

Decisions of the Committee on the Human Rights of Parliamentarians

Geneva, 20–30 January 2020

CONTENTS

Page

Africa

- **Democratic Republic of Congo:** 29 parliamentarians
Decision adopted by the Committee 1
- **Democratic Republic of Congo:** 61 parliamentarians
Decision adopted by the Committee 4
- **United Republic of Tanzania:** Mr. Tundu Lissu
Decision adopted by the Committee 78

Americas

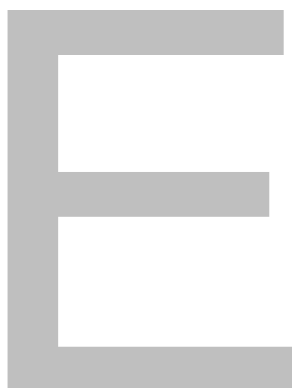
- **Ecuador:** Mr. Jaime Ricaurte Hurtado González and Mr. Pablo Vicente Tapia Farinango
Decision adopted by the Committee 10
- **Ecuador:** Ms. Magali Orellana Marquínez
Decision adopted by the Committee 12
- **Ecuador:** Mr. Fernando Bustamante Ponce
Decision adopted by the Committee 14
- **Venezuela:** 134 parliamentarians
Decision adopted by the Committee 16

Asia

- **Maldives:** Mr. Abdulla Riyaz
Decision adopted by the Committee 22
- **Mongolia:** Mr. Batkhuy Gavaa
Decision adopted by the Committee 24
- **Philippines:** 4 parliamentarians
Decision adopted by the Committee 26

MENA

- **Israel:** 13 parliamentarians
Decision adopted by the Committee 28
- **Palestine/Israel:** Mr. Aziz Dweik
Decision adopted by the Committee 30



Democratic Republic of the Congo

Decision adopted by the Committee on the Human Rights of Parliamentarians at its 161st session (Geneva, 20–30 January 2020)



© Albert Bialufu Ngnadu

COD49 - Albert Bialufu Ngandu
COD50 - André Ndala Ngandu
COD51 - Justin Kiluba Longo
COD52 - Shadrack Mulunda Numbi Kabange
COD53 - Héritier Katandula Kawinisha
COD54 - Muamus Mwamba Mushikonke
COD55 - Jean Oscar Kiziamina Kibila
COD56 - Bonny-Serge Welo Omanyundu
COD57 - Jean Makambo Simol'imasa
COD58 - Alexis Luwundji Okitasumbo
COD59 - Charles Mbuta Muntu Lwanga
COD60 - Albert Ifefo Bombi
COD61 - Jacques Dome Mololia
COD62 - René Bofaya Botaka
COD63 - Jean de Dieu Moleka Liambi

COD64 - Edouard Kiaku Mbuta Kivuila
COD65 - Odette Mwamba Banza (Ms.)
COD66 - Georges Kombo Ntonga Boone
COD67 - Mabuya Ramazani Masudi Kilele
COD68 - Célestin Bolili Mola
COD69 - Jérôme Kamate
COD70 - Colette Tshomba (Ms.)
COD73 - Bobo Baramoto Maculo
COD74 - Anzuluni Bembe Isilonyonyi
COD75 - Isidore Kabwe Mwehu Longo
COD76 - Michel Kabeya Biaye
COD77 - Jean Jacques Mutuale
COD78 - Emmanuel Ngoy Mulunda
COD79 - Eliane Kabare Nsimire (Ms.)

Alleged human rights violations:

- ✓ Arbitrary invalidation of the election of a parliamentarian
- ✓ Lack of due process at the investigation stage and lack of fair trial proceedings
- ✓ Right of appeal

A. Summary of the case

Following the parliamentary elections of November 2011, the Supreme Court arbitrarily invalidated the election and mandates of 32 members of parliament (including the 29 above), who had held seats in the National Assembly since the announcement of the provisional results in late January 2012. The disqualified members appealed against the decision, but all appeals were rejected by the Court without examination of the merits. The African Commission on Human and Peoples' Rights reached the same conclusions as the IPU in 2016 in the case of Mr. Bialufu Ngandu (COD-49). It ordered the DRC to pay the salaries and parliamentary allowances due for the whole duration of the parliamentary mandate, as well as damages and interest in compensation for any injustice suffered.

The Speaker of the National Assembly refused to compensate the members of parliament for any injustice suffered and requested assistance from the executive branch in April 2016. The disqualified members have never received any compensation for the arbitrary revocation of their mandates. In terms of legislation, the recommendations on amending electoral law to improve the mechanisms for resolving electoral disputes and allow the electoral dispute procedure to be wound up before the elections are validated by both houses of parliament were not taken into account by the Congolese authorities. The National Assembly indicated that it supported amending the Congolese Constitution to introduce a system of appeal for the benefit of parliamentarians and to modify the procedure for validation of elected officials. However, those reforms have not been carried out.

After being postponed several times, the presidential and parliamentary elections were held on 30 December 2018. Following the elections, a dispute made up of around 1,167 cases was lodged with the Constitutional Court. Some observers highlighted the lack of transparency in the Court's judicial procedure.

On 22 January 2020, the Speaker of the National Assembly announced that her predecessor had approached the Government to implement the decisions that the IPU Governing Council had adopted on this matter. The Speaker made clear that she intended to remind the new Prime Minister of these documents so as to move towards definitively resolving the matter. The parliamentary authorities also announced that they were open to adopting the reforms needed to improve electoral dispute resolution.

B. Decision

The Committee on the Human Rights of Parliamentarians:

1. *Thanks* the parliamentary authorities for their correspondence; and *takes note* of the efforts made to reach a definitive solution in this matter;
2. *Recalls* that the Supreme Court rulings of 25 April 2012 disqualifying 32 members of parliament are marred by serious procedural irregularities and contravene the right to a defence; that a fresh examination of the merits of the cases was not permitted during the appeals in which the 30 disqualified members applied to have substantive errors corrected; *reiterates* that the harm which the members suffered amounts to a denial of justice because there was no way to appeal the Supreme Court judgments regarding the electoral disputes;
3. *Firmly recalls* that the arbitrary invalidation of election results harms the entire electoral process because it contravenes the rights of those who are entitled to exercise their parliamentary mandate as well as the rights of electors to take part in free and fair elections, who are then denied the opportunity to choose their representatives;

Case COD-COLL-01

Democratic Republic of the Congo:
Parliament affiliated to the IPU

Victim(s): 29 members of parliament (who brought their cases before the Committee out of a group of 32 affected) – 26 men and 3 women; 7 members of opposition political parties, one independent and 21 members of the presidential majority

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

Submission of complaint(s): May to September 2012

Latest IPU decision(s): [March 2016](#)

Latest IPU mission(s): [June 2013](#)

Latest Committee hearing(s): Hearing with the delegation of the DRC at the 152nd session (January 2017)

Recent follow-up:

- Communication from the authorities: Letter from the Speaker of the National Assembly (January 2020)
- Communication from the complainant: December 2019
- Communication addressed to the Speaker of the National Assembly (November 2019)
- Communication addressed to the complainant: December 2019

4. *Deeply regrets* that the Congolese authorities have failed to learn lessons from the numerous court cases involving the electoral disputes of 2006 and 2011, or from the concerns expressed in that regard; and that, despite the decisions adopted by the Governing Council in the 2007 case of 18 parliamentarians whom the Supreme Court disqualified in similar circumstances, this situation occurred again following parliamentary elections in November 2011, and that disputes of a similar nature arose after the parliamentary elections of 2018;
5. *Notes*, however, that, in light of the background to the electoral disputes that have been examined over the years, only a political solution could resolve this matter, and that the National Assembly and Congolese government authorities could achieve this outcome through inclusive dialogue and legislative reform; *also notes* that, although the matter includes human rights issues, it is more concerned with electoral disputes, which largely fall outside the Committee's mandate; *decides* therefore to close the case in accordance with section 25(a) of Annex I of its Procedure for the examination and treatment of complaints;
6. *Renews its invitation* to the authorities to undertake appropriate legislative and constitutional reform to bring an end to these recurrent violations with a view to improving electoral dispute resolution mechanisms and remedying the shortcomings of electoral law, particularly the two-month period provided for under section 74 of the Elections Act, which is judged to be too short to allow the competent authorities to rule on the large number of electoral disputes that are referred to them; and *reaffirms* the availability of the IPU to provide technical assistance to the Parliament of the DRC in that regard;
7. *Requests* the Secretary General to convey this decision to the parliamentary authorities and the complainants.

