have brought Thailand into compliance with its international human rights obligations", thus "punishing parliamentarians for seeking to uphold international law". They stressed that section 112 "has no place in a modern democracy. It is outdated and out of step with international law, and efforts to peacefully reform it should be supported, not thwarted".²

In addition, the complainant reports that, on 5 February 2024, a district court found Mr. Limjaroenrat and other key progressive political figures guilty of holding a flash mob demonstration without prior notice during the 2019–2020 protests that followed the dissolution of the Future Forward Party, a past manifestation of the MFP that was dissolved in 2020. The complainant also reports that, on 19 February 2023, the Constitutional Court ordered Mr. Limjaroenrat to temporarily cease his duties as a member of parliament pending a final deliberation by the Court in a case involving a potential violation of election laws by his holding of shares in a defunct media company. According to the complainant, on 24 January 2024, the Court reinstated his mandate by determining that, while he did hold some minor shares in the company in question, that company had ceased to function as a media outlet at the time. However, the complainant stresses that Mr. Limjaroenrat, the then leader of the MFP, was suspended for a total of 190 days. According to the complainant, this suspension was arbitrary and politically motivated as in other cases members of parliament who were not opposition leaders had not been similarly suspended.

The complainant further reports that, on 27 May 2024, a provincial court convicted another MFP member of parliament, Ms. Chonthicha Jangrew, for breaking section 112 of the Criminal Code and sentenced her to two years of imprisonment for comments she made about the King in 2021. She was later

¹ <https://www.ohchr.org/en/documents/concluding-observations/ccprcthaco2-concluding-observations-second-periodic-report>

² <https://www.ohchr.org/en/press-releases/2024/08/thailand-un-experts-seriously-concerned-about-dissolution-main-political>

released on bail pending appeal. Mr. Piyarat Chongthep and Ms. Rukchanok Srinork were also charged under section 112 before being elected.

B. Decision

The Committee on the Human Rights of Parliamentarians

1. *Notes* that the new complaint concerning 11 former opposition members of Thailand's Move Forward Party (MFP) of the National Assembly of Thailand is admissible, considering that the complaint: (i) was submitted in due form by a qualified complainant under section I.(1)(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); (ii) concerns members of parliament at the time of the alleged facts; and (iii) concerns allegations of lack of due process in proceedings against parliamentarians; violation of freedom of opinion and expression; violation of freedom of assembly and association; and undue invalidation, suspension, revocation or other acts obstructing the exercise of the parliamentary mandate, allegations which fall within the Committee's mandate; and *declares itself* competent to examine the situation of the 11 additional former parliamentarians concerned;
2. *Notes* the information submitted by the authorities and confirmed by the complainant, according to which, of the 143 parliamentarians elected in 2023 from the MFP, 116 have not faced any legal action in connection with the activities of their party and that they are able to exercise their mandate freely; *decides*, therefore, to close the case in relation to the 116 parliamentarians concerned in line with paragraph 25 of Annex I to its revised Rules and Practices; and *recalls*, however, that the Committee reserves the right to re-examine the case in relation to any of the above-mentioned parliamentarians in the light of new elements subsequently provided by the complainant;
3. *Is concerned* that a current member of parliament, Mr. Piyarat Chongthep, has been charged under section 112 of the Criminal Code, and that two current members of parliament, Ms. Chonthicha Jangrew and Ms. Rukchanok Srinork, have been sentenced to several years of imprisonment for exercising their freedom of speech; *strongly believes* that the Thai parliamentary authorities have a duty to ensure that the rights of all its members are duly protected from any infringement; and *calls on* the Thai Parliament to do its utmost to protect the rights of all parliamentarians, irrespective of their affiliation;
4. *Remains deeply concerned* by the fact that the largest party in parliament was dissolved by the Constitutional Court and that the members of its executive board were expelled from parliament and deprived of their political rights; and *is disappointed* that the practice of resorting to the dissolution of opposition political parties by the Constitutional Court remains a feature of Thai political life, despite the promising reforms that restored democratic rule in 2017;
5. *Recalls* the decision adopted by the IPU Governing Council at its 214th session (October 2024) endorsing the conclusion reached by the United Nations Human Rights Committee that section 112 of the Criminal Code of Thailand as presently constituted is not in conformity with the International Covenant on Civil and Political Rights (ICCPR) and that Thailand, as a State party to the Covenant, is under an obligation to bring section 112 into conformity with applicable international standards on freedom of expression, which rule out any imprisonment of persons exercising their freedom of expression; *strongly believes* that the Thai Parliament has a vested interest and an undeniable duty to lead the way to that end; and *wishes* to receive information on action taken by the Thai parliament to give effect to this decision;
6. *Does not believe* that the Constitutional Court concluded that the attempt by the MFP parliamentarians to discuss a legislative amendment of the Criminal Code amounted to an attempt to overthrow the democratic nature of the government with the King as Head of State;
7. *Is concerned* that 44 current and former parliamentarians from the dissolved MFP party could lose their political rights for life following a process before the National Anti-Corruption Commission; and *believes* that such a decision would amount to a serious violation of the right of the 44 parliamentarians concerned to take part in the conduct of public affairs as enshrined in article 25 of the ICCPR;

8. *Urges*, once again, the Thai parliamentary authorities to carry out a review of all legislation that is inconsistent with Thailand's international obligations in that regard and to make the necessary changes in the Criminal Code, the Organic Act on Political Parties (2017), the codes of ethics applicable to parliamentarians, as well any other relevant legislation, to prevent the recurrence of arbitrary or disproportionate measures against parliamentarians exercising their rights and fulfilling their duties;
9. *Welcomes* the serious discussions under way to amend the present Constitution in order to ensure that the aspirations of Thai society for a democracy based on the full respect for the right to freedom of expression and other human rights are realized; *remains convinced* that much could already be done within the framework of the present Constitution to improve issues of administration of justice and freedom of expression through appropriate oversight and legislative reform; *calls on* the authorities to make use of the expertise of the United Nations special procedures, in particular the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, to ensure that the legislation of Thailand does in fact comply with relevant international human rights standards; and *recalls* that the IPU remains ready to offer assistance to the Thai authorities in any such legal review;
10. *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;
11. *Decides* to continue examining the case.

