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REPORT OF THE KENYA DELEGATION TO THE 148TH
ASSEMBLY OF THE INTER-PARLIAMENTARY UNION AND
RELATED MEETINGS HELD IN GENEVA, SWITZERLAND

(23RD – 27TH MARCH, 2024)

PARLIAMENT OF KENYA

NAIROBI, PARLIAMENT BUILDINGS

AUGUST 2024

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TABLED BY:	Hon. JOHN KIARIE MP MEMBER OF DELEGATION
CLERK AT THE TABLE:	CHESER Koskei

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FOREWORD

Honourable Speaker,

The Inter-parliamentary Union (IPU), the world organization of Parliaments, is a global forum for parliamentary dialogue, cooperation and action. The Union advances democracy and assists Parliaments and parliamentarians throughout the world to fulfill their mandates. The IPU facilitates parliamentary debate, dialogue and cooperation and also promotes and defends democracy and the rule of law while assisting Parliaments in coping with growing international agenda relevant to their duties.

The IPU Assembly is the principle statutory body that expresses the views of the Inter Parliamentary Union on political issues. It brings together parliamentarians to study international problems and make recommendations for parliamentary and governmental action. The Assembly meets twice a year and is held each time in a different country, providing participants with an opportunity to see various national realities.

Honourable Speaker,

The 148th Assembly was held in, Geneva, Switzerland, from 23rd to 27th March, 2024. The Kenyan delegation comprised the following Members:-

1. **The Rt. Hon. Amason J. Kingi, EGH, MP - Leader of Delegation;**
2. The Hon. John Kiarie, MP; - President, Committee to Promote
Respect for International Humanitarian Law
3. The Hon. Millie Odhiambo-Mabona, MP; - President, Committee on the Human
Rights of Parliamentarians
4. The Hon. Naisula Lesuada, MP; - Member, Committee on Sustainable
Development

5. The Hon. Rebecca Tonkei, MP; - Member, Committee on United Nations Affairs
6. Sen. Catherine Mumma, MP; - Member, Working Group on Science and Technology
7. Sen. Allan Chesang, MP;
8. The Hon. John M. Chikati, MP; and
9. The Hon. Betty Maina, MP.

The theme of the 148th Assembly General Debate was *“Parliamentary diplomacy: Building bridges for peace and understanding”*. The theme was selected as the strategic policy focus for the IPU in 2024 and the General Debate served as the starting point for action. The theme was informed by the fact that 56 States around the world were experiencing armed conflict in 2023. Additionally, political polarization and hate speech were on the rise; technological advances, such as inexpensive and easily produced military equipment; cyber warfare; drone surveillance and artificial intelligence; as well as increased geopolitical competition and political instability. These had resulted in more conflicts and a rapid rise in conflict-related deaths.

During the Assembly, Members of the Kenya Delegation were actively involved in Plenary and Committee meetings, as well as a number of workshop sessions on select topics for discussion.

Honourable Speaker,

I wish to take this opportunity to thank you on behalf of the delegation for bestowing upon the Delegation the important task of representing Kenya in one of the most important for a in the associations of Parliaments.

Article 7 of the IPU Statutes mandates Members to submit the resolutions of the IPU within their respective parliaments, to communicate them to the respective Governments and to facilitate their implementation. The Article further mandates Members to inform the IPU as often as possible, on steps taken and results obtained on the resolutions of the Assembly.

In accordance with Article 7 of the Statutes of the IPU, it is my pleasure and humble duty to submit this report, the summary of proceedings and resolutions of the 148th Assembly of the Inter Parliamentary Union and Related meetings for noting and necessary action.

I thank you.

THE HON. JOHN KIARIE, MP
LEADER OF THE NATIONAL ASSEMBLY DELEGATION &

PRESIDENT, COMMITTEE TO PROMOTE RESPECT FOR INTERNATIONAL HUMANITARIAN LAW

1. BACKGROUND

1. The Inter Parliamentary Union (IPU), established in 1889, and with a membership of 178 national parliaments, is the focal point for world-wide parliamentary dialogue and works for peace and co-operation among peoples and for the firm establishment of representative democracies.
2. To this end, the IPU:
 - i. Fosters contacts, co-ordination, and the exchange of experience among parliaments and parliamentarians of all countries;
 - ii. Considers questions of international interest and concern and expresses its views on such issues in order to bring about action by parliaments and parliamentarians;
 - iii. Contributes to the defence and promotion of human rights an essential factor of parliamentary democracy and development;
 - iv. Contributes to better knowledge of the working of representative institutions and to the strengthening and development of their means of action.
3. The IPU supports the efforts of the United Nations, whose objectives it shares, and works in close co-operation with it. The Union also co-operates with regional inter-parliamentary organizations, as well as with international intergovernmental and non-governmental organizations which are motivated by the same ideals.
4. In promoting the concepts of peace and international arbitration, the IPU provided the origins for today's form of institutionalized multilateral co-operation and advocated for the establishment of corresponding institutions at the inter-governmental level, which eventually came into being as the United Nations. The

IPU was also instrumental in setting up what is now the Permanent Court of Arbitration in The Hague.

5. The IPU has transformed itself from an association of individual parliamentarians into the international organization of the Parliaments of sovereign States. It is a center for dialogue and parliamentary diplomacy among legislators representing every political system and all the main political leanings in the world, constituting a unique platform for observing political opinions and trends around the world.
6. IPU statutory Assemblies and specialized meetings serve as a testing ground for new ideas and initiatives leading to important breakthroughs in the search for peace and advancing international co-operation.
7. The IPU is financed primarily by its members out of public funds. It is a public organization funded in a transparent way by Member Parliaments and Associate Members, whose annual fees are assessed in accordance with a scale of contributions approved by the Governing Council. In addition, a growing volume of financial resources is mobilized through voluntary contributions, most of which are provided by donor governments.

THE 148TH ASSEMBLY

1.1 OPENING OF THE 148TH ASSEMBLY

8. The Opening of the 148TH IPU Assembly and related meetings took place on Sunday, 24th March, 2024, at the Geneva International Convention Centre (CICG). The Assembly was attended by delegations from over 140 member countries, Associate Members, observers and other institutions and was officially opened by Hon. Tulia Ackson, MP, President of the Inter Parliamentary Union.