Democratic Republic of the Congo

Decision adopted by the Committee on the Human Rights of Parliamentarians at its 161st session (Geneva, 20–30 January 2020)



A woman votes in the Kasanga-Ndindi district of Beni on 31 March 2019, during parliamentary by-elections held in certain regions of the country. © Luke Dennison / AFP

Group 1: Members of parliament not declared elected by the CENI¹

COD-88 – Louis Balekelayi Nyengele	COD-103 – Josiane Maloba Banze (Ms.)
COD-89 – Dieudonne Banga Mukose	COD-104 – Rufin Mongungu Mangbau
COD-90 – Sylvie Diala Bangia (Ms.)	COD-105 – Pauline Matankumu (Ms.) ²
COD-91 – Eta Lomboto Bontamba	COD-106 – Molimo Wa Ndjou
COD-92 – Bigabwa Suka Telesphore Arôme	COD-107 – Mamie Mujani (Ms.)
COD-93 – Hermione Bolumbe Bakando (Ms.)	COD-108 – Jean François Kapuya Mukuna
COD-94 – Michel Bongongo Ikoli	COD-109 – Pico Mwepu Kanyanta Bilonda
COD-95 – Einstein Ebengo Koko	COD-110 – Philomène Nyabakele Nyamumbay (Ms.)
COD-96 – Marcel Ilunga Leu	COD-111 – Doudou Otete Lokadi
COD-97 – Sylvie Ingele Butedji (Ms.)	COD-112 – Papy Pungu Lwamba
COD-98 – Jean Marie Kabengela Ilunga	COD-113 – Charly Wenga Bulambo
COD-99 – Hervé Katchelewa Amsini	COD-114 – Wivine N'solo Moleka (Ms.)
COD-100 – Isaac Junior Amela Samba Kipulu	COD-115 – Prince Muhindo Mundenga
COD-101 – Gérard Kobili Ngundu	COD-116 – Yvonne Mutombo Wa Ngoy (Ms.)
COD-102 – Constant Lomata Kongoli	COD-117 – Crispin Dana Kankonde Kankonde

Group 2: Members of parliament declared elected by the CENI

COD-118 – Jean Goubald Midibu Kalala	COD-134 – Faustin Musway Dudu
COD-119 – Faustin N'kakala Kwakwa	COD-135 – Pardonne Kaliba Mulanga
COD-120 – Jean Martin Alakani Baseke Yogo	COD-136 – Masiste Magunda Ilunga
COD-121 – Albert Akim Wanga	COD-137 – Justin Kangundu Khossy
COD-122 – Dongo Yemo Mobutu	COD-138 – Raphael Muembo Nkumba
COD-123 – Palesti Goda Moto	COD-139 – Mabuga Ramazani Masudi Kilele
COD-124 – Didier Mekata Likoy	COD-140 – Faustin Kangu Shem Lwango Mulegwa
COD-125 – Boniface Kabongo Wa Kabongo	COD-141 – Francois Mayani Paku
COD-126 – Vital Nsunzu Kanyinda	COD-142 – Bravo Mufula Shangwe
COD-127 – Gregoire Bedi Heda	COD-143 – Kennedy Katasi Kiala
COD-128 – Augustin Meyenga Mwanaimene	COD-144 – Cyprien Heri Baraka
COD-129 – Désiré Musema Kasongo Mala	COD-145 – Josephine Mapendo Rugamika (Mme)

¹ The complainant reported that there were 31 members of parliament in this group. However, there is one member missing, as the complainant was unable to provide that person's name.

² Deceased, July 2019

COD-130 – Clément Muza Kayembe
COD-131 – Jule Kasereka Vayikehya
COD-132 – Semeyi Bakatsuraki Kavusa
COD-133 – Justin Sebabi Bahati

COD-146 – Dieudonné Sambu Mbondo
COD-147 – Pauline Igwabi Mushengezi (Mme)
COD-89 – Dieudonne Banga Mukose

Alleged human rights violations:

- ✓ Arbitrary invalidation of the election of a parliamentarian
- ✓ Lack of due process at the investigation stage
- ✓ Lack of fair trial proceedings

A. Summary of the case

Following their postponement in 2016, the parliamentary elections finally took place on 30 December 2018 against a tense political background. On 11 January 2019, the National Independent Electoral Commission (CENI) published the provisional results of the parliamentary elections, declaring 485 candidates elected.³

According to the complainant, the Constitutional Court received around 1,300 electoral appeals. Those challenging the decision included a group of 31 members of parliament not declared elected by the CENI, presumably from the majority, who lodged appeals to the Constitutional Court to denounce the questionable vote-counting methods of the CENI, accusing it of fraud. In June 2019, the Constitutional Court ruled on their cases, declaring elected the members who had lodged an appeal instead of the 31 other candidates declared elected by the CENI, including 23 members of the opposition who, according to the complainant, already held seats in the National Assembly. The ousted candidates described the June 2019 rulings of the Constitutional Court as arbitrary and invalid because they were reportedly issued after the deadline.

In a letter dated 22 January 2020, the Speaker of the National Assembly stated that after the parliamentary elections on 30 December 2018 almost 1,167 electoral appeals had been referred to the Constitutional Court, which, according to section 74 of the Elections Act, had a period of two months to issue rulings. The parliamentary authorities pointed out that, of the 1,167 electoral appeals, 961 applications had been declared either inadmissible or unfounded, while 51 others had been declared admissible; that 156 political parties or groups had voluntarily withdrawn; and that 31 members of parliament had been reinstated by the Constitutional Court following applications for the rectification of substantive errors.

According to the complainant, the rulings of the Constitutional Court in June 2019 overturning the CENI'S decision triggered a protest movement among both the majority and opposition benches. Faced with this controversy, the Constitutional Court set up a special chamber to rectify the substantive errors made by the Court in its first examination of the electoral disputes. In a letter dated 22 January 2020, the parliamentary authorities recalled that there were currently no appeal proceedings before the Constitutional Court and that only the Elections Act provides, in section 75, for the possibility of an appeal for substantive errors, which can be rectified. It is in this context that the special chamber of the Constitutional Court, whose composition differs from that of the Court, would have been entrusted with the rectification of substantive errors. According to the authorities, the Court is not required by law to notify the National Assembly of its judgments handed down on electoral matters in individual cases.

According to the complainant, in July 2019, the Court's special chamber issued a ruling that annulled some of the Court's decisions disqualifying members in the cases of 31 members of parliament not

Case COD-COLL-02

Democratic Republic of the Congo:
Parliament affiliated to the IPU

Victim(s): Two separate groups comprising a total of 61 members of parliament – 11 women and 50 men, 16 members of the opposition and 45 members of the majority

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

Submission of complaint(s): July and August 2019

Latest IPU decision(s): - - -

Latest IPU mission(s): - - -

Latest Committee hearing(s): - - -

Recent follow-up:

- Communication from the authorities: Letter from the Speaker of the National Assembly (January 2020)
- Communication from the complainants: January 2020
- Communication addressed to the authorities: Letter addressed to the Speaker of the National Assembly (November 2019)
- Communication addressed to the complainants: December 2020

³ The 15 remaining seats were filled in March 2019.

declared elected by the CENI and announcing the election of 31 members, including 19 members of the opposition, some of whom were reportedly reinstated. In the same letter on 22 January 2020, the Speaker of the National Assembly explained that, on 4 July 2019, the Constitutional Court had handed down the judgment declaring the final results of the parliamentary elections. After notification by the National Assembly on 17 July 2019, the National Assembly noted that 31 national members of parliament had lost their mandate. On 28 August 2019, the Plenary Assembly examined and approved the report of the special committee responsible for examining the cases of the national members of parliament concerned and validated their mandates, respecting the principle of the separation of powers.

According to the parliamentary authorities, the Bureau of the National Assembly had held a long hearing with the disqualified members of parliament in order to express its solidarity with them and explore possible avenues for a political solution to their disputes. The Speaker of the National Assembly affirmed that, on 24 July 2019, the members of parliament had reportedly referred their cases to the President of the Republic to seek a political solution to their concerns and that, while awaiting the outcome of this process, the Bureau of the National Assembly provided the disqualified members of parliament with financial support and travel documents to enable them to meet their family expenses and return to their electoral districts. The National Assembly also indicated that it was open to any reforms required to improve electoral dispute resolution.

B. Decision

The Committee on the Human Rights of Parliamentarians:

1. *Notes* that the communication was presented in due form by the 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* that the communications deal with two issues: first, that of the members of parliament whom the CENI declared not to have been elected in January 2019, but whose mandates were validated and then revoked by the Constitutional Court and its special chamber respectively; and second, the issue of the members who were declared as elected by the CENI in January 2019 and by the provisional Bureau of the National Assembly in February 2019, who had already taken up their seats when the alleged arbitrary disqualification measures were applied;
3. *Considers* that, although these communications involve human rights issues, they are more concerned with electoral disputes, which largely fall outside the Committee's mandate; *concludes* therefore that the communications are not admissible; and *decides* not to examine the case.
4. *Deeply regrets* however that the Congolese authorities have failed to learn lessons from the numerous court cases involving the electoral disputes of 2006 and 2011, or from the concerns expressed in that regard; and that, despite the decisions adopted by the Governing Council in the 2007 case of 18 members of parliament and the 2012 case of 29 members where, in each instance, the Supreme Court disqualified the members in similar circumstances, this situation occurred again following parliamentary elections in December 2018;
5. *Invites*, nevertheless, the authorities to undertake appropriate legislative and constitutional reform to bring an end to these recurrent violations with a view to improving electoral dispute resolution mechanisms and remedying the shortcomings of electoral law, particularly the two-month period provided for under section 74 of the Elections Act, which is judged to be too short to allow the competent authorities to rule on the large number of electoral appeals that are referred to them; and *reaffirms* the availability of the IPU to provide technical assistance to the Parliament of the DRC in that regard;
6. *Requests* the Secretary General to convey this decision to the parliamentary authorities and the complainants.