Ukraine

Decision adopted by the Committee on the Human Rights of Parliamentarians at its 176th session (Geneva, 3 to 19 February 2025)



Mr. Artem Dmytruk serves as a subdeacon of the Ukrainian Orthodox Church. © Amsterdam & Partners

UKR-03 – Artem Gennadievich Dmytruk

Alleged human rights violations

- ✓ Enforced disappearance
- ✓ Torture, ill-treatment and other acts of violence
- ✓ Threats, acts of intimidation
- ✓ Arbitrary arrest and detention
- ✓ Lack of due process in proceedings against parliamentarians
- ✓ Violation of freedom of opinion and expression
- ✓ Violation of freedom of movement
- ✓ Undue invalidation, suspension, revocation or other acts obstructing the exercise of the parliamentary mandate
- ✓ Other violations: discrimination

Case UKR-03

Ukraine: Parliament affiliated to the IPU

Victim: Independent member of parliament

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

Submission of complaint: September 2024

Recent IPU decision: October 2024

IPU mission(s): - - -

Recent Committee hearing(s): - - -

Recent follow-up:

- Communication from the authorities: December 2024
- Communication from the complainant: January 2025
- Communication to the authorities: December 2024
- Communication to the complainant: October 2024

A. Summary of the case

Mr. Artem Gennadievich Dmytruk was first elected to the Verkhovna Rada (the Parliament of Ukraine) in 2019. Although he was at one point a member of the ruling Servant of the People faction, he was expelled from the party in 2021 after expressing disappointment with the government. Mr. Dmytruk is well known for his independent views, as well as his outspoken defence of the Ukrainian Orthodox Church (UOC) and the rights of its adherents. According to the complainant, Mr. Dmytruk has been repeatedly targeted by the authorities of Ukraine for his views, including his vocal opposition to Bill 8371, adopted on 20 August 2024, which bans all activities of the UOC and those of other religious bodies with alleged ties to the Russian Federation.

The complainant reports that, in the months before the Russian invasion of Ukraine, Mr. Dmytruk received mounting threats over his criticism of government figures, including over allegations of corruption that earned him some enemies. On 24 February 2022, the day the full-scale Russian invasion started, Mr. Dmytruk officially enlisted himself and many others from his large following in a territorial defence battalion under the authority of the police.⁶ Since then, aside from a few critical remarks on the mishandling of the defence of Odesa in the first days of the war, Mr. Dmytruk reined in any criticism of the authorities and urged his fellow citizens to lay all differences aside in order to unite in defence of Ukraine.

According to the complainant, on 3 March 2022, as part of his volunteer work to support civilians affected by the Russian invasion in his Odesa constituency, Mr. Dmytruk was manning a checkpoint with his fellow battalion members and police officers during curfew, when he was approached and threatened by agents of the Security Service of Ukraine (SBU), leading to a heated exchange at a local police station. According to the complainant, Mr. Dmytruk was attacked by one of the agents later that night but managed to disarm him and confiscated the agent's weapon with the intention of submitting it to the local SBU head, whom he knew. However, the complainant submits that, when Mr. Dmytruk called the local SBU head the next morning, he was surprised to hear that "he was a dead man". According to the complainant, Mr. Dmytruk assumed that the threats were connected to his criticism of the local Odesa authorities and that he would be able to sort out any misunderstanding later.

The complainant reports that, on the same day, namely 4 March 2022, Mr. Dmytruk and two of his assistants were abducted by a detachment of heavily armed SBU agents and taken to the local SBU office, where they were held incommunicado and subjected to torture and inhuman and degrading treatment.⁷ According to the complainant, Mr. Dmytruk's teeth, nose, fingers and toes were broken, his eyes sustained damage and his spine was deformed as a result of several agents jumping on his back while he was on the floor. The complainant adds that Mr. Dmytruk was repeatedly beaten until he lost consciousness, only to be revived and tortured again. The complainant adds that Mr. Dmytruk was forced to record a video where he renounced his political opinions and pledged to cooperate with the SBU, under threat of further violence. According to the complainant, Mr. Dmytruk and his assistants were released later that day. Although the complainant has provided photographic evidence of the signs of violence inflicted on Mr. Dmytruk, the complainant insists that the pictures were not reported to the police, Mr. Dmytruk having been threatened by the SBU that if he reported the acts of torture or sought medical treatment he would be tortured again.

According to a report by the Office of the United Nations High Commissioner for Human Rights (OHCHR), 91 individuals were subjected to enforced disappearance, torture and/or extrajudicial killings by Ukrainian state agents in the days after the outbreak of the full-scale war.⁸ This included Mr. Denys Kireyev, a prominent politician who was shot dead by the SBU in Kyiv on 5 March 2022. Two parliamentarians who had briefly disappeared in the same period resurfaced soon after.

The complainant further reports that the torture endured by Mr. Dmytruk effectively silenced him in public and political forums. The complainant states that, before the torture, Mr. Dmytruk had been highly active on social media, and that his numerous followers were alarmed by his sudden silence. According to the complainant, on 17 March 2022, the SBU contacted Mr. Dmytruk again, demanding that he resume his social media activity under threat of them "finishing what they had started". Mr. Dmytruk complied but significantly toned down his public advocacy. Although he resumed his

⁶ <https://bitly.cx/vuKUH>

⁷ <https://bitly.cx/eZVy>

⁸ www.ohchr.org/en/documents/country-reports/report-human-rights-situation-ukraine-1-august-2022-31-january-2023

parliamentary duties, his once vocal stance was notably subdued. The complainant reports that the SBU's actions aimed to break Mr. Dmytruk's spirit and force his compliance, limiting his ability to express his beliefs and to continue to fulfil his duties as a parliamentarian.