9. In her address to the Assembly, the President welcomed the Members back to Geneva, Switzerland after an absence of six years, partly because of the COVID - 19 global pandemic and the generosity of Member States such as Qatar, Serbia, Indonesia, Rwanda, Bahrain and Angola, in hosting previous Assembly events between 2019 and 2023.

10. The President observed that it was fitting that against a backdrop of not less than 56 countries were experiencing conflict in one form or the other, it was fitting that the theme of the 148th Assembly was being debated in Geneva. It was also fitting that the theme was in line with the IPU strategic focus on peace and security. The President highlighted that the subject was at the top of her priority items and expressed optimism that the Working Group on the IPU Statutes and Rules would begin its work with a view to reform the IPU's ability in responding to global crisis and conflicts. She pointed out that the IPU was founded on the principle that dialogue is central to the peaceful resolution of conflict and committed to intensify the use of dialogue during her Presidency. To demonstrate her commitment in this regard, the President informed the Assembly that in the days leading up to the

Assembly, the IPU Headquarter offices in Geneva was availed to the delegations of Armenia and Azerbaijan to engage and explore the use of dialogue to enhance the two countries' bilateral relations.

11. Further, the President highlighted to the Assembly that immediately after being elected President in at the 147th Assembly in October, 2023, she embarked on a mission to the Middle East, which took place in November, 2023, in the wake of the October 7th attack on Israel and the resultant war in Gaza. During the mission, the President visited the Palestinian and Israeli leadership and Members of Parliament to explore ways that the global parliamentary community could contribute towards a sustainable peaceful resolution through dialogue and diplomacy.
12. The President rallied Members of Parliament to stand up for the most vulnerable and combat discrimination in all its forms, noting that conflict is a cause and a consequence of inequality, injustice and discrimination. She observed that Parliaments by their very nature, represent people from all works of life and political perspectives, and are thus ideally placed to take a holistic approach at addressing conflict and building peace. In so doing, the President emphasized that the empowerment of young people and women was key to this achievement.
13. Looking ahead, the President underscored the role that the United Nations plays in conflict resolution and advocated for a strong and effective multilateral system. She made reference to the upcoming UN Summit of the Future as one of the unique platforms that parliamentarians have to make proposals aimed at influencing the direction of multilateral system, and for UN reforms. In conclusion, the President encourage all delegations to use the opportunity of the 148th Assembly to share

good practices, learn from one another, and to focus on what parliaments and parliamentarians could do to leverage the unique attributes of parliamentary diplomacy to create a more peaceful and tolerant world.

1.2 CHOICE OF AN EMERGENCY ITEM

14. Pursuant to Rule 11.1 of the Assembly Rules, any Member of the IPU may request for inclusion in the Assembly's Agenda, an emergency item for consideration and resolution. Such a request is accompanied by a brief explanatory memorandum and a draft resolution which clearly define the scope of the subject covered by the request.

15. Requests for the inclusion of an emergency item ordinarily 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. In the course of proceedings of the Assembly, only one emergency item may be placed on its agenda, and should several requests obtain the requisite majority, the one having received the largest number of positive votes shall be accepted. In the event that two or more requests for the inclusion of an emergency item relate to the same subject, it is permitted pursuant to Rule 11.2, that the proposing member parliaments may combine their proposals to present a joint one. Any subject of a proposal that has been withdrawn or rejected by the Assembly cannot be included in the draft resolution.

16. By 23rd March, 2024, six (6) requests for inclusion of an Emergency Item in the Assembly Agenda were received as follows –

- i. Raising awareness of the International Court of Justice provisional measures for Israel in relation to Palestinians in Gaza, and of the need for urgent action on the humanitarian crisis in Gaza – South Africa;*
- ii. The immediate release of the hostages in Gaza – Israel;*
- iii. Parliamentary diplomacy for peace in Palestine – Malaysia and Indonesia;*
- iv. Call for urgent action regarding the conflict in the Middle East – Denmark, France, Hungary, Ireland, Portugal, Sweden and United Kingdom;*
- v. Free, fair and transparent elections without prohibitions: Towards an orderly and peaceful democratic transition in the Bolivarian Republic of Venezuela – Argentina, Guyana, Peru and Uruguay; and*
- vi. Call for urgent action to end the aggression and massive violations of human rights in the Democratic Republic of the Congo – Democratic Republic of the Congo.*

17. On 24th March, 2024, before the submission and debate on the proposed Emergency Items, pursuant to Assembly Rule 11.2(d), the delegations from Israel, Malaysia and Indonesia, and the Democratic Republic of the Congo withdrew the request for inclusion of their Emergency Items. Consequently, the Emergency Items that proceeded for consideration by the Assembly were the proposals from South Africa, Denmark, France, Hungary, Ireland, Portugal, Sweden and United Kingdom, and Argentina, Guyana, Peru and Uruguay. Below is a summary of the Emergency Items as presented by the respective delegations.

Proposal 1: Raising awareness of the International Court of Justice provisional measures for Israel in relation to Palestinians in Gaza, and of the need for urgent action on the humanitarian crisis in Gaza – South Africa.

18. While making the submission on the Emergency Item, the South African delegation stated that on 6th March 2024, the International Court of Justice (ICJ) noted that the Israeli military operation in Gaza, Palestine, after the Hamas attack on Israel on 7 October 2023, had led to numerous casualties, the extensive destruction of homes, the displacement of most of the population and severe damage to civilian infrastructure.
19. According to the United Nations, the situation in the Gaza Strip has resulted in the death of approximately 31,184 Palestinians and injury of over 72,000. Over 60% of housing units have been destroyed or damaged and approximately 1.7 million people have been internally displaced, and devastating losses have been suffered by UN staff, health workers and civil defence personnel.
20. The South African delegation submitted that the people in Gaza have been deprived of basic necessities, medical care and essential supplies, thus, making the humanitarian situation in Gaza a catastrophe. It was noted that UN officials and agencies, including the United Nations Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator and the World Health Organization, had pronounced that the situation in north Gaza was deemed to be “*uninhabitable*”.
21. The delegation emphasized on the legally binding provisional measures that had been identified by the International Court of Justice including refraining from acts under the Genocide Convention, preventing and punishing incitement to genocide,

and ensuring the provision of humanitarian assistance to civilians as a means for resolving the situation in Gaza. It was pointed out that the Court's provisional measures, notably regarding the entry of humanitarian aid and a requirement for Israel to report back, offer a critical framework for addressing the complex Israel-Palestine conflict and ensuring compliance with international legal obligations.