United Republic of Tanzania

Decision adopted by the Committee on the Human Rights of Parliamentarians at its 161st session (Geneva, 20–30 January 2020)



Tanzanian main opposition chief, Tundu Lissu, gestures from his wheelchair on 5 January 2018 in Nairobi, as he is wheeled by a supporter from a press conference to the hospital where he was admitted after being shot and critically injured at his home in September 2017. TONY KARUMBA/AFP

TZA-04 - Tundu Lissu

Alleged human rights violations:

- ✓ 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 assembly and association
- ✓ Abusive revocation or suspension of the parliamentary mandate

A. Summary of the case

According to the complainant, Mr. Tundu Lissu, a long-standing opposition member of parliament belonging to the *Chama cha Demokrasia na Maendeleo* (CHADEMA – Party for Democracy and Progress) has been facing regular and serious acts of intimidation at the hands of the Government in response to his vocal criticism.

On 7 September 2017, Mr. Lissu escaped an assassination attempt when attackers armed with AK-47s sprayed his vehicle with bullets outside his house in a normally heavily guarded government housing compound in Dodoma. Mr. Lissu was shot 16 times but survived. The complainant draws attention to several elements to suggest that the assassination attempt was carried out with government involvement.

The complainant affirms that, in recent times, Mr. Lissu was arrested eight times and charged in court six times for sedition and related offences in connection with public statements critical of the Government. According to the complainant, these charges, which are still pending, violate his rights to freedom of political association, expression and opinion, and to take part in public affairs. According to

CASE TZA-04

United Republic of Tanzania: Parliament affiliated to the IPU

Victim(s): A former opposition member of parliament

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

Submission of complaint(s): November 2019

Recent IPU decision(s): - - -

Recent IPU mission(s): - - -

Recent Committee hearing(s): Hearing with the complainant at the 161st session of the Committee (January 2020)

Recent follow-up:

- Communications from the authorities: - - -
- Communications from the complainant: January 2020
- Communications addressed to the authorities: Letter addressed to the Speaker of Parliament (November 2019)
- Communication addressed to the complainant: January 2020

the complainant, these accusations also have to be seen in the context of undue limitations on political opposition in and outside of the National Assembly in Tanzania and of fears of reprisals.

The complainant affirms that Mr. Lissu was wrongfully stripped of his parliamentary mandate in June 2019, largely on grounds related to his absence from the National Assembly, even though it was public knowledge that he was out of the country recovering from the shooting. In this regard, the complainant also affirms that it was the Speaker and Deputy Speaker of the National Assembly and several ministers who had him airlifted immediately after the shooting for medical treatment in Nairobi. The complainant states that a ruling-party candidate was hurriedly elected unopposed to fill the vacant seat.

Mr. Lissu, who has undergone 24 surgical interventions in Kenya and Belgium, has now been declared sufficiently well enough to return home. However, according to the complainant, after he made public his intention to return home, death threats made by persons known to be connected to the country's intelligence and security apparatus started to appear on social media and in the press. The complainant affirms that, given the circumstances of the assassination attempt on Mr. Lissu, these death threats cannot be ignored.

B. Decision

The Committee on the Human Rights of Parliamentarians:

1. *Considers* the complaint concerning the situation of Mr. Tundu Lissu, a member of the Tanzanian National Assembly at the time of the alleged events that gave rise to the complaint, to be admissible under its Procedure for the Examination and Treatment of Complaints; and *declares itself* competent to examine the case;
2. *Is extremely concerned* about the attempt on Mr. Lissu's life, which he survived by pure miracle, and the allegation that the crime was reportedly carried out with the support of the authorities; *points out* in this regard that the complainant affirms that Mr. Lissu had previously been the direct target of serious threats and intimidation by the Government, that the armed guards normally present at the place where the shooting took place allegedly happened to be off duty that day and that CCTV footage of the crime reportedly disappeared soon after; and *is keen to receive* the official views on these specific allegations, along with official information about progress made to establish the identity of the shooters and the masterminds and to hold them accountable;
3. *Affirms* that threats to the life and security of members of parliament, if left unpunished, not only violate their rights to life, security and freedom of expression, but also affect the ability of parliament as an institution to fulfil its role; *considers*, therefore, that the National Assembly of Tanzania has a vested interest in seeing to it that justice is fully rendered and that Mr. Lissu's physical integrity is protected, all the more so given that it concerns in this case an attack on the life of the then chief whip of the official opposition; *appreciates* in this regard the immediate steps that the parliamentary authorities took to take him to safety and facilitate his medical treatment after the shooting; and *wishes to know* what steps the National Assembly has since taken to monitor the investigation closely, ensure that Mr. Lissu receives the necessary financial and logistical assistance for his full medical recovery and facilitate his safe return to Tanzania;
4. *Is troubled* to learn that Mr. Lissu was stripped of his parliamentary mandate when it was clear that he was absent for obvious reasons of which the parliamentary authorities and the public at large were well aware; and *wishes* to receive the observations from the parliamentary authorities on the reasons and grounds for revoking his parliamentary seat;
5. *Is concerned* about the allegation that Mr. Lissu was arrested several times and remains subject to several criminal proceedings that may run counter to his basic human rights; and *wishes* to receive detailed official information on the factual and legal basis for each of these steps against him;
6. *Notes* that Mr. Lissu wishes to return to Tanzania soon; *suggests* that a small Committee delegation accompany him on his return, also in the belief that a visit to Tanzania would offer a useful opportunity to meet with the executive, parliamentary and judicial authorities as well as with any third party able to help it to better understand the issues at hand in this case; and *trusts* that the parliamentary authorities will respond favourably to this suggestion;

7. *Requests* the Secretary General to bring this decision to the attention of the parliamentary authorities and the complainant and to seek the former's endorsement for the proposed visit to Tanzania;
8. *Decides* to continue examining this case at its next session.

Ecuador

Decision adopted by the Committee on the Human Rights of Parliamentarians at its 161st session (Geneva, 20–30 January 2020)



Jaime Ricaurte Hurtado González © MDP 2013

ECU-02 - Jaime Ricaurte Hurtado González
ECU-03 - Pablo Vicente Tapia Farinango

Alleged human rights violations:

✓ Murder

A. Summary of the case:

Mr. Hurtado and Mr. Tapia were shot dead on 17 February 1999. A government-appointed monitoring commission (CEI) sharply criticized at the outset the conduct of the investigating authorities and the judicial proceedings. After protracted investigations, trial proceedings were opened in December 2004 against six suspects, two of whom have since been sentenced to a 16-year prison term, which they have served. Two other accused, Mr. Washington Aguirre and Mr. Gil Ayerve, were apprehended in the United States and Colombia in 2009 and 2010 respectively. Their arrests were intrinsically welcomed, but also because of the expectation that these individuals could lead the authorities to establish the identity of the masterminds of the murders.

In July 2010, the Colombian Supreme Court approved the extradition of Mr. Ayerve, which took place in December 2010. However, the Second Criminal Chamber of the National Court of Justice of Ecuador ruled in early November 2010 that the 10-year statute of limitations in the case had expired, thereby barring any criminal proceedings. In a resolution adopted at the end of the same month, the National Assembly of Ecuador strongly criticized the ruling, considering it contrary to Ecuadorian law, as political crimes were not subject to any statute of limitations. The lawyers for the deceased members of parliament likewise argued that the murder was a state crime/crime against humanity and that criminal proceedings could therefore take place at any time.

CASE ECU-COLL-01

Ecuador: Parliament affiliated to the IPU

Victim(s): Two opposition members of parliament

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

Submission of complaint(s):
March 1999

Recent IPU decision(s) [March 2014](#)

IPU Mission(s): - - -

Recent Committee hearing(s):
Hearing with the General Coordinator of the Legal Advisory Service of the National Assembly during 161st session of the Committee (January 2020)

Recent follow-up:

- Communication from the authorities: Letter from the Speaker of the National Assembly (November 2019)
- Communication from the complainant: Complainant has been inactive
- Communication addressed to the authorities: Letter addressed to the Speaker of the National Assembly (November 2019)
- Communication addressed to the complainant: January 2019

In March 2013, the other accused, Mr. Aguirre was apprehended in Italy, where he had gone after fleeing/leaving the United States. The Ecuadorian authorities subsequently requested his extradition. In March 2015, the National Assembly adopted a resolution asking the *Consejo Nacional de la Judicatura* (National Judiciary Council) to request that the judicial authorities take the necessary action in the case to avoid impunity, and that steps be taken through the Ministry of Foreign Affairs to proceed with Mr. Aguirre's extradition. In 2016, the Provincial Court of Pichincha dismissed Mr. Aguirre's objection that he could not be prosecuted for his alleged involvement in the assassination due to the statute of limitations. The court considered that the statute of limitations had been interrupted due to his being investigated for another crime, namely the possession of narcotic drugs. However, in April 2019, the judge of the *Unidad Judicial Penal* (Criminal Prosecution Unit) of Quito ruled that the statute of limitations had expired in this case and that it was therefore not possible to proceed with any related criminal proceedings against Mr. Aguirre.