However, the complainant reports that, in 2024, Mr. Dmytruk resumed his public criticism of the government on account of mounting human rights violations, including the prolonged detention and prosecution of his colleague Mr. Oleksandr Dubinsky, and the arrests and intimidation faced by members of his Church. Furthermore, he became a prominent critic of Bill 8371,⁹ which was adopted at its second reading in August 2024. According to the complainant, by then Mr. Dmytruk had been facing intensified threats to cease his advocacy. The complainant adds that, on 18 August 2024, the head of the Office of the President, Mr. Andriy Yermak, made a post on his Telegram account that was interpreted by his followers as an encouragement to use violence against Mr. Dmytruk and other opponents of Bill 8371, after which there was a marked increase in threats against Mr. Dmytruk. Since then, numerous prominent Ukrainian social media figures and radicals have led a campaign aimed at discrediting Mr. Dmytruk and offered bounties for his death. Among these figures were Mr. Yevhen Karas, who offered protection from prosecution for anyone who would assault Mr. Dmytruk, and Mr. Andriy Serhiyovych, who offered on social media US\$ 250,000 for Mr. Dmytruk's death.¹⁰

The complainant stresses that the pleas for protection and the complaints filed with the police by Mr. Dmytruk were summarily dismissed and that the security detail previously assigned to him was actually withdrawn without explanation. Mr. Dmytruk was left with no choice but to leave the country on 24 August 2024, which caused a public uproar, as Ukrainian men are banned from leaving the country by presidential decree. According to the complainant, that decree violates the rights of Ukrainians to freedom of movement and to claim asylum in another country.

The complainant adds that, on 25 August 2024, Mr. Dmytruk was charged with inflicting minor bodily harm on an SBU agent and criminal intent to steal a weapon on 3 March 2022. He was also charged with hooliganism and actual bodily harm in another altercation that had occurred as part of his work for the parliamentary Committee on Law Enforcement dating back to 29 October 2023. According to the complainant, the timing of these charges close to the final reading of Bill 8371 in parliament demonstrates their political nature. The complainant adds that the General Prosecutor's note submitted as part of the arrest notice manipulates and obfuscates facts that prove that it was Mr. Dmytruk who was attacked on both occasions.

The complainant also alleges that Mr. Dmytruk's family was followed by a group of unknown men after they left Ukraine to join Mr. Dmytruk in the United Kingdom, prompting local law enforcement officers to intervene as Mr. Dmytruk's family was transiting through an airport in Romania.

The complainant further reports that a pretrial detention order and an international arrest warrant issued against Mr. Dmytruk following his exile are part of an attempt to arbitrarily detain him. In addition, the complainant has shared reports that a wide array of additional charges with heavy penalties are being drawn up against Mr. Dmytruk. The complainant further submits that Mr. Dmytruk sought asylum in the United Kingdom.

On 5 September 2024, the Ukrainian authorities requested the extradition of Mr. Dmytruk on charges of hooliganism and bodily harm, which led to his arrest in the United Kingdom and the beginning of an extradition process. The complainant states that Mr. Dmytruk was freed on bail shortly thereafter. According to the complainant, the extradition of Mr. Dmytruk to Ukraine would violate the non-refoulement principle, as Ukrainian authorities cannot guarantee he would not be tortured or attacked. A full hearing on the extradition request is scheduled for June 2025. If the request is granted, the decision would not take effect before the outstanding asylum claim is resolved.

The complainant further reports that Mr. Dmytruk has been denied access to his online parliamentary portal and has been summarily dismissed from his parliamentary committee, which effectively deprives him from the ability to exercise his mandate. In addition, the complainant reports that Mr. Dmytruk's counsel in Ukraine is repeatedly being denied access to the case material.

⁹ Bill 8371 was adopted on 20 August 2024 as the Law on the Protection of the Constitutional Order in the Field of Activities of Religious Organizations, informally known as the Law on the Prohibition of the Russian Orthodox Church in Ukraine.

¹⁰ https://t.me/karas_evgen/9436

B. Decision

The Committee on the Human Rights of Parliamentarians

1. *Thanks* the Chairperson of the Verkhovna Rada of Ukraine for the information provided in a written communication in response to the questions submitted by the Committee; *acknowledges* the limits placed upon the Verkhovna Rada by the Constitution and the Criminal Procedure Code of Ukraine pending the result of the investigation into the charges levelled against Mr. Dmytruk; *believes*, nevertheless, that nothing prevents the parliamentary authorities from providing their official views on the allegations of torture, threats, acts of intimidation and lack of due process in proceedings against one of their parliamentarians, which are matters that fall within the purview of the Verkhovna Rada's oversight function;
2. *Wishes* to receive information on the allegations in this case, including the reason for the seemingly unjustified dismissal of Mr. Dmytruk's complaints by the Ukrainian police and Ministry of the Interior as well as the reason for the termination of his security detail, even though he continued receiving mounting death threats and had requested additional protection for himself and his family; and *also wishes* to receive information on any action taken to hold Mr. Yevhen Karas, Mr. Andriy Serhiyovych and the other authors of these threats and intimidation to account;
3. *Is deeply concerned* by the serious allegations of torture, threats, acts of intimidation and other violations that interfered with the exercise of Mr. Dmytruk's parliamentary mandate; *wishes* to receive information on these points from the parliamentary authorities; and *trusts* that the Verkhovna Rada will seek the information requested in this paragraph and the information requested from the relevant authorities in the preceding paragraph;
4. *Is troubled* by allegations that Mr. Dmytruk has been prevented access to his parliamentary online portal and that he has been expelled from the Committee on Law Enforcement, which seriously limits his ability to exercise his parliamentary mandate while he is awaiting a decision on his asylum request abroad; and *urges* the parliamentary authorities to ensure that Mr. Dmytruk regains his right to fulfil his parliamentary mandate as far as is feasible remotely;
5. *Also urges* all Ukrainian authorities that are relevant in this case to ensure that Mr. Dmytruk's rights to a fair trial are respected in full, including by ensuring that he is provided with access to the case files as requested by his counsel; *further urges* the Ukrainian authorities to ensure that all allegations of human rights violations are promptly investigated and that Mr. Dmytruk is provided with an effective remedy for all violations identified in the present case; and *sincerely hopes* that the authorities of Ukraine and, likewise, those of the United Kingdom while Mr. Dmytruk chooses to remain within the latter's jurisdiction, will do their utmost to ensure that his fundamental rights under the European Convention on Human Rights and other human rights treaties to which they are party will be respected in full;
6. *Decides* to send a trial observer to the legal proceedings in the United Kingdom and in Ukraine with a view to collecting information and reporting on how Mr. Dmytruk's human rights are respected in the case at hand;
7. *Requests* the Secretary General to convey this decision to the Ukrainian parliamentary authorities, the relevant authorities of the United Kingdom, the complainant and any third party likely to be in a position to supply relevant information;
8. *Decides* to continue examining the case.