22. Given the urgent situation in Gaza, the South African delegation urged the 148th Assembly of the IPU to include an emergency resolution on the matter with a view to take a clear stance in these distressing circumstances. The delegation stated that the draft resolution proposed was building upon relevant international laws, UN and IPU documents, and offered impartial assessments and comprehensive recommendations for parliaments and the IPU. Further, the draft resolution underscored the imperative need for immediate action to address the dire humanitarian crisis in Gaza, and highlights the necessity for global awareness, and emphasizes adherence to the legal measures stipulated by the International Court of Justice.

23. Pursuant to Assembly Rule 11.1, the South African delegation submitted a draft resolution which clearly defined the scope of the subject covered for inclusion of the Emergency Item.

Proposal 2: Call for urgent action regarding the conflict in the Middle East – Denmark, France, Hungary, Ireland, Portugal, Sweden and United Kingdom;

24. The delegation from Denmark, on behalf of the other proponents of the proposal, submitted to the Assembly that the current conflict between Israel and Palestine

has created immense human suffering and global geopolitical instability. The scale of the humanitarian crisis and loss of life in Gaza and the enormity of the acts of terror against the Israeli people need to be addressed as a matter of urgency by the Inter-Parliamentary Union.

25. The delegation further highlighted that to bring about an immediate and sustainable end to this suffering, the IPU must immediately find a common starting point, rooted in a shared desire to end human suffering. The proposed resolution focuses upon calling for an immediate ceasefire to protect civilians on all sides, the release of all hostages, the immediate and unimpeded delivery of essential humanitarian assistance, and respect for all relevant international laws. It was pointed out that the resolution's focus on the aspects recognizes the complexity, division and geopolitics that surrounded the conflict but have prevented action that could alleviate human suffering.

26. The proposed resolution would therefore allow for Member Parliaments to raise a multitude of issues and positions during the debate on the Emergency Item while providing a clear call to action that would act as a starting point upon which Member Parliaments could act.

27. Pursuant to Assembly Rule 11.1, the Danish delegation submitted a draft resolution which clearly defined the scope of the subject covered for inclusion of the Emergency Item.

**Proposal 3: Free, fair and transparent elections without prohibitions:
Towards an orderly and peaceful democratic transition in the Bolivarian
Republic of Venezuela – Argentina, Guyana, Peru and Uruguay**

28. The Delegation from Guyana, on behalf of the proponents of the proposed Emergency Item, submitted to the Assembly that the political, economic and social crisis in Venezuela that had lasted over twenty years had caused the largest humanitarian crisis on the planet, affecting almost eight million people, which represented a quarter of the total population of Venezuela.
29. After several attempts to find a solution by different actors in the international community, mediating in the conflict, on 17th October, 2023, the Government of Venezuela and the Democratic Unitary Platform of Venezuela – the main opposition political alliance – reached an agreement, commonly referred to as the “*Barbados Agreement*”, which aimed at the recognition and respect of the right of each political actor to select a candidate for the presidential elections freely. Following this agreement, the Democratic Unitary Platform held primary elections on 22nd October 22, 2023, where Ms. María Corina Machado being legitimately elected the winner.
30. However, the Government of Venezuela, under the leadership of President Nicolás Maduro banned Ms. María Corina Machado from contesting the presidential elections that were scheduled to be held on 28th July 2024, through illegal institutional manipulation to leave the opposition without its best candidate. This action was therefore unacceptable and a clear violation of the Barbados Agreement and also of international standards associated with respect for the rule of law,

democracy, human rights and fundamental freedoms, and particularly, the Convention on the Elimination of All Forms of Discrimination against Women.

31. The Delegation advanced that it was for this reason that the IPU needed to consider and approve an emergency resolution through which the holding of free, fair, transparent elections without exclusions is promoted, in a bid to achieving a democratic, orderly and peaceful Venezuela.

Pursuant to Assembly Rule 11.1, the Guyana delegation submitted a draft resolution which clearly defined the scope of the subject covered for inclusion of the Emergency Item.

32. Before the voting on the Emergency Item, and in line with Assembly Rule 11.2 (c), which provides that the authors of two or more requests for an emergency item may combine their proposals, provided that the original proposals relates to the same subject, the Delegations from South Africa and Denmark, France, Hungary, Ireland, Portugal, Sweden and United Kingdom, requested to present a joint proposal as the two items related to the same subject. However, following the negotiations, the proponents of the two Items did not arrive at a consensus and as such, all three emergency items were subjected to a vote.

33. Upon a roll call division, the following was the result for each of the emergency item –

- i. Proposal 1: Ayes = 904, Nays = 407, Abstentions = 237, 2/3 Majority = 916
- ii. Proposal 2: Ayes = 778, Nays = 471, Abstentions = 362, 2/3 Majority = 833
- iii. Proposal 3: Ayes = 225, Nays = 760, Abstentions = 626, 2/3 Majority = 677

Pursuant to Rule 11.2 (a), none of the proposals attained the required threshold of the votes cast to be accepted. The implication of the vote was that there was **NO** Emergency Item for inclusion in the Assembly Agenda.

THE GENERAL DEBATE

34. The General Debate is a forum within the Assembly, through which IPU Member Parliaments have an opportunity to comment and reflect on issues of importance to the Member State. Member Parliaments are often represented by the respective Heads of Delegation, and comments focus on experiences from the member parliament and includes proposals for addressing the subject matter of the debate. At the close of the debate, Member Parliaments adopt a declaration which reflects the deliberations and recommendations on the subject matter.

35. The theme of the 148th Assembly General Debate was “*Parliamentary diplomacy: Building bridges for peace and understanding*”. Further, the theme of the Assembly was also selected as the strategic policy focus for 2024 and that the General Debate would serve as the starting point for action. The theme was informed by the fact, according to the Stockholm International Peace Research Institute, 56 States around the world were experiencing armed conflict in 2023. Additionally, political polarization and hate speech were on the rise; technological advances, such as inexpensive and easily produced military equipment; cyber warfare; drone surveillance and artificial intelligence; as well as increased geopolitical competition and political instability. These had resulted in more conflicts and a rapid rise in conflict-related deaths.