B. Decision

The Committee on the Human Rights of Parliamentarians:

1. *Thanks* the General Coordinator of the Legal Advisory Service of the National Assembly, and through him the Speaker of the National Assembly, for the information provided at the hearing held on 21 January 2020;
2. *Deplores* that, more than 20 years after these high-profile murders were committed, some of the instigators have not been identified and brought to trial and that, due to the statute of limitations they, along with Mr. Ayerve and Mr. Aguirre, will never be held accountable in a court of law; and *considers* that this situation is largely due to the poor handling of the original investigation and to the insufficient focus on the work of the Commission of Inquiry, in particular the substantive leads it presented for an alternative line of inquiry to shed full light on the crime;
3. *Appreciates* that in the last 10 years the National Assembly has insisted publicly on several occasions on the importance of justice being fully rendered; *trusts* therefore that the National Assembly will continue to take an active interest in this case, all the more so as legal avenues are no longer available; *suggests* in this regard that the National Assembly explore the possibility of organizing an official public event to commemorate the murders and celebrate the lives of those killed; and *wishes* to be kept informed of any steps taken in this regard;
4. *Decides* to close the case in accordance with section 25(a) of Annex I of its Procedure for the examination and treatment of complaints, given that justice has been partly rendered in this case and that further crucial progress is no longer possible due to the statute of limitations;
5. *Requests* the Secretary General to convey this decision to the parliamentary authorities and the complainant.

Ecuador

Decision adopted by the Committee on the Human Rights of Parliamentarians at its 161st session (Geneva, 20–30 January 2020)



CC Wikimedia

ECU-69 - Magali Orellana Marquínez

Alleged human rights violations:

- ✓ Lack of due process in proceedings against parliamentarians
- ✓ Violation of freedom of opinion and expression
- ✓ Abusive application of parliamentary sanctions

A. Summary of the case

Ms. Magali Orellana Marquínez, a former member of the National Assembly of Ecuador, faced disciplinary action in 2016 by the Council of Legislative Administration of the National Assembly (*Consejo de Administración Legislativa* – the CAL) for having requested the floor during a parliamentary debate. According to the complainant, this action affected the free exercise of Ms. Orellana's parliamentary mandate.

On 12 May 2016, during the plenary session of the National Assembly, Ms. Orellana was not allowed to intervene, despite the repeated requests she made through the electronic system and by raising her hand. According to the complainant, the then Speaker deliberately ignored Ms. Orellana's requests. At the end of the session, Ms. Orellana approached the podium and directly asked the Speaker why she had refused to give her the floor. According to the complainant, the Speaker refused to respond and asked security guards to remove Ms. Orellana from the room. The complainant affirms that Ms. Orellana was violently expelled from the chamber, while members of the ruling party, *Alianza País*, shouted insults at her. The scene was widely publicized on social media and the press. According to the parliamentary authorities, the Speaker affirmed that Ms. Orellana had used aggressive and inappropriate language when she had approached the podium. The parliamentary authorities provided

CASE ECU-69

Ecuador: Parliament affiliated to the IPU

Victim(s): Former female opposition member of parliament

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

Submission of complaint(s): July 2016

Recent IPU decision(s): October 2016

IPU Mission(s): - - -

Recent Committee hearing(s):

Hearing with the General Coordinator of the Legal Advisory Service of the National Assembly during 161st session of the Committee (January 2020)

Recent follow-up:

- Communication from the authorities: Letter from the Speaker of the National Assembly (November 2019)
- Communication from the complainant: August 2016
- Communication addressed to the authorities: Letter addressed to the Speaker of the National Assembly (November 2019)
- Communication addressed to the complainant: December 2019

a video of the incident showing Ms. Orellana going up to the podium, wildly gesticulating and clearly upset. The video does not show what she said and if she was violently expelled from the chamber.

Following the incident, the CAL decided to suspend Ms. Orellana for 30 days without pay. The complainant states that there is a difference in treatment between members of the ruling party and opposition members; that there is no evidence of disciplinary action taken against members of *Alianza Pais* for similar incidents in the National Assembly; and that sanctions are only adopted against opposition members of parliament when they try to give an opinion that goes against the majority. In addition, the events described took place in the context of opposition members of parliament being systematically denied the right to speak at parliamentary debates. The complainant denounced the lack of impartiality of the CAL (which is presided over by the Speaker); the absence of effective national remedies to protect members' rights to freedom of expression during parliamentary debates; and the systematic denial of the right to speak for opposition members of parliament at those debates.

B Decision

The Committee on the Human Rights of Parliamentarians:

1. *Thanks* the parliamentary authorities for the additional information that they provided, including the video showing in part what transpired in the plenary room on 12 May 2016; but *notes*, however, that the video does not offer any clarity on the verbal exchange between Ms. Orellana and the Speaker or on Ms. Orellana's alleged violent removal from the premises;
2. *Affirms* its long-standing belief that disciplinary sanctions against parliamentarians should always be proportionate and seen as a measure of last resort, given their often negative impact on the exercise of the right to freedom of expression of the parliamentarians concerned and – indirectly – on the electorate they represent; *affirms* also that due process should always be scrupulously followed when the application of such measures are discussed and decided on; *considers* in this regard that, in the case at hand, the Speaker's involvement in the CAL's work tarnished the perception of an impartial decision-making process, as the Speaker was a direct party to the conflict; and *sincerely hopes* that the parliamentary authorities will avoid such a situation in future, including by carrying out, if need be, a more extensive review of the mandate and functioning of the CAL to ensure that due process is fully respected in disciplinary proceedings against parliamentarians;
3. *Notes* that the suspension lasted for one month and ended more than three years ago, and that the complainant has not responded to requests for information or provided details on possible new developments;
4. *Decides* therefore *to close* the case in accordance with section 25(a) and (b) of Annex I of its Procedure for the examination and treatment of complaints.
5. *Requests* the Secretary General to convey this decision to the parliamentary authorities and to the complainant.

Ecuador

Decision adopted by the Committee on the Human Rights of Parliamentarians at its 161st session (Geneva, 20–30 January 2020)



© Wikipedia

ECU-70 - Fernando Bustamante Ponce

Alleged human rights violations:

- ✓ Lack of due process in proceedings against parliamentarians
- ✓ Violation of freedom of opinion and expression
- ✓ Other acts obstructing the exercise of the parliamentary mandate

A. Summary of the case

Mr. Fernando Bustamante Ponce claimed that his right to freedom of expression had been violated and that there was no effective national remedy. At the time of the claim, Mr. Bustamante was a member of the National Assembly of Ecuador.

On 3 December 2015, Mr. Bustamante abstained from voting on the approval of amendments to the Ecuadorian Constitution. Mr. Bustamante considered that several amendments were against his own ideology and fundamental principles. He therefore decided to abstain during the vote, despite the clear mandate from his party, *Alianza Pais* (the ruling party), to vote in favour.

On 7 December 2015, the *Alianza Pais* Ethics Committee imposed the following sanctions against Mr. Bustamante for having abstained in that vote: (i) a six-month suspension of his rights as a member of the party; (ii) a one-month suspension from participation in meetings of the *Alianza Pais* parliamentary group; (iii) a one-month suspension from participation in the plenary of the National Assembly; and (iv) a ban on membership of the National Assembly International Relations Committee.

CASE ECU-70

Ecuador: Parliament affiliated to the IPU

Victim(s): Male former member of the National Assembly; former member of the ruling party

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

Submission of complaint(s): June 2016

Recent IPU decision(s): October 2016

IPU Mission(s): - - -

Recent Committee hearing(s):

Hearing with the General Coordinator of the Legal Advisory Service of the National Assembly during 161st session of the Committee (January 2020)

Recent follow-up:

- Communication from the authorities: Letter from the Speaker of the National Assembly (November 2019)
- Communication from the complainant: November 2016
- Communication addressed to the authorities: Letter addressed to the Speaker of the National Assembly (November 2019)
- Communication addressed to the complainant: December 2019

B. Decision

The Committee on the Human Rights of Parliamentarians:

1. *Thanks* the parliamentary authorities for the additional information that they provided;
2. *Expresses concern* about the serious accusations, which have not been convincingly refuted, that Mr. Bustamante faced reprisals for exercising his right to freedom of expression and for representing Ecuadorian citizens' interests in the best way he saw fit at a critical time in parliament; *notes* nevertheless that most of the official punishment he received affected his relationship with his political party rather than the exercise of his parliamentary mandate and that party political issues largely fall outside of the Committee's mandate;
3. *Notes* in particular that the suspension from the plenary of the National Assembly lasted for one month and ended more than four years ago, and that the complainant has not responded to requests for information or provided details on possible new developments;
4. *Decides* therefore to close the case in accordance with section 25(a) and (b) of Annex I of its Procedure for the examination and treatment of complaints;
5. *Requests* the Secretary General to convey this decision to the parliamentary authorities and the complainant.