Israel

Decision adopted by the Committee on the Human Rights of Parliamentarians at its 176th session (Geneva, 3 to 19 February 2025)



© Member of Knesset Ofer Cassif

ISR-22 – Ofer Cassif

Alleged human rights violations

- ✓ Threats, acts of intimidation
- ✓ Lack of due process at the investigation stage
- ✓ Violation of freedom of opinion and expression
- ✓ Violation of freedom of assembly and association
- ✓ Undue invalidation, suspension, revocation or other acts obstructing the exercise of the parliamentary mandate

A. Summary of the case

On 10 January 2024, Mr. Ofer Cassif was subjected to an expulsion procedure initiated by a fellow member of the Knesset, who accused him of supporting armed struggle and terrorism against the State of Israel for publicly supporting South Africa's case at the International Court of Justice (ICJ). South Africa had filed a case at the ICJ alleging that Israel was engaging in "genocidal acts" in Gaza following its response to the 7 October 2023 attack by Hamas.

After collecting the signatures of 85 members of the Knesset supporting Mr. Cassif's expulsion, the issue was referred to the Knesset House Committee for approval. According to the Israeli Basic Law, the Knesset can expel a member if (s)he expresses support for armed struggle against the State of Israel, provided that 90 Knesset members, or 75 per cent, have voted in favour of the motion. On 30 January 2024, after a sitting that lasted two days, the Knesset House Committee endorsed the motion to expel Mr. Cassif. Fourteen Committee members had voted in favour of and two against the motion, which moved the motion for expulsion to the Knesset plenary. Mr. Cassif has reiterated that his support for South Africa's case against Israel is a plea to end the war in Gaza. He also said in several interviews that he had condemned the 7 October attack against Israel and that he had never shown any support to the terrorist group Hamas.

Case ISR-22

Israel: Parliament affiliated to the IPU

Victim: An opposition member of parliament

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

Submission of complaint: January 2024

Recent IPU decision: March 2024

IPU mission(s): - - -

Recent Committee hearing: Hearing with the complainant at the Committee's 176th session (February 2025)

Recent follow-up:

- Communication(s) from the authorities: - - -
- Communication from the complainants: January 2025
- Communication to the authorities: Letter to Knesset Speaker: January 2025
- Communication to the complainants: December 2024

On 19 February 2024, the motion to expel Mr. Cassif failed to gain the needed majority in plenary, as only 85 of the 120 members of the Knesset backed the motion to oust Mr. Cassif. The complainant points out that those who voted in favour of Mr. Cassif's expulsion included the Knesset Speaker, Prime Minister Netanyahu and the Chair of the Ethics Committee. Given that the expulsion did not garner the necessary votes to materialize at the time, the IPU Governing Council, based on the recommendation of the IPU Committee on the Human Rights of Parliamentarians, found Mr. Cassif's complaint inadmissible in March 2024.

However, in November 2024, the Committee was informed about the Knesset Ethics Committee's decision to suspend Mr. Cassif from participating in Knesset plenary debates and committee discussions for six months and to stop the payment of his parliamentary salary for two weeks. According to the complainants, ever since the original attempt to expel Mr. Cassif failed, he has been the victim of an intimidation campaign led by the Knesset Ethics Committee, which relentlessly targets him for his outspoken criticism of the State of Israel and the Israeli Defence Forces (IDF) actions against Palestinians in Gaza since 7 October 2023. The complainants also add that, even though the four members of the Knesset Ethics Committee are members of both the ruling coalition and opposition, they all share the same right-wing political views and have reportedly failed to hold accountable Knesset members of right-wing and far-right political parties in Israel who had incited violence against Palestinians.

Mr. Cassif is currently prevented from participating in the Knesset plenary debates and committee meetings and cannot address the plenary to raise his constituents' concerns and exercise his parliamentary mandate effectively inside the Knesset to hold the Israeli Government accountable for its actions. According to the complainants, despite the daily threats and acts of intimidation he faces from the public due to his political views, the Israeli authorities have not granted Mr. Cassif personal security, considering that his situation does not warrant state protection. The complainants also state that opposition Knesset members and critical voices of the Israeli Government are being increasingly repressed and punished.

B. Decision

The Committee on the Human Rights of Parliamentarians

1. *Recalls* that, in March 2024, the complaint concerning the situation of Mr. Cassif was not declared admissible by the Committee on the Human Rights of Parliamentarians under its Procedure for the examination and treatment of complaints, as the basis for the original complaint had become moot since the motion to expel him from the Knesset had failed;
2. *Notes*, however, that a new complaint relating to Mr. Cassif was submitted in due form by qualified complainants under section I.1.(a) and (d) 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); *notes also* that the complaint concerns a member of the Knesset at the time of the alleged events; and *notes further*, that the complaint concerns allegations of threats, acts of intimidation, lack of due process at the investigation stage, violation of freedom of opinion and expression, violation of freedom of assembly and association, and undue invalidation, suspension, revocation or other acts obstructing the exercise of the parliamentary mandate;
3. *Considers*, therefore, that the complaint is admissible under the provisions of section IV of the Procedure for the examination and treatment of complaints; *decides* to reopen the case under the provisions of section IX, paragraph 26, of the Procedure; and *declares itself* competent to examine the case;
4. *Is deeply concerned* about the Knesset Ethics Committee's decision to suspend Mr. Cassif for six months after an earlier attempt to strip him of his parliamentary mandate for expressing opinions and views deemed to be against the State of Israel had failed; *is also concerned* that Mr. Cassif continues to be the target of hateful comments and intimidation due to his political affiliation; and *regrets* the continued lack of response of the Israeli authorities regarding Mr. Cassif's complaint, despite its repeated requests for information;
5. *Considers* that, in suspending Mr. Cassif, the Knesset Ethics Committee punished him on account of his rightful exercise of freedom of speech by expressing a political position against the State of Israel's policies and actions in Gaza; and *considers*, therefore, that Mr. Cassif's

suspension was arbitrary and that it hinders his ability to exercise the mandate entrusted to him by his constituents and to represent them effectively in the Knesset;