36. Over the course of three days, over 188 legislators and representatives from 152 Member Parliaments, including 48 Presiding Officers and 22 young parliamentarians, contributed to the General Debate. The proceedings of the Debate were livestreamed, and many of the good practices and recommendations that emerged were reflected in the declaration document. Contributions from Member Parliaments observed that there were unique experiences from around the world, from which the IPU could draw inspiration from, to make parliaments more responsive in conflict resolution.
37. Member Parliaments noted that the IPU was founded on the notion that dialogue is central to the peaceful resolution of conflict. Over the years, parliaments and parliamentarians have taken a series of measures aimed at peace and better understanding, including establishing parliamentary friendship groups with other countries, engaging in regular parliamentary dialogue and exchange programmes, promoting and defending the human rights of other parliamentarians, and holding their own governments to account for the implementation of international commitments. Members of Parliament were therefore at a unique position to take a holistic approach to addressing conflict and building peace and offer useful lenses to re-centre national policies around the real needs of the people including human wellbeing and social justice.
38. Most speakers observed that by making full use of the legislative, budgetary and oversight mandate, parliaments were able to stand up for the most vulnerable, and against discrimination and hatred in all their forms. In particular, parliaments need to empower the young and women members and ensure their equal participation and leadership in all areas, including the strengthening of global security, peace and stability. The rationale for women's empowerment, gender equality, and youth

participation is not only about equity and rights, but also about strengthening governance and sustainable peace. In addition, Parliamentary action was required to curb corruption and instill more transparency and accountability in the allocation of public resources.

39. On his part, the Speaker of the Senate and Leader of the Parliament of Kenya Delegation, Rt. Hon. Amason Jeffah Kingi, EGH, MP, the collective conscience of humanity continues to be bombarded by the haunting images from the Democratic Republic of Congo, Gaza, Ukraine, Chad, Mozambique, Sudan, the Sahel and other active but largely unreported conflicts around the world.

40. The conflicts serves as a reminder that the current leadership had broken its collective promise to bequeath future generations with a peaceful, prosperous and habitable world. To mitigate against this grim path, the Speaker observed that it was necessary for Parliaments to take action. He observed that the theme of the General Debate served to rally Parliamentarians to take action on this noble cause.

41. He pointed out to the Assembly that in an effort to address regional and international conflicts, Parliaments must –

- i. Enhance checks and balances on the Executive by critically assessing the security and defense budgets before approving them. This control was vital in checking spending on defense and security;
- ii. Ensure protection of democracy and political pluralism. He noted that the Parliament of Kenya had secured its position as an institution for political negotiation and mediation, which has provided a forum for expression of political aspirations and interests.
- iii. Facilitate an arena for political alternatives, pointing out various bi-partisan processes ratified through Parliament such as the appointment of the bi-partisan Building Bridges to a Unity Advisory Taskforce (BBI Taskforce) and

the National Dialogue Committee (NADCO). He noted that in the Kenyan experience, such initiatives had gone a long way in lowering political tensions and finding a clear roadmap to matters affecting the people. He also highlighted the bi-partisan caucuses on concerns such as climate change and corruption, as other initiatives aimed at bringing together Members of Parliament to address local and global challenges.

- iv. Ensure legislation and ratification of peace agreements in a post-conflict setting. In this regard, the Speaker made reference to the 2007/2008 post-election violence in Kenya, where upon Parliament, passed the National Dialogue and Reconciliation Act (2008) as well as the Truth, Justice and Reconciliation Commission Act (2008) that set in motion a pathway for dialogue and the eventual consensus on an inclusive constitutional review process, which culminated in the promulgation of a new Constitution in 2010.
42. Members advocated for a strong and effective international legal framework, as essential for maintaining global peace and security and that Parliaments were critical in upholding and maintaining such frameworks to make sure sure that their governments respect international law, as well as implementation of a wide range of international peace treaties, instruments and covenants. Further, the input of parliaments to global deliberations and UN processes was essential to inclusive decision-making that reflects the concerns and best interests of citizens.
43. At the conclusion of the 148th Assembly on 27th March, 2024, the Assembly considered and adopted the *Geneva Declaration*, which committed parliaments to be drivers of change for a more responsive action to local, regional and global conflicts. Consequently, the Assembly resolved that –

The Geneva Declaration

Adopted by the Assembly on 27th March, 2024

‘We, Members of Parliament from around the world, gathered together at the 148th IPU Assembly in Geneva, Switzerland, reaffirm our commitment to parliamentary diplomacy to address the growing challenges to peace and international security;

We are meeting at a time of great turbulence and instability. From the resurgence of conflicts and geopolitical tensions, the increase in social polarization and a looming new global arms race, to the devastating impacts of climate change and the dangers posed by artificial intelligence – the multi-faceted and intractable challenges we face underscore the urgency for a collective, forward-looking and durable response that learns from the past and goes beyond conventional solutions. As we navigate this intricate landscape, it becomes increasingly evident that addressing these complex challenges demands a shared global commitment to building a resilient foundation for lasting peace, rooted in the upholding of human rights and democratic principles.

We conclude this Assembly recognizing the potential of parliamentary diplomacy, grounded in dialogue, mutual respect and the achievement of common goals, as an important means to build trust, promote cooperation, share good practices, and enhance the contribution of parliaments and parliamentarians to building lasting world peace. We recognize that the tools of parliamentary diplomacy include bilateral and multilateral associations, such as inter-parliamentary institutions, staff exchanges and friendship groups. We welcome the work of the IPU to help foster political dialogue conducive to peacebuilding and the peaceful resolution of conflict, and encourage the IPU to continue its efforts in this regard. We also call upon the IPU to support and accompany a return to the rule of law in countries, many of them on the African continent, which have undergone an unconstitutional dissolution of parliament.

As representatives of the people, we parliamentarians are keenly aware of our responsibility to build bridges of understanding among nations, bring peace to citizens and find consensus on how to overcome joint hurdles. Parliamentarians further have an active role to play in ensuring that efforts to negotiate peace processes, treaties and other international agreements are rooted in the needs of the people, taking into account traditional wisdoms and values. In addition, we recognize that parliamentarians are uniquely positioned to ensure compliance with the rule of law and international norms, which are essential prerequisites for restoring the conditions for peaceful coexistence and alleviating the growing fragmentation of societies and the multilateral system.