Venezuela

Decision adopted by the Committee on the Human Rights of Parliamentarians at its 161st session (Geneva, 20–30 January 2020)



Venezuelan National Police members stand guard outside the National Assembly on 7 January 2020 in Caracas - Cristian HERNANDEZ/AFP

- | | |
|-----------------------------------|--|
| VEN-10 - Biagio Pillieri | VEN-83 - Larissa González (Ms.) |
| VEN-11 - José Sánchez Montiel | VEN-84 - Fernando Orozco |
| VEN-12 - Hernán Alemán | VEN-85 - Franco Casella |
| VEN-13 - Richard Blanco | VEN-86 - Edgar Zambrano |
| VEN-14 - Richard Mardo | VEN-87 - Juan Pablo García |
| VEN-16 - Julio Borges | VEN-88 - Cesar Cardenas |
| VEN-19 - Nora Bracho (Ms.) | VEN-89 - Ramón Flores Carrillo |
| VEN-20 - Ismael García | VEN-90 - José Gregorio Noriega |
| VEN-22 - William Dávila | VEN-91 - María Beatriz Martínez (Ms.) |
| VEN-24 - Nirma Guarulla (Ms.) | VEN-92 - María Concepción Mulino de Saavedra (Ms.) |
| VEN-25 - Julio Ygarza | VEN-93 - José Trujillo |
| VEN-26 - Romel Guzamana | VEN-94 - Marianela Fernández (Ms.) |
| VEN-27 - Rosmit Mantilla | VEN-95 - Juan Pablo Guanipa |
| VEN-28 - Enzo Prieto | VEN-96 - Luis Silva |
| VEN-29 - Gilberto Sojo | VEN-97 - Eliezer Sirit (Ms.) |
| VEN-30 - Gilber Caro | VEN-98 - Rosa Petit (Ms.) |
| VEN-31 - Luis Florido | VEN-99 - Alfonso Marquina |
| VEN-32 - Eudoro González | VEN-100 - Rachid Yasbek |
| VEN-33 - Jorge Millán | VEN-101 - Oneida Guaipe |
| VEN-34 - Armando Armas | VEN-102 - Jony Rahal |
| VEN-35 - Américo De Grazia | VEN-103 - Ylidio Abreu |
| VEN-36 - Luis Padilla | VEN-104 - Emilio Fajardo |
| VEN-37 - José Regnault | VEN-105 - Luis Loaiza |
| VEN-38 - Dennis Fernández (Ms.) | VEN-106 - Angel Alvarez |
| VEN-39 - Olivia Lozano (Ms.) | VEN-107 - Kerrins Mavares |
| VEN-40 - Delsa Solórzano (Ms.) | VEN-108 - Gilmar Marquez |
| VEN-41 - Robert Alcalá | VEN-109 - José Simón Calzadilla |
| VEN-42 - Gaby Arellano (Ms.) | VEN-110 - José Gregorio Graterol |
| VEN-43 - Carlos Bastardo | VEN-111 - José Gregorio Hernández |
| VEN-44 - Marialbert Barrios (Ms.) | VEN-112 - Mauligmer Baloa |

VEN-45 - Amelia Belisario (Ms.)	VEN-113 - Arnoldo Benítez
VEN-46 - Marco Bozo	VEN-114 - Alexis Paparoni
VEN-47 - José Brito	VEN-115 - Adriana Pichardo (Ms.)
VEN-48 - Yanet Fermin (Ms.)	VEN-116 - Teodoro Campos
VEN-49 - Dinorah Figuera (Ms.)	VEN-117 - Milagros Sánchez Eulate
VEN-50 - Winston Flores	VEN-118 - Denncis Pazos
VEN-51 - Omar González	VEN-119 - Karim Vera
VEN-52 - Stalin González	VEN-120 - Ramón López
VEN-53 - Juan Guaidó	VEN-121 - Freddy Superlano
VEN-54 - Tomás Guanipa	VEN-122 - Sandra Flores-Garzón (Ms.)
VEN-55 - José Guerra	VEN-123 - Armando López
VEN-56 - Freddy Guevara	VEN-124 - Elimar Díaz
VEN-57 - Rafael Guzmán	VEN-125 - Yajaira Forero
VEN-58 - María G. Hernández (Ms.)	VEN-126 - Maribel Guedez (Ms.)
VEN-59 - Piero Maroun	VEN-127 - Karin Salanova (Ms.)
VEN-60 - Juan Andrés Mejía	VEN-128 - Antonio Geara
VEN-61 - Julio Montoya	VEN-129 - Joaquín Aguilar
VEN-62 - José M. Olivares	VEN-130 - Juan Carlos Velasco
VEN-63 - Carlos Paparoni	VEN-131 - Carmen María Sivolí (Ms.)
VEN-64 - Miguel Pizarro	VEN-132 - Milagros Paz
VEN-65 - Henry Ramos Allup	VEN-133 - Jesus Yanez
VEN-66 - Juan Requesens	VEN-134 - Desiree Barboza (Ms.)
VEN-67 - Luis E. Rondón	VEN-135 - Sonia A. Medina G. (Ms.)
VEN-68 - Bolivia Suárez (Ms.)	VEN-136 - Héctor Vargas
VEN-69 - Carlos Valero	VEN-137 - Carlos A. Parra
VEN-70 - Milagro Valero (Ms.)	VEN-138 - Luis Stefanelli
VEN-71 - German Ferrer	VEN-139 - William Barrientos
VEN-72 - Adriana d'Elia (Ms.)	VEN-140 - Antonio Aranguren
VEN-73 - Luis Lippa	VEN-141 - Ana Salas (Ms.)
VEN-74 - Carlos Berrizbeitia	VEN-142 - Ismael León
VEN-75 - Manuela Bolívar	VEN-143 - Julio César Reyes
VEN-76 - Sergio Vegara	VEN-144 - Ángel Torres
VEN-77 - Franklin Duarte	VEN-145 - Tamara Adrián (Ms.)
VEN-78 - Oscar Ronderos	VEN-146 - Deyalitza Aray (Ms.)
VEN-79 - Mariela Magallanes	VEN-147 - Yolanda Tortolero (Ms.)
VEN-80 - Héctor Cordero	VEN-148 - Carlos Prosperí
VEN-81 - José Mendoza	VEN-149 - Addy Valero
VEN-82 - Angel Caridad (Ms.)	

Alleged human rights violations

- ✓ Torture, ill-treatment and other acts of violence
- ✓ Threats, acts of intimidation
- ✓ Arbitrary arrest and detention
- ✓ Lack of due process at the investigation stage
- ✓ Excessive delays
- ✓ Violation of the right to freedom of opinion and expression
- ✓ Violation of freedom of assembly and association
- ✓ Violation of freedom of movement
- ✓ Abusive revocation or suspension of the parliamentary mandate
- ✓ Failure to respect parliamentary immunity
- ✓ Other acts obstructing the exercise of the parliamentary mandate
- ✓ Other violations: right to privacy

A. Summary of the case

The case concerns credible and serious allegations of human rights violations affecting 134 parliamentarians, all members of the coalition of the Democratic Unity Roundtable (MUD) at the time of the alleged event, against the backdrop of continuous efforts by Venezuela's executive and judicial authorities to undermine the functioning of the National Assembly and to usurp its powers. The MUD is opposed to President Maduro's Government and obtained a majority of seats in the National Assembly in the parliamentary elections of 6 December 2015.

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

Since March 2017, almost all parliamentarians listed in the present case have been attacked or otherwise intimidated with impunity by law enforcement officers and/or pro-government officials and supporters during demonstrations and/or at their homes. Protests intensified in Venezuela after President Maduro announced the convening of a national constituent assembly – which was subsequently elected on 30 July 2017 – to rewrite the Constitution, but which instead has since appropriated and exercised many of the constitutional functions assigned to the National Assembly, which has not received any government funding since August 2016.

Invoking *flagrante delicto*, Mr. Juan Requesens was arrested and detained on 7 August 2018 on accusations of involvement in the alleged assassination attempt on President Maduro three days earlier. There have been serious concerns about his treatment in detention and respect for due process. Nine other members of the National Assembly have spent up to four years in detention in recent years and continue to be subject to reportedly politically motivated legal proceedings. On 20 December 2019, Mr. Gilber Caro was allegedly arbitrarily arrested and detained a third time without notifying his lawyers and family of his place of detention and the reasons for his arrest.

In 2017, six members of parliament had their passports confiscated arbitrarily in connection with their international parliamentary work. Six other members of parliament have since been barred from holding public office, including the current Speaker, Mr. Juan Guaidó, allegedly in the absence of any legal basis. Sixteen members of parliament have by now left Venezuela, sought protection in foreign embassies in Caracas or gone into hiding. As of September 2019, 24 parliamentarians have had their parliamentary immunity lifted by the National Constituent Assembly, in violation of the Constitution, which states that parliamentary immunity should be lifted by the National Assembly.

United Nations human rights reports in June 2018 and July 2019 documented extensively the attacks against political opponents, social activists and human rights defenders. The July 2019 report states that "Intelligence services (SEBIN and DGCIM) have been responsible for arbitrary detentions, ill-treatment and torture of political opponents and relatives. Armed *colectivos* contribute to this system by exercising social control in local communities and supporting security forces in repressing demonstrations and dissent". The report also refers to "a public rhetoric, including by high-level authorities, that constantly discredits and attacks those who criticize or oppose the Government. The political opposition ... are frequently the targets of discourse labelling them as "traitors" and "destabilizing agents"". This rhetoric is widely disseminated through pro-government media, such as the weekly TV programme *Con el Mazo Dando*, presented by the President of the National Constituent Assembly, Mr. Diosdado Cabello. Moreover, the report states that "successive laws and reforms have facilitated the criminalization of the opposition and of anyone critical of the Government through vague provisions, increased sanctions for acts that are guaranteed by the right of freedom of

CASE VEN-COLL-06

Venezuela: Parliament affiliated to the IPU

Victim(s): 134 opposition members of parliament (94 men and 40 women)

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

Submission of complaint(s): March 2017

Recent IPU decision(s): [April 2019](#)

IPU mission(s): - - -

Recent Committee hearing(s): Hearings with members of the governing and opposition parties at the 141st IPU Assembly (October 2019)

Recent follow-up:

- Communication from the authorities: Letter from the Speaker of the National Assembly (February 2019)
- Communication from the complainant: January 2020
- Communication addressed to the authorities: Letter to the President of Venezuela (July 2019)
- Communication addressed to the complainant: January 2020

peaceful assembly, the use of military jurisdiction for civilians, and restrictions on NGOs to represent victims of human rights violations”.