6. *Expresses grave concern* that Knesset opposition members cannot express their views without risking reprisals; and *reiterates* 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, but also those that may offend, shock or disturb others;
7. *Urges* the Israeli authorities to afford Mr. Cassif the necessary security measures his situation requires and to remedy his situation by restoring his parliamentary rights while ensuring that the rights of all Knesset members, including their right to freedom of opinion and expression, are upheld and their parliamentary immunity is protected at all times;
8. *Requests* the Secretary General to convey this decision to the Speaker of the Knesset and the complainants;
9. *Decides* to continue examining this case.

Palestine/Israel

Decision adopted by the Committee on the Human Rights of Parliamentarians at its 176th session (Geneva, 3 to 19 February 2025)



Men walk past a section of Israel's separation barrier painted with a portrait of Palestinian Marwan Barghouti held in an Israeli jail ©HAZEM BADER / AFP

PSE-02 – Marwan Barghouti

Alleged human rights violations

- ✓ Torture, ill-treatment and other acts of violence
- ✓ Arbitrary arrest and detention
- ✓ Lack of fair trial proceedings

A. Summary of the case

Mr. Marwan Barghouti, an elected member of the Palestinian Legislative Council (PLC) in the constituency of Ramallah on the West Bank since January 1996 and widely known, according to several sources, for advocating a just and lasting peace in the Middle East, was arrested on 15 April 2002 in Ramallah by the Israeli Defence Forces and transferred to a detention facility in Israel. He was charged with murder, attempted murder and involvement in terrorist organizations. His trial before the Tel Aviv District Court started on 14 August 2002 and ended on 6 June 2004, when the court sentenced him to five life sentences and two 20-year prison terms. Despite being in prison, Mr. Barghouti was re-elected as a member of parliament for his constituency in the 2006 Palestinian legislative elections.

The complainants have raised a series of legal objections to Mr. Barghouti's arrest and prosecution, alleging that he was ill-treated, especially at the start of his detention, and was denied access to legal counsel. The Committee appointed a legal expert and lawyer, Mr. Simon Foreman, to report on the trial. His 2003 report, on which the Israeli authorities have not provided their observations, stated that, "the numerous breaches of international law ... make it impossible to conclude that Mr. Barghouti was given a fair trial" and that guilt had therefore not been established.

Mr. Foreman stated in his report that those breaches started with the illegal arrest and transfer of Mr. Barghouti to Israel in violation of the Oslo Agreements and the Fourth Geneva Convention. According to the report, Mr. Barghouti's claims that he was subjected to cruel, inhuman and degrading treatment during the interrogations have never been investigated. The trial observer indicated that

Case PSE-02

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

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

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

Submission of complaint: April 2002

Recent IPU decision: March 2024

IPU mission(s): - - -

Recent Committee hearings: - - -

Recent follow-up:

- Communication from the authorities: Letter from the head of the Knesset delegation to the IPU (March 2024)
- Communication from the complainants: March 2024
- Communication to the authorities: Letter to the Knesset Speaker (January 2024)
- Communication to the complainants: March 2024

none of the prosecution witnesses, all Palestinians, had testified against Mr. Barghouti and provided any evidence of his involvement in the acts of which he is accused. On the contrary, some of them contested their “confessions” as having been obtained under duress, while others stated that they were forced to sign documents in Hebrew that they did not understand, and others took the opportunity to denounce Israeli politics in the occupied territories. Moreover, according to one of the sources, on 6 April 2003 the court reportedly accepted as Mr. Barghouti’s testimony a report written by the Israeli intelligence services that Mr. Barghouti had refused to sign.

According to Mr. Barghouti’s defence counsel, the charges brought against Mr. Barghouti were entirely based on secret reports that he had not seen, and the questions put to him by his interrogators were only about documents taken from Palestinian National Authority (PNA) offices, namely requests for financial or social support addressed to Mr. Barghouti. As a parliamentarian and former Secretary General of Fatah-West Bank, Mr. Barghouti used to receive such requests, which he forwarded to Mr. Arafat’s office.

In 2006, Mr. Barghouti initiated the drafting of the Prisoners’ Document, which was signed by the leaders of the most prominent Palestinian factions imprisoned in Israel. The document was an attempt to create a platform for the different Palestinian factions to unite behind, following Hamas’ electoral victory. Mr. Barghouti’s popularity, his initiatives to unite the different Palestinian factions and his negotiation skills, led several members of the Knesset to call for his release, such as Knesset member Mr. Amir Peretz in March 2008, when he stated that Mr. Barghouti could be a key element in attaining stability and assuming responsibility of the PNA, and Mr. Gideon Ezra, a member of Kadima. Following Mr. Barghouti’s election in August 2009 to Fatah’s Central Committee, the Israeli Minister for Minority Affairs, Mr. Avishai Braverman, also expressed his support for his release.

On 17 April 2017, Mr. Barghouti initiated a mass hunger strike, joined by more than 1,000 Palestinian inmates, to protest against the abusive and inhumane conditions in which Palestinian inmates were allegedly being held by the Israeli authorities. While the Israeli prison service (IPS) had agreed to grant some of the detainees’ requests, including increasing the number of monthly visits, the complainants stated that such requests had not been met. At a hearing which the Committee on the Human Rights of Parliamentarians held in October 2020 with the Palestinian complainants, the latter confirmed the dire detention conditions and limited visitation rights of Mr. Barghouti.