We condemn all human rights violations arising during conflict as well as all breaches of the basic rules, principles and core tenets of international law, in particular international humanitarian law. In this regard we must pay particular attention to the situation of young people who, when faced with disruption in their formative years, risk growing up as a lost generation, and to recognizing the vital role that women can and should play in conflict prevention and peacebuilding. Parliamentary diplomacy is a crucial tool in empowering parliamentarians to actively promote and safeguard these rights and standards at the national level, as well as to advance democratic principles and human rights standards worldwide.

Furthermore, we seek to prioritize the safeguarding of human rights by emphasizing the importance of ratifying and effectively implementing international humanitarian law and human rights instruments at the national level as a critical step in ensuring that those entitled to protection genuinely benefit from it. Likewise, we agree to work to disseminate international humanitarian law as widely as possible to the population as a whole, to provide gender-sensitive training to armed and security forces on this subject and to step up the accountability of these forces for their actions.

We strongly reiterate our commitment to upholding the rule of law, both domestically and internationally, as the cornerstone of conflict prevention and resolution, as well as our belief in

dialogue and diplomacy as an indispensable tool to achieve enduring peace. We urge all States, especially those parties to an armed conflict, to adhere strictly to the 1949 Geneva Conventions and their Additional Protocols, with no exceptions. Additionally, we advocate for increased recourse to the International Court of Justice and other international judicial institutions as essential mechanisms for the peaceful resolution of disputes between nations.

We condemn the recent surge in identity-based hatred around the world, particularly religious hatred, and regret the political polarization that is helping to drive this phenomenon. We advocate for holistic dialogue processes that involve representatives of religions, beliefs and faith-based organizations to effectively complement existing efforts to mitigate violence and promote peace, inclusion and understanding. We commit to continuing our work to achieve the recommendations outlined in the Marrakesh Communiqué, the outcome document of the IPU's Parliamentary Conference on Interfaith Dialogue, held in June 2023.

There is a close link between peace and development. The deterioration of peace and the escalation in the frequency and severity of conflicts within and between countries jeopardizes development gains and the attainment of the Sustainable Development Goals. Vulnerable, marginalized and underrepresented members of society, such as women, youth, children, the elderly, the poor, indigenous people, minorities, and persons with disabilities, are disproportionately impacted by conflict, which further exacerbates pre-existing inequalities, such as unequal access to socio-economic and political rights. One such manifestation of this is in the radicalization by extremist groups of at-risk and often under-employed youth in fragile, conflict-affected States, undermining national security.

Our focus should be on tackling the underlying causes of conflict, which are often rooted in economic inequality and discrimination against entire groups. The well-being of the most vulnerable is a good litmus test for the health of society at large. Therefore, it is imperative to address the specific needs of at-risk members of the population by embracing inclusive solutions that simultaneously preserve their

dignity, reduce their exposure to the detrimental impacts of conflict and provide the conditions for them to realize their socioeconomic potential. We should therefore increase our focus on human security, which encompasses citizens' protection by prioritizing essential needs such as food, health care and environmental security, and on guaranteeing equal rights for all, as the main path to fostering both peace and development.

We must monitor the early warning signs of potential conflicts both locally and nationally and take adequate action to prevent escalation, foster dialogue and cooperation, and ensure compliance with international humanitarian and human rights law. In this vein, we recognize our responsibility to promote conflict prevention through a focus on disarmament, reducing military spending, shifting budget priorities to better address the root causes of conflict, and holding governments to account – including by challenging their use of emergency powers to wage war. We also need to work towards the demilitarization of cyberspace and artificial intelligence, so that they can instead be used to open up spaces for scientific breakthroughs, international cooperation and peace.

Since parliamentarians are well-placed to play the role of impartial mediators, to facilitate dialogue to prevent or de-escalate conflict or to restore peace, we also pledge to redouble our efforts to resolve conflicts through the exercise of parliamentary diplomacy. We reaffirm our commitment to preventing a relapse of large-scale disputes in post-conflict situations, including through enacting, overseeing and monitoring the implementation of peace agreements and ensuring they are accompanied by adequate funding for basic health care services, mental health support, transitional justice and institutional reforms. We further commit to addressing past and current discord through bolstering citizen engagement and ensuring that perspectives from the full breadth of civil society and civic institutions are heard.

We are committed to fostering the more substantial involvement of women and youth in politics and leadership roles, including in the military and security sectors. We commit ourselves to the effective implementation of the women, peace and security, and youth, peace and security agendas of the UN Security Council by ensuring that peace processes, peacekeeping, peacebuilding and conflict prevention integrate a gender perspective and guarantee the equal and meaningful participation of women and youth. We also will strive to take all necessary measures to prevent and combat all forms of violence against women and girls, especially against women in politics, as well as conflict-related gender-based violence and violence against minority and marginalized groups. Moreover, we commit to providing assistance to survivors of such violence, recognizing the importance of inclusivity and gender-sensitive approaches in creating a more equitable and secure environment.

Today's challenges transcend borders and demand a collective global response. As members of parliament, we agree on the importance of restoring trust in multilateralism. Further, it is only through international cooperation and upholding the rule of law that we can address growing risks, build solidarity and, through a common security approach, find lasting solutions to establish a shared sense of security, where all nations feel safe, leading to a more secure world for future generations. Essential to the credibility and success of all these efforts is ensuring that the attention and resources devoted to responding to global challenges are commensurate with their severity and not motivated by geopolitical interests, bearing in mind the equal rights, dignity and value of each human life.

Finally, as we mark the 135th anniversary of the IPU, we reconfirm our commitment to inter-parliamentary dialogue and cooperation, and we emphasize the IPU's unique role as the parliamentary counterpart to the United Nations. As we look ahead to the UN Summit of the Future in September 2024, we call on all Member Parliaments to help advance UN reform and to further strengthen the parliamentary dimension of the work of the UN. In turn, we shall take this Declaration back to our respective parliaments, disseminate the outcome of our collective work to our

national authorities, and seek to mark the International Day of Parliamentarism (30 June, which coincides with the anniversary of the IPU) through a dedicated event in our respective parliaments.

As parliamentarians, we commit to lead the way towards a more peaceful world, pursuing tenacious, evidence-based and original approaches, and drawing on the experiences of all members of the global parliamentary community. We therefore pledge to do our utmost, individually and collectively, to protect and promote peace for all.

2. MEETINGS OF THE STANDING COMMITTEES AND STATUTORY BODIES

2.1 STANDING COMMITTEE ON PEACE AND INTERNATIONAL SECURITY

44. The Standing Committee on Peace and International Security held sittings from 24th to 26th March, 2024. During the sittings, the Committee deliberated on the draft resolution on *Addressing the social and humanitarian impact of autonomous weapon systems and artificial intelligence*.