Presidential elections took place on 20 May 2018. The MUD announced in February 2018 that it would boycott the elections, considering the electoral system to be rigged in favour of President Maduro, who obtained the most votes in elections that were widely criticized for failing to be free and fair. President Maduro was sworn in on 10 January 2019 for a second term.

On 15 January 2019, the National Assembly invoked the country's Constitution to declare the illegitimacy of President Maduro and declared the presidency to be vacant. On 23 January 2019, Mr. Guaidó publicly stated that, in conformity with the Constitution, he was ready to take on the interim presidency of Venezuela until free and fair elections were held, which decision was immediately endorsed by the National Assembly. Many countries in the Americas, including the United States and several members of the European Union, have since recognized Mr. Guaidó as President of Venezuela, which recognition is strongly opposed by several other countries from and outside the region, including China, Cuba, the Islamic Republic of Iran, the Russian Federation and Turkey.

On 29 January 2019, the Supreme Court launched an investigation into Mr. Guaidó, accusing him of being responsible for the commission of crimes that went against the constitutional order. On 30 April 2019, Mr. Guaidó called for the armed forces to defect and defy the Government. His attempt failed and since then 18 parliamentarians have been facing legal action for their alleged involvement in the event.

Outside mediation efforts between the Government and opposition parties have thus far failed and were last suspended in mid-September 2019. At that same time, the Government struck a six-point deal with small opposition parties outside of the MUD. This deal stipulates the return of the *Bloque de la Patria*, the coalition of governing parties, to the National Assembly and discussions on the release of certain detainees and the composition of the National Electoral Council. According to the *Bloque de la Patria*, their return to the National Assembly does not mean, however, that the latter is now seen to be acting within the boundaries of the Constitution.

Long-standing efforts since 2013 to send a delegation of the Committee on the Human Rights of Parliamentarians (CHRP) to Venezuela have failed in the absence of clear and decisive cooperation from the Government to welcome and work with the delegation. In October 2018, the IPU governing bodies decided that the mission would be of a joint nature, comprising members of the IPU Executive Committee and the CHRP and focusing on both the larger political matters at stake in the Venezuelan crisis and the specific concerns expressed by the CHRP.

The political situation took another turn for the worse in the lead-up to the election of the new leadership of the National Assembly scheduled for 5 January 2020. According to the complainant, the ruling party was bent on assuring the election of a Speaker sympathetic to President Maduro and therefore first set up *Operation Scorpion*, aimed at bribing opposition legislators in exchange for their support during the crucial vote on 5 January 2020. The night before the election of the parliamentary leadership, four female opposition parliamentarians were allegedly intimidated and harassed by military forces at the hotel where several of their colleagues from the opposition were staying. On 5 January 2020, parliamentarians loyal to Speaker Guaidó were prevented from accessing the parliamentary building while members of the National Assembly supportive of the ruling party were allowed into the premises without any hindrance. Documentation and videos show that 12 opposition members, all women except for one, were beaten, pushed violently and insulted by military forces and paramilitary groups when trying to access the parliamentary premises.

This scene repeated itself on 7 January 2020 as nine opposition parliamentarians, five of whom were women, were attacked and intimidated as a group of opposition members in the National Assembly clashed with security forces and gained access to the premises. On 15 January 2020, armed groups attacked a convoy of vehicles carrying opposition members – Ms. Delsa Solorzano, Mr. Carlos Berrizbeitia and Mr. Carlos Prosperi – to the National Assembly. A crowd of men hit the cars with traffic cones and crowbars, breaking one car's back window. According to the complainant, at least one vehicle was also hit by bullets. Since 5 January 2019, the MUD members of parliament have not been allowed to freely access parliament and effectively perform their functions.

Given the impossibility of reaching the parliamentary building on 5 January 2020, a group of parliamentarians decided to hold the parliamentary session in a different place, which appears to be possible according to the Rules of Procedure of the National Assembly. During this session, Mr. Juan

Guaidó was re-elected as Speaker of the National Assembly with 100 votes. The full list of voters was made available to the IPU. In parallel, another group of members of the National Assembly met in the parliamentary building and elected, allegedly without a quorum and without following the Rules of Procedure, Mr. Luis Parra as Speaker of the National Assembly.

B. Decision

The Committee on the Human Rights of Parliamentarians:

1. *Denounces* the latest, extremely serious incidents of ill-treatment and intimidation carried out by security forces and paramilitary groups against opposition parliamentarians; and *is deeply concerned* that, as attested by the recent violent assault on the car convoy carrying several parliamentarians, opposition parliamentarians now also run the serious risk of being killed;
2. *Is shocked* that these attacks have taken place with total impunity in broad daylight before the eyes of the world; and *fears* that this is an indication that the Venezuelan authorities at the highest level have brazenly and wilfully stepped up their intimidation of the opposition, taking for granted the risk of the situation spiralling further out of control and leading to the loss of lives;
3. *Remains deeply concerned* that the ultimate goal of this intimidation is to prevent the parliamentarians from simply doing their work and to undermine the integrity and independence of the National Assembly elected in 2015; *notes also in this regard with great concern* the allegations about vote-buying, intimidation and the irregularities that reportedly surrounded the election of the parliamentary leadership in the National Assembly;
4. *Urges* the authorities to put an immediate end to all forms of harassment against members of the National Assembly, to ensure that all relevant state authorities respect their human rights and parliamentary immunity, to fully investigate and establish accountability for reported violations of their rights, and to allow the National Assembly and its full membership to fully carry out their constitutional functions;
5. *Remains deeply concerned* about the continued detention of Mr. Juan Requesens, all the more so in light of the total disregard for his parliamentary immunity, the very serious indications that he may have been drugged to testify against himself, the fact that he is still kept at the headquarters of the National Bolivarian Intelligence Service, and the poor conditions in which he is allegedly being held, with very limited, if any, contact with his family; and *calls on* the authorities to release him forthwith and to pursue the charges against him only if there is credible and convincing evidence of criminal responsibility;
6. *Being deeply concerned* about the renewed arrest of Mr. Caro in light of the serious reports that he is again being held without charge and at an unknown location, and that his physical integrity may again be at risk, *urges* the authorities to release him forthwith unless they can clearly demonstrate that there are factual and legal grounds to keep him in detention, in which case they are obliged to do everything possible to ensure that he enjoys proper conditions of detention, including regular visits from his family, lawyers and, if need be, a doctor;
7. *Deeply regrets* that the Government of Venezuela has still failed to offer any assurances in writing that the long-proposed IPU mission to Venezuela can finally take place; *remains convinced* that such a mission could help address the concerns at hand; *requests once again*, therefore, the Secretary General to work with the parliamentary and executive authorities of Venezuela with a view to the mission taking place as soon as possible on the basis of a written official communication on their part that guarantees that it can take place under the conditions required for it to be effective;
8. *Reaffirms* its view that the issues in the cases at hand are part of the larger political crisis in Venezuela, which can only be solved through political dialogue and by the Venezuelans themselves; *calls once again* on all sides to act in good faith and to commit fully to political dialogue, with the assistance of external mediation that is acceptable to all sides; *reaffirms* the IPU's readiness to assist in these efforts; and *requests* the relevant authorities to provide further official information on how this assistance can best be provided;

9. *Requests* the Secretary General to convey this decision to the relevant authorities, the complainants and any third party likely to be in a position to supply relevant information;
10. *Decides to* continue examining this case.

Maldives

Decision adopted by the Committee on the Human Rights of Parliamentarians at its 161st session (Geneva, 20–30 January 2020)



© Twitter @riyazabdulla

MDV-60 - Abdulla Riyaz

Alleged human rights violations:

- ✓ Arbitrary arrest and detention
- ✓ Lack of due process in proceedings against parliamentarians
- ✓ Violation of freedom of opinion and expression

A. Summary of the case

Although the original case concerned scores of members of the People's Majlis, who had faced wide-ranging human rights violations since 2012, the Committee on the Human Rights of Parliamentarians concluded, in light of the actions taken by the authorities in 2018 and 2019, that the situation of all of these parliamentarians, with the exception of Mr. Abdulla Riyaz, had been resolved and/or that no further action was required on its part.

Mr. Riyaz was arrested at a protest on 2 March 2018 and taken thereafter to a remand centre inside Maafushi Prison, the facility for sentenced criminals. The family had reported problems in his obtaining full representation by a lawyer and in receiving family visits, as well as adequate medical treatment. On 18 March 2018, the criminal court decided to extend his remand until the end of his trial. On 20 March 2018, Mr. Riyaz was charged with terrorism in addition to earlier charges that he had unlawfully entered parliament in 2016 and had refused to disclose his mobile phone PIN number to the police. Mr. Riyaz was released on 24 September 2018. As per the latest information from the complainant, Mr. Riyaz is no longer subject to the aforesaid charges.