In their letter of 10 March 2022, the Israeli authorities declined the Committee’s invitation for a hearing, considering that Mr. Barghouti had been duly convicted in a fair trial conducted in an Israeli court for murder, attempted murder and membership of a terrorist organization. The Israeli authorities added that, in light of these elements, they saw “no reason to alter their position *vis-à-vis* the Committee on this case or any others pertaining to terrorists convicted in Israeli courts”.

On 7 October 2023, Hamas-led gunmen from the Gaza Strip launched an attack in southern Israel, deliberately killing civilians and taking hostages back to Gaza. In response to the attack, Israel launched an offensive against Gaza, which has caused large-scale loss of human lives and widespread destruction.

Mr. Barghouti’s detention conditions, as well as those of all the Palestinian inmates detained in Israeli prisons, have allegedly deteriorated since the Hamas attack of 7 October. He has reportedly been transferred three to five times to unknown detention facilities in Israel. His lawyer reported that he was placed in solitary confinement for being suspected of planning the subsequent uprising (*Intifada*) in the West Bank and Gaza. According to the lawyer of another inmate, who saw Mr. Barghouti in his cell while visiting his client, his face was covered in blood and displayed clear signs of beating. Mr. Barghouti’s family stated that the Israeli Prison Service (IPS) officers were torturing him with regular beatings and sleep deprivation. Mr. Barghouti has no access to medical care and has lost significant weight due to the severe limitations imposed by the IPS on the food supply in all prison cells. According to his family, Mr. Barghouti and other Palestinians detained in Israel are fed two spoons of rice and a tomato per day.

Mr. Barghouti is also denied access to showers, hygiene essentials and water, which the IPS has reportedly restricted to less than an hour a day. The toilets are not functional, thereby denying Mr. Barghouti minimum sanitary standards. Additionally, Mr. Barghouti’s belongings, including his clothes and books, have been confiscated and he has no contact with the outside world. His family fears that the continued physical torture and the lack of medical care will have life-threatening consequences.

According to Mr. Barghouti's family, they have not been able to visit him for the past three years, as the Israeli authorities have been systematically denying their visit requests. Since the 7 October attack, the International Committee of the Red Cross (ICRC), the only organization allowed by the Israeli authorities to visit Palestinian inmates held in Israel, has been denied access to Israeli prisons, while family visits facilitated by the ICRC have been prohibited. Only lawyers have been granted the right to visit their clients. In this regard, Mr. Barghouti received two visits from his lawyer, who reported on his state and his dire detention conditions.

According to a public report¹¹ issued by Israeli human rights organizations, including the Public Committee Against Torture in Israel and Physicians for Human Rights Israel on 16 February 2024, "since Hamas' attack on October 7, 2023, and the subsequent Israeli offensive on Gaza, there has been a marked and severe escalation in the abuse of Palestinian detainees and prisoners incarcerated in Israeli prisons and detention facilities. Over the last four months, at least seven Palestinians have died while in custody in Israeli prisons and ad-hoc detention facilities, with initial evidence and testimonies suggesting that at least some of these deaths were connected to instances of severe violence by IPS officers". The report aims to address the widespread abuse inflicted by IPS officers on Palestinian prisoners.

In their letter of 18 March 2024, the Israeli parliamentary authorities reiterated their long-standing view that Mr. Barghouti was a terrorist mastermind who was held for questioning and sentenced to five consecutive life terms and another 40 years in prison, adding that he had only served 20 years so far. The parliamentary authorities stated that "under no circumstances should the IPU make light of a terrorist unaffiliated with Hamas", adding that Mr. Barghouti was a Fatah terrorist leader. From Israel's point of view, there is no difference between him, and a terrorist associated with Hamas, Islamic Jihad, Al-Qaeda, or ISIS. With regard to the detention conditions of Mr. Barghouti, the parliamentary authorities stated that the Red Cross was responsible for carrying out these inspections and that the prison authorities carefully review and consider the recommendations of every Red Cross report and implement changes when necessary.

With regard to the situation in Gaza, on 25 March 2024, the United Nations Security Council passed a resolution expressing deep concern about the catastrophic humanitarian situation in the Gaza Strip and demanding an immediate ceasefire. However, an agreement to a ceasefire was only reached on 19 January 2025. The agreement included the release of 33 Israeli hostages in exchange for 2,000 Palestinian detainees, the withdrawal of Israeli troops from key areas in Gaza and an increase in humanitarian aid for the Gaza Strip. Hamas has reportedly included Mr. Marwan Barghouti on the list of detainees to be released. The implementation of the agreement's first phase has already started with the return of several Israeli hostages and the release of hundreds of Palestinian inmates, including several high-profile prisoners. Mr. Barghouti's family hopes he will be freed in the coming weeks.

Former Israeli Mossad and Shin bet members, including Ephraim Halevy and Ami Ayalon, have called for the release of Mr. Barghouti so that the Israeli Government can engage in talks with him. For many years, Mr. Barghouti has been widely seen as a unifying and popular figure in Palestine and a viable political counterpart for Israel, whose release would be a vital step towards meaningful negotiations.