45. The Rapporteurs on the draft resolution submitted that while there was no universal definition of artificial-intelligence (AI), the most relevant, among them those of the United Nations, the European Commission and the Organization for Economic Co-operation and Development (OECD) capture AI as being generally considered to be a discipline of computer science aimed at developing machines and systems that can carry out tasks considered to require human intelligence, and that are capable of autonomous analysis and action to achieve specific tasks.

46. The development of AI was unlocking a whole new world of innovation and brings enormous benefits in the digital era. However, it can also significantly compromise the safety of users worldwide. They submitted that, while AI can perform specific tasks with remarkable precision, it cannot fully replicate human intelligence and creativity, as it lacks consciousness and emotions. This poses three major areas of ethical concern for society, being; privacy and surveillance, bias and discrimination, and the role of human judgment.

47. They further submitted that the draft resolution was intended to address the profound implications of developing autonomous weapons that can function

devoid of human intervention, highlighting the risks and consequences, especially from social and humanitarian perspectives. It recognizes the International Committee of the Red Cross (ICRC) definition of Lethal Autonomous Weapons Systems (LAWS) as those capable of selecting and attacking targets without human intervention, and stresses the need to preserve human control in decisions with severe consequences in armed conflicts. In this regard, the resolution addresses concerns about the militarization of AI and emphasizes the challenges posed to peace, international security and ethical considerations.

48. As such, the Rapporteurs stated that the objective of the resolution the resolution was to empower parliaments to actively contribute to shaping the ethical and legal frameworks being developed for autonomous weapons. The resolution sought to emphasize the crucial role of parliaments in addressing the challenges posed by Lethal Autonomous Weapons Systems (LAWS) and calls for urgent and active parliamentary engagement, urging the development of national legislation that takes into account ethical, legal, humanitarian and security implications, including the prohibition of using LAWS on human targets or targets where humans are present.

49. It was also pointed out that the resolution also highlighted the potential unauthorized use of LAWS by non-State armed and organized crime groups as a global security threat, observing that LAWS were a potential future weapons of mass destruction. The obligations of States therefore extended beyond the use of LAWS to the entire research and creation process, necessitating guarantees for monitoring, testing and verification. The resolution also emphasizes the need for comprehensive oversight throughout the life cycle of new weapons, placing emphasis on human supervision, control, and the assumption of responsibilities.

50. While making a contribution, the Kenya Delegation observed that there was need to create public debate and awareness on the subject matter to educate the public about the social, ethical, and humanitarian implications of LAWS and AI. Such fora include holding public hearings, consultations, or debates in parliaments to engage stakeholders and gather diverse perspectives. The delegation also advocated for increased oversight and accountability to ensure that the development and deployment of LAWS and AI comply with legal and ethical standards. In addition, the delegation also observed the need to harness international cooperation to address the challenges posed by LAWS and AI through diplomacy, multilateral agreements, and partnerships with other countries with a view to ensure appropriate regulation, on the use of autonomous weapons.

51. The Committee thereafter delved into the subject matter, considering the resolution for submission to the Assembly on 27th March, 2024. Member States were required to submit resolutions to the draft resolution by 8th March, 2024. The Parliament of Kenya submitted its amendment to the text of the resolution, as well as other 21 countries. In all, the Committee considered over 200 amendments submitted by the 22 countries as well as by the Forum of Women Parliamentarians.

52. At the Committee's last sitting on 26th March, 2024, the draft resolution was adopted for further consideration at the Assembly on 27th March, 2024. The following is the text of the Resolution as adopted by the Plenary Assembly, with reservations from the Delegations of Australia, Canada, Cuba, France, New Zealand, the Republic of Korea, Türkiye and the United Kingdom. However, India, Iran and the Russian Federation expressed their opposition to the entire text of the resolution while China and Lithuania expressed reservation on the entire text of the resolution.

Resolution on “Addressing the social and humanitarian impact of autonomous weapon systems and artificial intelligence”.

Adopted by the Assembly on 27th March, 2024.

The 148th Assembly of the Inter-Parliamentary Union,

Acknowledging that, while the applications of emerging technologies open up opportunities for the development of humanity, they may also pose significant challenges to peace and international security and may raise new questions about the role of humans in warfare, that regulation of autonomy in the context of weapon systems requires a holistic understanding of its effects, and that human decision-making and control must take account of all ethical, legal, humanitarian and security implications;

Affirming that any discussion on autonomous weapon systems (AWS) is subject to international law, particularly the Charter of the United Nations and international humanitarian law (IHL);

Noting the lack of an agreed definition of autonomous weapon systems, and recalling the proposal of the International Committee of the Red Cross (ICRC) in which the term “autonomous weapon systems” encompasses any weapon system with autonomy in its critical functions, which means that it can select (i.e. search for, detect, identify or track) and attack (i.e. use force against, neutralize, damage or destroy) targets without human intervention;

Recognizing that the preservation of human control and judgment stands as a critical factor in ensuring legal compliance and effectively addressing the ethical concerns that arise from the deployment of AWS;

Gravely concerned that AWS that have full autonomy in their critical functions could be able to select and attack targets without human intervention;

Concerned that the lack of control and explicit regulation at the international level around the use of AWS could allow operators to violate international law, in particular the Charter of the United Nations and IHL, without accountability, potentially infringing on the fundamental human rights enshrined in national, regional and international legal frameworks, due to the absence of human judgement and supervision and the lack of opportunities for timely intervention or mechanisms for deactivation over the use of force;

Deeply concerned about the possible negative consequences and impact of AWS on global security and regional and international stability, including the risk of an emerging arms race, lowering the threshold for conflict and proliferation, including to non-State actors, as outlined in United Nations General Assembly resolution 78/241 on lethal autonomous weapon systems;

Concerned that advancements in sophisticated military technologies, including artificial intelligence (AI) and algorithmic data processing, may increase the risk of a new arms race, lowering the threshold for conflict and proliferation, including to non-State actors, and putting peace and international security at even greater risk, but acknowledging that a ban on research would be unrealistic, not least when so much of the research in this field is conducted by both military and civilian players and AI still has a very important role to play in civilian life;