CASE MDV-60

Maldives: Parliament affiliated to the IPU

Victim(s): A male opposition member of parliament

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

Submission of complaint(s): February 2012

Recent IPU decision(s): [April 2019](#)

IPU mission(s): [March 2018](#), [October 2016](#), November 2013, [November 2012](#)

Recent Committee hearing(s): Hearing with the Maldives delegation at the 140th IPU Assembly (April 2019)

Recent follow-up:

- Communication from the authorities: Letter from the Secretary General of the People's Majlis (April 2019)
- Communication from the complainant: January 2020
- Communication addressed to the authorities: Letter addressed to the Speaker of the People's Majlis (June 2019)
- Communication addressed to the complainant: November 2019

B. Decision

The Committee on the Human Rights of Parliamentarians:

1. *Is pleased* that Mr. Abdulla Riyaz is no longer subject to legal proceedings;
2. *Decides* therefore to close his case in accordance with section 25 of Annex I of its Procedure for the examination and treatment of complaints, while regretting that he had to spend several months in detention, often in reportedly poor conditions, and without information being made available on the facts in support of the charges against him;
3. *Recalls* that the Committee on the Human Rights of Parliamentarians has undertaken several missions to the Maldives since 2012, which have identified a number of factors that have accompanied and enabled the violations of the human rights of members of parliament that arose in the original overall case, including a “winner-takes-all” political mentality, lack of a culture of political dialogue, reports of widespread corruption, systematic floor crossing in parliament, the focus on personality rather than programme-based political parties, lack of democratic oversight of the security sector and the absence of a fully independent judiciary and independent oversight institutions; and *sincerely hopes* that the new parliament and the Government will use their powers to address these factors and hence reinforce the foundations of democracy in the Maldives;
4. *Reaffirms* that the IPU stands ready to lend its expertise to the Maldivian authorities to facilitate constructive dialogue in parliament and between parliament and the other state branches, and to promote a better understanding of the protection of the rights of parliamentarians;
5. *Requests* the Secretary General to convey this decision to the authorities and the complainant.

Mongolia

Decision adopted by the Committee on the Human Rights of Parliamentarians at its 161st session (Geneva, 20–30 January 2020)



© Batkhoo Gavaa, Facebook

MNG-07 - Batkhoo Gavaa

Alleged human rights violations:

- ✓ Murder
- ✓ Lack of due process at the investigation stage

A. Summary of the case

Mr. Batkhoo Gavaa ("Mr. Batkhoo"), a former member of the State Great Hural from 2008 to 2016, was found dead on 17 May 2019 after he allegedly fell from a substantial height inside the State Palace. The State Palace houses parliament and the offices of the President and the Prime Minister.

Given the mysterious circumstances surrounding his death in a highly secured area, a criminal case was opened at the Capital City Police to investigate his death. The complainants reported that the working group of the National Institute of Forensic Medicine had produced a report (No.1156), according to which Mr. Batkhoo had suffered a severe head trauma, several fractures to the skull and both sides of the ribs, as well as swelling and bruising above the right eye. One member of the forensic group reportedly concluded that Mr. Batkhoo's death was caused by a stroke due to renal hypertension and hypertensive heart disease. It is not clear whether the working group had reached the conclusion that Mr. Batkhoo's death was an accident.

The complainants expressed their distrust of the National Institute of Forensic Medicine, due to its alleged lack of independence. They consequently submitted a request to the prosecutor for an additional test to be carried out by a team of experts to clear up any discrepancies related to Mr. Batkhoo's cause of death. This request is reportedly still pending. Additionally, the complainants fear that the investigation into

CASE MNG-07

Mongolia: Parliament affiliated to the IPU

Victim(s): Former member of the opposition

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

Submission of complaint(s): May 2019

Recent IPU decision(s): - - -

Recent IPU Mission(s): June 2019, primarily conducted in the case of Mr. Zorig

Recent Committee hearing(s): Hearing with the Mongolian delegation to the 141st IPU Assembly (October 2019)

Recent follow-up:

- Communications from the authorities: Letter from the Deputy Speaker of the State Great Hural (October 2019)
- Communications from the complainant: October 2019
- Communications addressed to the authorities: Letter addressed to the Deputy Speaker (October 2019)
- Communication addressed to the complainant: October 2019

Mr. Batkhuu's death may be mishandled and or interfered with in the absence of independent monitoring. They point, in this regard, to an allegedly corrupt investigator who reportedly attempted to divert the other investigators away from examining the possible involvement of a member of parliament, who is suspected by the complainants of being the perpetrator of the crime.

In a letter dated 4 June 2019, the Deputy Speaker brought the complainants' allegations to the attention of the Committee and requested its assistance. During the hearing held with the Mongolian delegation at the 141st IPU Assembly in Belgrade (October 2019), the parliamentary authorities were unable to provide updated information about the status of the investigation into Mr. Batkhuu's cause of death.

B. Decision

The Committee on the Human Rights of Parliamentarians:

1. *Notes* that the communication regarding the situation of Mr. Batkhuu Gavaa, a former member of the State Great Hural, was submitted in due form by complainants qualified under section I.1(a) and (c) of the Procedure for the examination and treatment of complaints (Annex I of the revised Rules and Practices of the Committee on the Human Rights of Parliamentarians);
2. *Notes* that the communication concerns allegations of murder and lack of due process during the investigation stage when Mr. Batkhuu was no longer a member of parliament;
3. *Recalls* that, at its 160th session (Belgrade, October 2019), the Committee examined the complaint and decided, in view of the lack of information about the status of the investigation into Mr. Batkhuu's death and the lack of clarity regarding his cause of death, not to rule on the question of admissibility pending receipt of the observations of the Mongolian authorities on the matter; and *noted* that it would only be competent if there was information that clearly pointed to a link between Mr. Batkhuu's death and the exercise of his parliamentary mandate, which ended in 2016; *regrets* in that regard the lack of information provided by the parliamentary authorities regarding the status of the investigation into Mr. Batkhuu's cause of death;
4. *Considers* that, on the basis of the foregoing, and while acknowledging that the investigation into Mr. Batkhuu's death might not have been conducted in the most diligent manner, the complainants have failed to demonstrate that his death is directly related to the exercise of his parliamentary mandate;
5. *Considers*, therefore, that the communication is not admissible under the provisions of section IV of the Procedure; and *decides* not to examine the case; *calls* nevertheless on the authorities to ensure that Mr. Batkhuu's death is being investigated thoroughly, without political interference or pressure, and to keep his family informed of the progress of the investigation;
6. *Requests* the Secretary General to convey this decision to the authorities and the complainants.

Philippines

Decision adopted by the Committee on the Human Rights of Parliamentarians at its 161st session (Geneva, 20–30 January 2020)



© Castro, Francisca, 17th Congress of the Philippines

PHI-10 - Francisca Castro
PHI-11 - Antonio Tinio
PHI-12 - Ariel Casilao
PHI-13 - Sarah Jane I. Elago

Alleged human rights violations:

- ✓ Arbitrary arrest and detention
- ✓ Lack of due process in proceedings against parliamentarians
- ✓ Violation of freedom of opinion and expression
- ✓ Violation of freedom of assembly and association
- ✓ Violation of freedom of movement
- ✓ Failure to respect parliamentary immunity

A. Summary of the case

Ms. Francisca Castro and Ms. Sarah Jane I. Elago are current members of the Philippines' House of Representatives, whereas Mr. Antonio Tinio and Mr. Ariel Casilao are former members.

The complainants affirm that all four individuals have faced continuous harassment due to their opposition to the policies of President Duterte. This alleged intimidation includes being subject to charges that have no legal or factual merit and that run counter to the individuals' right to a fair trial and to their rights to freedom of expression, assembly and movement.

In this regard, the complainants affirm that Ms. Castro was briefly detained and arrested on 28 and 29 November 2018 on a charge of "child abuse" in connection with an initiative, which

CASE PHL-COLL-02

Philippines: Parliament affiliated to the IPU

Victim(s): Current and former opposition members of parliament (Two women and two men)

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

Submission of complaint(s): December 2019

Recent IPU decision(s): - - -

IPU mission(s): - - -

Recent Committee hearing(s): - - -

Recent follow-up:

- Communication from the authorities:
- - -
- Communication from the complainant:
- - -
- Communication addressed to the authorities: - - -
- Communication addressed to the complainant: - - -

appears to be legitimate and laudable, in which she took part to save a group of school children in conflict-ridden Mindanao. The matter is still pending before the court.

Mr. Tinio and Mr. Casilao were allegedly subject to a legal complaint with regard to their lawful participation in a protest held in Davao City on 23 October 2018 against the ongoing militarization in Mindanao and other human rights violations committed during martial law. The Prosecutor dismissed the complaint in April 2019.

Ms. Elago was targeted by a modified complaint, originally submitted on 24 July 2019, to which her name was added as a respondent. It concerns a complaint from a mother against the youth group “Kabataan Party List” in which she accused the latter of kidnapping and abusing her daughter. The mother, however, had never accused Ms. Elago of anything. Moreover, the daughter is reportedly of legal age, has denied having been subject to any human rights violations and has explained that she wanted to become a youth activist and that her refusal to go home was the result of a family misunderstanding. The matter has been submitted for resolution by the Department of Justice.

B. Decision

The Committee on the Human Rights of Parliamentarians:

1. *Notes* that the communication was submitted by qualified complainants under section I.1(a) of the Procedure for the examination and treatment of complaints (Annex I of the revised Rules and Practices of the Committee on the Human Rights of Parliamentarians);
2. *Notes* that the communication concerns current and former members of parliament at the time of the alleged facts;
3. *Notes* that the communication was submitted in due form;
4. *Notes* that the communication concerns allegations of arbitrary arrest and detention, lack of due process in criminal proceedings, violations of freedom of opinion, expression, assembly and movement and failure to respect parliamentary immunity, allegations which fall within the Committee's mandate; *considers*, however, with regard to Mr. Tinio and Mr. Casilao, that there is no clear need for action by the Committee, given that the legal complaint against them was dismissed; and *considers* that this may change should other allegations about ongoing harassment that are directly related to their previous parliamentary mandate be made available;
5. *Considers*, therefore, that the complaint appears to be *prima facie* admissible under the provisions of section II of the Procedure inasmuch as Ms. Castro and Ms. Elago are concerned and declares itself competent to examine the case.