B. Decision

The Committee on the Human Rights of Parliamentarians

1. *Deeply regrets* the Israeli authorities' continued lack of willingness to engage constructively with the Committee about the case of Mr. Barghouti and the lack of concrete information on his detention conditions;
2. *Reiterates its deep concern* about the alleged deteriorating detention conditions of Mr. Barghouti, including the alleged abusive and illegal measures taken against him in the absence of any valid reason; and *urges* the Israeli authorities to treat Mr. Barghouti with respect for his inherent dignity and value as a human being, to prevent torture and other forms of ill-treatment,

¹¹ *Systemic torture and inhumane treatment of Palestinian detainees in Israeli prison facilities since October 7, 2023 – Urgent Appeal to the UN Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment*, authored by the Public Committee Against Torture in Israel; Adalah – the Legal Center for Arab Minority Rights in Israel; HaMoked – Center for the Defence of the Individual; and Physicians for Human Rights Israel, 14 February 2024.

to investigate thoroughly the very serious allegations about his current treatment and to take any necessary action that may be warranted as a result of the outcome of the investigation;

3. *Remains deeply concerned* about the reported continued arbitrary decisions of the Israeli authorities with regard to Mr. Barghouti's visiting rights; *reaffirms* the United Nations Standard Minimum Rules for the Treatment of Prisoners, according to which Mr. Barghouti's visitation rights should not be subject to arbitrary decisions authorizing or denying visits; *stresses*, once more, that the many national and international reports denouncing the conditions of detention of Palestinian prisoners in Israeli prisons should be of concern to the Knesset; and *wishes* to know if Knesset members are allowed to carry out impromptu prison visits and, if so, to receive information on the applicable legal framework;
4. *Reaffirms* its position that Mr. Barghouti's arrest and transfer to Israeli territory are in violation of international law; *also reaffirms*, in the light of the compelling legal arguments put forward in Mr. Foreman's report of 2003, on which the Israeli authorities have not provided observations, that Mr. Barghouti's trial failed to meet the fair-trial standards which Israel, as a party to the International Covenant on Civil and Political Rights, is bound to respect, and that as a result Mr. Barghouti's guilt has not been established;
5. *Welcomes* the ceasefire agreement reached between Hamas and Israel as a crucial step towards ending hostilities and fostering stability in the region; *sincerely hopes* that the agreement will lead to lasting peace and tangible improvements in the lives of both Palestinians and Israelis; and *underscores* the importance of humanitarian access, the return of Israeli hostages and the release of Palestinian detainees;
6. *Expresses its earnest hope* that Mr. Barghouti will be released, recognizing his potential role in fostering peace and reconciliation in the aftermath of the war; *stresses* that the release of political prisoners has historically contributed to conflict resolution and confidence-building between parties; and *wishes* to be kept informed of any steps taken in this regard;
7. *Requests* the Secretary General to convey this decision to the competent authorities, the complainants and any third party likely to be in a position to supply relevant information;
8. *Decides* to continue examining this case.

Palestine/Israel

Decision adopted by the Committee on the Human Rights of Parliamentarians at its 176th session (Geneva, 3 to 19 February 2025)



Palestinian supporters of the PFLP take part in a protest calling for the release of Ahmad Sa'adat imprisoned in Israel © Majdi Fathi/Nur Photo

PSE-05 – Ahmad Sa'adat

Alleged human rights violations

- ✓ Arbitrary arrest and detention
- ✓ Inhumane conditions of detention
- ✓ Lack of fair trial proceedings

A. Summary of the case

On 14 March 2006, Mr. Ahmad Sa'adat was abducted by the Israeli Defence Forces from Jericho prison and transferred to Hadarim prison in Israel, together with four other prisoners, after being accused by the Israeli authorities of involvement in the October 2001 murder of Mr. R. Zeevi, the Israeli Minister of Tourism. The Israeli authorities concluded one month later that Mr. Sa'adat had not been involved in the killing but went on to charge the other four suspects. Subsequently, 19 other charges were brought against Mr. Sa'adat, all arising from his leadership of the Popular Front for the Liberation of Palestine (PFLP), which Israel considers a terrorist organization. None of the charges allege direct involvement in crimes of violence. On 25 December 2008, Mr. Sa'adat was sentenced to 30 years in prison. While detained, he reportedly did not receive the medical care he needed, nor visits from his family. In March and June 2009, he was placed in solitary confinement, prompting him in June 2009 to go on a nine-day hunger strike. He remained in solitary confinement for three years, until May 2012.

In April 2017, Mr. Sa'adat took part in a mass hunger strike by Palestinian detainees to protest against their detention conditions in Israeli prisons. He was reportedly moved at that time to solitary confinement in Ohlikdar prison. According to the information gathered during a hearing with the Palestinian complainants in October 2020, the strike had also been triggered by the 2017 decision of the Israeli authorities to reduce the number of monthly visits to one instead of two visits per month. The complainants stated that the Israeli authorities had promised to increase the number of monthly visits; however, this has yet to be implemented.

Case PSE-05

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

Victim: Majority member of the Palestinian Legislative Council

Qualified complainants: Section I.(1)(b) of the Committee Procedure (Annex I)

Submission of complaint: July 2006

Recent IPU decision: March 2024

IPU mission(s): - - -

Recent Committee hearing(s): - - -

Recent follow-up:

- Communication from the authorities: Letter from the head of the Knesset delegation to the IPU (March 2024)
- Communication from the complainant: March 2024
- Communications to the authorities: Letters to the Knesset Speaker and the head of the Knesset delegation to the IPU (January 2024)
- Communication to the complainants: March 2024

At a hearing held by the Committee on the Human Rights of Parliamentarians in October 2020 with the Palestinian complainants, the latter confirmed the dire detention conditions and limited visitation rights of Mr. Sa'adat. In their letter of 18 October 2020, the Israeli parliamentary authorities did not provide any information on Mr. Sa'adat's conditions of detention, including his visiting rights. The authorities suggested that the IPU should consider whether future correspondence relating to the case of Mr. Sa'adat was appropriate, given his involvement in terrorism-related crimes.

In their letter of 10 March 2022, the Israeli authorities declined the Committee's invitation for a hearing, considering that Mr. Sa'adat had been convicted for heading a terrorist group which, among other things, assassinated a member of the Israeli Parliament and was sentenced to 30 years in prison. According to the authorities, Mr. Sa'adat was duly convicted in a fair trial conducted in an Israeli court for murder, attempted murder and membership of a terrorist organization. The Israeli authorities added that, in light of these elements, they see "no reason to alter their position *vis-à-vis* the Committee on this case or any others pertaining to terrorists convicted in Israeli courts".

On 7 October 2023, Hamas-led gunmen from the Gaza Strip launched an attack in southern Israel, deliberately killing civilians and taking hostages back to Gaza. In response to the attack, Israel launched an offensive against Gaza, which has caused large-scale loss of human lives and widespread destruction.