Alarmed by the possibility that AWS have the potential to become future weapons of mass destruction as they combine two properties unique to such weapons: mass harm and lack of human control to ensure they do not injure civilians;

Conscious that human rights instruments guarantee the right to life, dignity and integrity of persons;

Deeply concerned that AWS could be used by armed groups and other non-State actors to undermine national, regional and global security, causing profound social and humanitarian impact;

Alarmed by the evidence that individual recognition algorithms, including facial recognition and automated decision algorithms have native embedded bias that is already propagating gender and race discrimination and perpetrating injustices against socio-economically disadvantaged people, the vulnerable and people with disabilities, and that AWS could be deliberately programmed to target people bearing certain “markers” or identities including race, gender or patterns of behaviour, and to apply force without human intervention, potentially leading to disproportionate harm to specific groups, locations or communities;

Recalling, without prejudice to Article 51 of the Charter of the United Nations, the fundamental rule under IHL according to which the right of Parties to a conflict to choose their means and methods of warfare is not unlimited, as stated in Article 35 (1) of the Additional Protocol I (AP I) to the Geneva Conventions of 1949 relating to the protection of victims in international armed conflicts, and as provided for by customary international law, as well as the obligation stated in Article 36 of AP I, which requires States to conduct reviews of the study, development, acquisition or adoption of all new weapons, means and methods of warfare in order to determine whether their use is prohibited by IHL or any other rule of applicable international law;

Mindful that, for decades, the international community has been actively keeping track of the emerging issues of AWS, marked by key milestones in AWS regulatory governance, including the report of the United Nations Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions in 2010, which brought the issue of lethal autonomous robotics and the protection of life to the international spotlight and that, since 2013, the High Contracting Parties to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to be Excessively Injurious or to Have Indiscriminate Effects (CCW), a key IHL instrument, have been holding discussions on the issue

and, in 2016, established an open-ended Group of Governmental Experts (GGE) on emerging technologies in the area of lethal autonomous weapon systems (LAWS);

Recognizing the GGE as a key international forum at which a framework around LAWS is being developed;

Noting the fact that, during its 2023 meetings, the GGE underscored the need to anticipate technological advancements in LAWS, urging strict adherence to IHL throughout the life cycle of these systems, highlighting the need for limitations on targets and operational parameters, coupled with appropriate training and instructions for human operators, and firmly stating that any LAWS-based system unable to comply with international law should not be deployed;

Acknowledging the adoption of resolution 78/241 by the United Nations General Assembly in December 2023, which, inter alia, requests that the Secretary-General of the United Nations submit a substantive report on the subject reflecting the full range of views received from Member and observer States on ways to address the related challenges and concerns such systems raise from humanitarian, legal, security, technological and ethical perspectives, and on the role of humans in the use of force, and invite the views of international and regional organizations, the ICRC, civil society, the scientific community and industry;

Recognizing that, since 2018, the Secretary-General of the United Nations has consistently maintained that AWS are politically unacceptable and morally repugnant and has called for their prohibition under international law, and that when presenting his New Agenda for Peace ahead of the Summit of the Future in 2024, he further called on States to adopt by 2026 a legally binding instrument to prohibit AWS that function without human control or oversight and to regulate all other types of AWS;

Recognizing also that the United Nations Special Rapporteur on extrajudicial, summary or arbitrary executions, the United Nations Special Rapporteur on the rights of persons with disabilities, the United Nations Special Rapporteur on contemporary forms of racism, the United Nations Special Rapporteur on counter-terrorism and human rights, the ICRC, civil society, including through the Stop Killer Robots Campaign, the scientific community, and academia have joined the call by the Secretary-General of the United Nations for a global prohibition on AWS;

Noting that the landmark joint appeal made in 2023 by the United Nations Secretary-General and the President of the ICRC underlined the urgency for States to negotiate a new, binding international law on AWS to set clear prohibitions and restrictions on AWS by 2026;

Mindful that many States and groups of countries have already been calling for the establishment of a legally binding instrument to regulate, limit and/or prohibit the use of AWS, and, at the same time, cognisant of the need for a unanimous decision, i.e. that all States agree to follow the proposed limitations;

Recognizing that urgent, concrete action is needed to develop international approaches, particularly given that weapon systems with varying degrees of autonomy have already been used in various conflicts;

Considering the purposes and principles enshrined in the Charter of the United Nations, international human rights law, and IHL and its founding principles of humanity, dictates of public conscience and ethical perspectives;

Reaffirming that, because IHL requires commanders and the users of weapons to be able to anticipate and limit their effects, weapon systems must be predictable, and that the potential “black box” effect arising from the integration of AI technologies could hinder compliance with these obligations;

Gravely concerned that the longer States wait to regulate AWS, the more likely the flow and proliferation of such systems will continue on the market;

Stressing the need to study an international regulatory framework for the use of AI to regulate the harmful use of this technology;

Highlighting that parliaments will have a significant role to play in raising awareness on the social, humanitarian, legal and ethical implications of the use of AWS, and in supporting governments with inputs to draft the text for an instrument to regulate such systems –

- 1. Urges parliaments and parliamentarians to actively and urgently engage in the debate to address the threat to peace and security posed by AWS;*
- 2. Strongly urges parliaments to develop comprehensive national legislation to establish regulatory frameworks governing the development, deployment and use of AWS, once international agreement has been reached on a definition of “autonomous weapon system” and on the distinction between full and partial autonomy as well as consensus on the use and content of the term “meaningful human control”, taking into account all their ethical, legal, humanitarian and security implications and including the prohibition of AWS that function without human control or oversight, and which cannot be used in compliance with IHL;*
- 3. Calls on parliaments to urge their governments to continue working through international forums, including the United Nations and the GGE, on an instrument, governance framework and regulations on autonomy in weapon systems, to ensure compliance with international law, including IHL, and ethical perspectives, as well as the prevention of the peace and security impact that autonomy in weapon systems entails;*
- 4. Suggests that parliaments encourage their governments to share their views with the Secretary-General of the United Nations on ways to address challenges and concerns raised by AWS in accordance with resolution 78/241 adopted by the United Nations General Assembly in*

December 2023 and A New Agenda for Peace, which recommends multilateral efforts for a legally binding instrument on LAWS and other types of AWS by 2026;