Israel

Decision adopted by the Committee on the Human Rights of Parliamentarians at its 161st session (Geneva, 20–30 January 2020)



Israeli-Arab candidates who are members of a joint list of Arab parties join and raise their hands at the party's headquarters in the city of Nazareth on 17 March 2015 as they react to exit poll figures. The joint list grouping Israel's main Arab parties won 13 seats. AFP Photo/Ahmad Gharabli

ISR-09 - Yousef Jabareen
ISR-10 - Haneen Zoabi (Ms.)
ISR-11 - Abd Al Hakeem Haj Yahya
ISR-12 - Talab Abu Arar
ISR-13 - Saeed Alkharumi
ISR-14 - Wael Younis
ISR-15 - Ahmad Tibi

ISR-16 - Jamal Zahalka
ISR-17 - Joumah Azbarga
ISR-18 - Masud Ganaim
ISR-19 - Dov Khenin
ISR-20 - Ayman Odeh
ISR-21 - Aida Touma-Sliman (Ms.)

Alleged human rights violations:

- ✓ Violation of freedom of opinion and expression
- ✓ Violation of freedom of movement

A. Summary of the case

The case concerns several incumbent and former members of the Knesset, all belonging to the “joint list”, a political alliance of four Arab-dominated parties in Israel. The complainant alleged that the parliamentarians’ rights to freedom of movement and freedom of opinion and expression were violated by the Knesset Ethics Committee when it prevented Mr. Jabareen and Ms. Zoabi from travelling abroad on 13 March 2018 to take part in a series of lectures funded by organizations (Jewish Voice for Peace and Ireland Palestine Solidarity Campaign) that support the Boycott, Divestment and Sanctions movement.

The Ethics Committee adopted its decision under the new amendment to the Knesset’s Code of Ethics, which allows the Committee to bar Knesset members from travelling overseas if funded by organizations boycotting the State of Israel. The Ethics Committee based its decision on a list of such organizations established by the Ministry of Strategic Affairs and Public Diplomacy. The list included both

CASE ISR-COLL-02

Israel: Parliament affiliated to the IPU

Victim(s): 13 members of parliamentarians of the opposition (11 men and 2 female)

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

Submission of complaint(s): April 2018

Recent IPU decision(s): - - -

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 (October 2018)
- Communication from the complainant: June 2019
- Communication addressed to the authorities: Letter addressed to the Head of the Knesset delegation to the IPU (December 2019)
- Communication addressed to the complainants: December 2019

aforesaid non-governmental organizations, which allegedly promote a boycott against Israel. On 22 April 2018, Mr. Jabareen challenged the Ethics Committee's ruling before the Israeli High Court of Justice. On 4 June 2018, the High Court of Justice ordered the Knesset Ethics Committee to provide a comparative study detailing restrictions that might have been implemented by other parliaments around the world with respect to parliamentarians' travel funded by external sources. According to the complainant, the Knesset's comparative study failed to demonstrate the existence of similar restrictions in the 22 foreign parliaments reviewed.

In a letter dated 2 October 2018, the Israeli parliamentary authorities explained in great detail the context in which the Knesset Ethics Committee had adopted the decision against Mr. Jabareen and Ms. Zoabi. The authorities nevertheless failed to provide a copy of the aforesaid comparative study. Both the authorities and the complainants have failed to provide a copy of the final ruling of the Israeli High Court of Justice in the case.

On 26 December 2018, lawmakers voted on a bill to dissolve the twentieth Knesset and to schedule early elections to be held on 9 April 2019. The dissolution came amid several political crises, including the Knesset's approval of the controversial nation-state law and the investigation of the Prime Minister, Mr. Netanyahu, on corruption allegations. Since then, Israel has held another round of early legislative elections, in September 2019, which also failed to produce a clear majority in the Knesset. New elections are now scheduled for March 2020.

B. Decision

The Committee on the Human Rights of Parliamentarians:

1. *Notes* that the complaint was submitted in due form by complainants qualified under section I.1(b) 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);
2. *Notes* that the complaint concerns incumbent members of the Knesset at the time of the alleged facts;
3. *Notes* that the complaint concerns allegations about lack of respect for the right to freedom of expression and freedom of movement, allegations which fall within the Committee's mandate;
4. *Regrets* that it has not received a copy of the final verdict adopted by the Israeli High Court of Justice in the case of Mr. Jabareen, despite requests addressed to the Israeli authorities and the fact that the Committee considers that, without this information, it is not possible to fully assess if the measures against the parliamentarians violated their aforesaid human rights and hence to examine the complaint effectively; *considers also* that the complaint has become moot in light of the political developments that have since taken place in Israel;
5. *Concludes*, therefore, that the complaint is not admissible under the provisions of section IV of the Procedure; and *decides* not to continue examining this case;
6. *Requests* the Secretary General to convey this decision to the parliamentary authorities and to the complainant.

Palestine/Israel

Decision adopted by the Committee on the Human Rights of Parliamentarians at its 161st session (Geneva, 20–30 January 2020)



Aziz Dweik, speaker of the Palestinian Legislative Council, after his release from Israeli prison outside the compound of the Israeli Ofer Military Prison, near the West Bank town of Betunia, on 9 June 2015 AFP PHOTO/AHMAD GHARABLI

PSE-83 - Abdel Aziz Dweik

Alleged human rights violations:

- ✓ Arbitrary arrest and detention

A. Summary of the case

Mr. Abdel Aziz Dweik, the former Speaker of the Palestinian Legislative Council (PLC), was arrested during the night of 15–16 June 2014, along with and followed by scores of other Palestinian leaders, after the abduction of three Israeli teenagers, which Israel blamed on Hamas, who were subsequently found killed. According to the complainant, Mr. Dweik was first placed in administrative detention and then subjected to criminal proceedings apparently related, according to the complainant, to a speech he made at a public gathering and other activities linked to his political work. On 25 May 2014, the Israeli military court in Ofer Prison sentenced him to a one-year prison term and a fine. He was released on 9 June 2015 after serving his sentence.

Mr. Dweik was previously arrested in 2006 and sentenced in 2008 to 36 months in prison for membership of a terrorist organization (Hamas), having been elected in 2006 to the PLC on the ticket of the Electoral Platform for Change and Reform and taking on the role of Speaker of the PLC. Mr. Dweik was subsequently re-arrested in 2012 and spent six months in administrative detention in Israel until his release on 19 July 2012.

On 22 December 2018, the Palestinian Constitutional Court adopted a decree dissolving the PLC and calling for parliamentary elections to be held in six months' time.

CASE PSE-83

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

Victim(s): Majority member of the Palestinian Legislative Council

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

Submission of complaint(s): April 2014

Recent IPU decision(s): [February 2016](#)

IPU Mission(s): - - -

Recent Committee hearing(s):

- Hearing with the head of the parliamentary group of Fatah at the 137th IPU Assembly (October 2017);
- Hearing with the Deputy Speaker of the Knesset at the 134th IPU Assembly (March 2016)

Recent follow-up:

- Communication from the authorities: Letter from the head of the Knesset delegation to the Inter-Parliamentary Union (December 2019); letter from the Speaker of the Palestinian National Council (January 2020)
- Communication from the complainant: January 2020
- Communication addressed to the authorities: Letter addressed to the head of the Knesset delegation to the IPU (December 2019); letter addressed to the Speaker of the Palestinian National Council (December 2019)
- Communication addressed to the complainant: January 2020

B. Decision

The Committee on the Human Rights of Parliamentarians:

1. *Takes note* that Mr. Dweik was released on 9 June 2015 after having served his one-year prison sentence;
2. *Deeply regrets* that it has not received a copy of the verdict adopted in Mr. Dweik's case, despite repeated requests addressed to the Israeli authorities and the complainant in order to understand the precise legal grounds and facts underpinning Mr. Dweik's conviction in 2014 and to ensure that it was not based on his political activity;
3. *Recalls* in this regard its long-standing fear, in light of the broader campaign of political harassment against members of the Palestinian Legislative Council, who have been frequently detained by the Israeli authorities in the absence of criminal charges or on account of their political work, that Mr. Dweik's arrest, prosecution and conviction in 2014 may not have been based on formal charges of any specific criminal activity, but rather on his political affiliation, and that they were therefore carried out for non-judicial purposes; *recalls* also in this respect its long-held view that, with regard to Mr. Dweik's previous arrest, detention and prosecution in 2006, they were unrelated to any criminal activity on his part, but were linked to his election on the Electoral Platform for Change and Reform list in a free and fair election recognized as such by the international community;
4. *Decides* nevertheless to close the case in accordance with section 25(a), (b) and (c) of Annex I of its Procedure for the examination and treatment of complaints, in the absence of the aforesaid requested information and in light of the conclusion of the judicial proceedings and Mr. Dweik's release in 2015;
5. *Requests* the Secretary General to convey the decision to the parliamentary authorities and to the complainant.

*

* *