Mr. Sa'adat's detention conditions, as well as those of all the Palestinian inmates detained in Israeli prisons, have reportedly deteriorated since the Hamas attack on 7 October. Mr. Sa'adat was reportedly transferred from Rimon prison to an unknown detention facility in Israel. He was also reportedly placed in solitary confinement with no access to medical care, water or electricity due to the severe limitations imposed by the Israeli Prison Service (IPS) in all prison cells, which also extends to restrictions on food supply. Mr. Sa'adat is also denied access to showers, hygiene essentials and water, which the IPS has reportedly restricted to less than an hour a day. The toilets are not functional, thereby denying Mr. Sa'adat minimum sanitary standards. The ICRC, the only organization allowed by the Israeli authorities to visit Palestinian inmates held in Israel, has been denied access to Israeli prisons, while family visits facilitated by the ICRC have been prohibited. Only lawyers have been granted the right to visit their clients.

According to a public report¹² issued by Israeli human rights organizations, including the Public Committee Against Torture in Israel and Physicians for Human Rights Israel, on 16 February 2024, "since Hamas' attack on October 7, 2023, and the subsequent Israeli offensive on Gaza, there has been a marked and severe escalation in the abuse of Palestinian detainees and prisoners incarcerated in Israeli prisons and detention facilities. Over the last four months, at least seven Palestinians have died while in custody in Israeli prisons and ad-hoc detention facilities, with initial evidence and testimonies suggesting that at least some of these deaths were connected to instances of severe violence by IPS officers". The report aims to address the widespread abuse inflicted by IPS officers on Palestinian prisoners.

In their letter of 18 March 2024, the Israeli parliamentary authorities reiterated their long-standing view that Mr. Ahmad Sa'adat is a PFLP terrorist, who was responsible for planning the murder of Israeli Knesset member Rehavam Zeevi. The authorities stated that "for this despicable act, he was arrested and sentenced to 30 years in prison". However, according to information on file, in 2006 the Israeli authorities dropped the charge of Mr. Sa'adat's involvement in Mr. Zeevi's murder after the Attorney General decided that there was insufficient evidence to try Mr. Sa'adat for the murder. Mr. Sa'adat was later found guilty of leading the PFLP and 19 charges were brought against him, but none allege direct involvement in offences of violence, although seven (dating from 1998 or earlier) alleged preparatory or secondary involvement in such acts. With regard to his detention conditions, the parliamentary authorities stated in their letter of 18 March 2024 that the Red Cross was responsible for carrying out these inspections and that the prison authorities carefully review and consider the recommendations of every Red Cross report and implement changes when necessary.

With regard to the situation in Gaza, on 25 March 2024, the United Nations Security Council passed a resolution expressing deep concern about the catastrophic humanitarian situation in the Gaza Strip and demanding an immediate ceasefire. However, an agreement to a ceasefire was only reached on

¹² *Systemic torture and inhumane treatment of Palestinian detainees in Israeli prison facilities since October 7, 2023 – Urgent Appeal to the UN Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment*, authored by the Public Committee Against Torture in Israel; Adalah – the Legal Center for Arab Minority Rights in Israel; HaMoked – Center for the Defence of the Individual; and Physicians for Human Rights Israel, 14 February 2024.

19 January 2025. The agreement included the release of 33 Israeli hostages in exchange for 2,000 Palestinian detainees, the withdrawal of Israeli troops from key areas in Gaza and an increase in humanitarian aid for the Gaza Strip. Hamas has reportedly included Mr. Ahmad Sa'adat on the list of detainees to be released. The implementation of the agreement's first phase has already started with the return of several Israeli hostages and the release of hundreds of Palestinian inmates, including several high-profile prisoners. Mr. Sa'adat's family hopes he will be freed in the coming weeks.

B. Decision

The Committee on the Human Rights of Parliamentarians

1. *Deeply regrets* the Israeli authorities' lack of willingness to engage constructively with the Committee about the case of Mr. Sa'adat and the lack of concrete information on his detention conditions;
2. *Reiterates its deep concern* about the alleged deteriorating detention conditions of Mr. Sa'adat, including the alleged abusive and illegal measures taken against him; and *urges* the Israeli authorities to treat Mr. Sa'adat with respect for his inherent dignity and value as a human being, to prevent torture and other forms of ill-treatment, to investigate thoroughly the very serious allegations about his current treatment and to take any necessary action that may be warranted as a result of the outcome of the investigation;
3. *Remains deeply concerned* about the continued arbitrary decisions of the Israeli authorities with regard to Mr. Sa'adat's visiting rights; *reaffirms* the United Nations Standard Minimum Rules for the Treatment of Prisoners, according to which Mr. Sa'adat's visitation rights should not be subject to arbitrary decisions authorizing or denying visits; *stresses*, once more, that the many national and international reports denouncing the conditions of detention of Palestinian prisoners in Israeli prisons should be of concern to the Knesset; and *wishes* to know if Knesset members are allowed to carry out impromptu prison visits and, if so, to receive information on the applicable legal framework;
4. *Reaffirms* its position that Mr. Sa'adat's abduction and transfer to Israel had breached the Oslo Agreements and the Fourth Geneva Convention and were related not to the original murder charge but rather to his political activities as Popular Front for the Liberation of Palestine (PFLP) General Secretary;
5. *Welcomes* the ceasefire agreement reached between Hamas and Israel as a crucial step towards ending hostilities and fostering stability in the region; *sincerely hopes* that the agreement will lead to lasting peace and tangible improvements in the lives of both Palestinians and Israelis; and *underscores* the importance of humanitarian access, the return of Israeli hostages and the release of Palestinian detainees;
6. *Expresses its earnest hope* that Mr. Sa'adat will be released; *stresses* that the release of political prisoners has historically contributed to conflict resolution and confidence-building between parties; and *wishes* to be kept informed of any steps taken in this regard;
7. *Requests* the Secretary General to convey this decision to the competent authorities, the complainants and any third party likely to be in a position to supply relevant information;
8. *Decides* to continue examining this case.

*

* *