



Inter-Parliamentary Union
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139th IPU ASSEMBLY AND RELATED MEETINGS

Geneva, 14-18.10.2018

Assembly
Item 2

A/139/2-P.8
15 October 2018

Consideration of requests for the inclusion of an emergency item in the Assembly agenda

Request for the inclusion of an emergency item in the agenda of the 139th Assembly of the Inter-Parliamentary Union submitted by the delegation of Israel

On 15 October 2018, the Secretary General received a request from the Head of the Israeli delegation to the IPU a request and accompanying documents for the inclusion in the agenda of the 139th Assembly of an emergency item entitled:

"Addressing the issue of missing persons: The role of Parliaments".

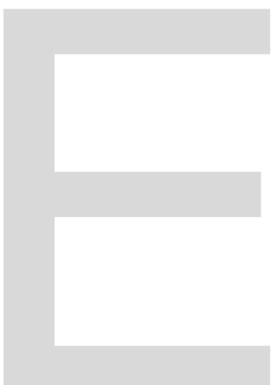
Delegates to the 139th Assembly will find attached the text of the communication submitting the request ([Annex I](#)), as well as an explanatory memorandum ([Annex II](#)) and a draft resolution ([Annex III](#)) in support thereof.

The 139th Assembly will be required to take a decision on the request of the delegation of Israel on Monday, 15 October 2018.

Under the terms of Assembly Rule 11.1, any Member of the IPU may request the inclusion of an emergency item in the Assembly agenda. Such a request must be accompanied by a brief explanatory memorandum and a draft resolution which clearly define the scope of the subject covered by the request. The IPU Secretariat shall communicate the request and any such documents immediately to all Members.

Furthermore, Assembly Rule 11.2 stipulates that:

- (a) A request for the inclusion of an emergency item must relate to a recent major situation of international concern on which urgent action by the international community is required and on which it is appropriate for the IPU to express its opinion and mobilize a parliamentary response. Such a request must receive a two-thirds majority of the votes cast in order to be accepted.
- (b) The Assembly may place only one emergency item on its agenda. Should several requests obtain the requisite majority, the one having received the largest number of positive votes shall be accepted.
- (c) The authors of two or more requests for the inclusion of an emergency item may combine their proposals to present a joint one, provided that each of the original proposals relates to the same subject.
- (d) The subject of a proposal that has been withdrawn by its authors or rejected by the Assembly cannot be included in the draft resolution submitted on the emergency item, unless it is clearly referred to in the request and title of the subject adopted by the Assembly.



#IPU139

**COMMUNICATION ADDRESSED TO THE SECRETARY GENERAL BY
THE HEAD OF THE ISRAELI DELEGATION TO THE IPU**

15 October 2018

Dear Mr. Secretary General,

I would like to inform you that in accordance with the provisions of Rule 11 of the Rules of the Inter-Parliamentary Union, the Inter-Parliamentary Group of Israel requests the inclusion of an emergency item on the agenda of the 139th Assembly, to be held in Geneva from 14-18 October 2018. The item reads as follows:

"Addressing the issue of missing persons: The role of Parliaments".

Yours sincerely,

(Signed)

Nachman SHAI
Member of the Knesset
Head of the Israeli delegation to the IPU

ADDRESSING THE ISSUE OF MISSING PERSONS: THE ROLE OF PARLIAMENTS

Explanatory memorandum submitted by the delegation of Israel

In its most recent report from July 2018, the United Nations Working Group on Enforced or Involuntary Disappearances reported 45,499 open and active cases of disappearances in 92 different States. These are cause for grave concern as they violate several of the core principles of the international community, as set forth below.

In 1948, the international community adopted the Universal Declaration of Human Rights, which was drafted by representatives of all regions of the world and reflected a spectrum of legal traditions. The Declaration stated in its preamble that recognition of the equal and inalienable rights of all persons is the foundation of freedom, justice and peace in the world. These rights include, inter alia, personal liberty.

In order to raise awareness of these grave violations of international law and human rights, the International Day of the Disappeared was established, to be marked each year on 30 August. This day is intended to draw attention to the fate of individuals imprisoned in places and under poor conditions that are unknown to their relatives and/or legal representatives.

Of particular concern to this delegation are the cases of Lt. Hadar Goldin and Sgt. Oron Shaul—who were slain by Hamas on 1 August 2014 in a blatant violation of a UN-mandated humanitarian ceasefire brokered hours before—and Israeli civilians Avera Mangisto and Hisham al-Sayed.

This delegation further considers it a moral obligation to mention Israeli persons missing in action: Zechariah Baumel, Tzvi Feldman and Yehuda Katz who were declared missing after the Battle of Sultan Yacoub in 1982, Lt. Col. Ron Arad, who was lost over Lebanon in 1986 and Guy Hever who disappeared in the Golan Heights in 1997.

ADDRESSING THE ISSUE OF MISSING PERSONS: THE ROLE OF PARLIAMENTS

Draft resolution submitted by the delegation of ISRAEL

The 139th Assembly of the Inter-Parliamentary Union,

- (1) *Recalling* that the Inter-Parliamentary Union shares the objectives and principles of the United Nations, and respects international humanitarian law,
 - (2) *Mindful* of the United Nations General Assembly Resolution 3220 on Assistance and cooperation in accounting for persons who are missing or dead in armed conflicts, adopted in 1974, which called on parties to armed conflicts to take such action as may be within their power to provide information about those who are missing in action,
 - (3) *Concerned* by the 2015 report of the United Nations Working Group on Enforced or Involuntary Disappearances, which expressed continued concern at the increasing instances of abductions carried out by non-State actors, which may be tantamount of acts of enforced disappearance,
 - (4) *Mindful* of the call by the Working Group in the aforementioned report to take appropriate measures in relation to this issue and to provide information to, and share views on this matter with, the Working Group,
 - (5) *Further recalling* the International Committee of the Red Cross (ICRC) statement of 8 June 2017 entitled Missing Israeli Nationals: Hamas must abide by international humanitarian law which urged Hamas authorities to comply with their obligations under international humanitarian law with regard to the five Israeli nationals who went missing in Gaza between July 2014 and 2016, and remain unaccounted for. The statement further noted that missing persons, regardless of their status—fallen or captured soldiers during fighting, or civilians taken captive by an adverse party—are protected by humanitarian law. They and their families must be shown due regard under the law,
1. *Calls on* the United Nations, the Inter-Parliamentary Union and the international community to work cooperatively in order to stop violations of international humanitarian law;
 2. *Urges* parliaments worldwide to work cooperatively to put pressure on non-State actors that abduct persons and hold them hostage;
 3. *Further urges* the international community and parliaments worldwide to condemn such actions;
 4. *Calls on* parliaments to mark 30 August as the International Day of the Disappeared;
 5. *Urges* parliaments worldwide to work jointly on the release of missing people, and in particular to put pressure on Hamas, an internationally recognized terrorist organization, that continues to hold hostage two Israeli civilians—Avera Mangisto and Hisham al-Sayed—and the abducted bodies of two fallen Israeli soldiers, and refuses to return them, allow ICRC visits or visits by any other third party, or provide information about their fate or conditions;
 6. *Condemns* the flagrant disregard of international humanitarian law by Hamas and other terrorist organizations.