- 5. Recommends that parliaments and parliamentarians work with relevant stakeholders, including the defence industry, civil society and academia, to understand, evaluate and create safeguards in relation to both AI and AWS, including weapon system designers, particularly regarding their compliance with existing law and with any developments to the law that may occur in the future;*
- 6. Encourages parliaments to regularly assess and evaluate the application of new technologies, to avoid these technologies creating a unilateral pressure on all citizens that grants disproportionate powers to the parties when operating without proper oversight, and to address the risks posed by facial recognition systems, including hardware, software and algorithms, including to prevent gender and racial bias, that may be integrated into AWS;*
- 7. Urges parliaments and parliamentarians to play a crucial role in holding governments accountable regarding AWS, in ensuring quality in their governance, notably regarding the imperative of retaining human control over the use of force, and transparency in their design, development, operation, regulation and oversight, and in triggering concrete action by governments and societies more broadly;*
- 8. Calls on parliaments to encourage governments to engage actively in the ongoing discussions on LAWS at the GGE and to take all necessary efforts to support the GGE's work;*
- 9. Also calls on parliaments to strongly urge their governments to establish robust frameworks for data protection to govern the development, deployment and use of AWS, emphasizing the critical importance of safeguarding sensitive data and ensuring ethical and responsible use of information;*
- 10. Urges parliaments to ensure the establishment of effective mechanisms to conduct investigations, prosecution and punishment for violations of IHL arising from the use of weapons with autonomous functionalities, thereby upholding individual responsibilities and ensuring accountability for any breaches of ethical and legal standards;*
- 11. Also urges parliaments to request that their governments clearly define their own responsibilities and those of the private sector and civil society with regard to AWS, and adopt legislation that*

incorporates regulatory frameworks and safeguards to ensure that such systems do not fall into criminal hands or into the hands of non-State actors that operate outside the law, and that such laws are fully in line with international human rights obligations;

- 12. Encourages parliaments and parliamentarians to stimulate exchange of relevant good practices between States, with due regard for national security regulations and commercial restrictions on private information;*
- 13. Recommends that parliaments and parliamentarians: (a) allocate budgets to fund plans, programmes, projects and actions to raise awareness of the need to prevent, regulate, monitor and enforce human rights and safeguards related to AWS; (b) advocate for the incorporation of comprehensive educational programmes on AI and autonomous systems within national curricula at appropriate educational levels to promote widespread understanding of both the potential benefits and the risks associated with these technologies, including their ethical, legal, humanitarian and security implications;*
- 14. Calls for the adoption of measures to ensure the inclusion of a gender and intersectional perspective based on United Nations Security Council resolution 1325 (2000), in discussions of AWS and military AI strategies;*
- 15. Calls on relevant parliamentary networks and IPU permanent observers to include AWS on their agendas and to inform the IPU of their work and findings on the issue;*
- 16. Invites the IPU, through its relevant Standing Committee and specialized bodies, to keep abreast of the issue and organize at the 151st Assembly a panel discussion, inviting relevant parliamentary networks and IPU permanent observers to participate, aimed at taking stock of the situation in advance of the 2026 deadline set by the Secretary-General of the United Nations to adopt a legally binding instrument on AWS;*
- 17. Suggests that the IPU Secretariat compile and analyse a set of parliamentary good practices and stocktaking related to the use of AI in the security and military sectors and derived from the discussion within the IPU framework and other subsequent IPU activities, including measures to*

remove bias in the algorithms that underpin AI systems that are capable of autonomous analysis and actions;

18. *Urges the Secretary General of the IPU to share the present resolution and further reports and publications related to AWS with the Secretary-General of the United Nations for inclusion in the report mentioned in resolution 78/241 adopted by the United Nations General Assembly in December 2023;*
19. *Invites the IPU to regularly hold sessions for parliamentarians to discuss the latest developments with AWS and AI and reassess their impacts in the military domain, particularly with regard to specific concerns on human rights violations, meaningful human control over the use of force and the ethical implications of these technologies;*
20. *Encourages parliaments to implement their strategies to exercise more effective parliamentary oversight functions and ensure that technological development, such as AI, is only deployed to assist humans in certain tasks, without compromising meaningful human control and intervention whenever it is needed.*

2.2 STANDING COMMITTEE ON SUSTAINABLE DEVELOPMENT

53. The Standing Committee on Sustainable Development held its meetings on 24th, 25th and 26th March, 2024. During the meetings, the Committee was entrusted with the task of drafting the resolution on *Partnerships for climate action: Promoting access to affordable green energy, and ensuring innovation, responsibility and equity.*

54. The Committee noted that global warming required a universal collective action to a problem that could be solved only by international cooperation on the basis of multilateral processes. Every country's climate action therefore had to be based on the principle of equity and common but differentiated responsibilities and

respective capabilities, as ratified in Article 3.1 of the United Nations Framework Convention on Climate Change (UNFCCC).

55. The Committee appreciated that the world's population was growing at an unprecedented rate, leading to a dramatic increase in global energy demand. To satisfy this ever-increasing demand and protect the climate, breakthrough advancements in design technologies had made it possible to control emissions and harness power from alternative energy sources. The Committee observed that since controlling carbon emissions was critical in combating climate change, renewable energy was an appropriate way to satisfy energy demand without degrading the ecosystem.

56. Drafting of the resolution was conducted in plenary, whereupon the Committee received 293 amendments submitted by 27 Member Parliaments, including Kenya, whose amendments were all adopted by the Committee. The consolidated draft resolution was adopted by consensus on 27th March, 2024 by the Assembly. However, India and Iran expressed their opposition to the entire text, while China expressed reservations on preambular paragraphs 7 and 8, and operative paragraphs 7, 8 and 25. Türkiye expressed reservations on operative paragraphs 24, 25 and 26.

Resolution: “Partnerships for climate action: Promoting access to affordable green energy, and ensuring innovation, responsibility and equity”.

Adopted by the Assembly on 27th March, 2024.

The 148th Assembly of the Inter-Parliamentary Union,

Recalling the objectives of the United Nations Framework Convention on Climate Change (UNFCCC) and the Paris Agreement to strengthen the global response to climate change, as well as

the outcomes of the United Nations Climate Change Conferences (COPs), which underline the urgent need for immediate, deep, rapid and sustained reductions in global greenhouse gas emissions across all applicable sectors based on available means of implementation, including through increased use of low-emission and renewable energy, just energy transition partnerships, and other multilevel and cooperative actions in the light of national circumstances,

Recalling also the IPU resolution Climate change – Let us not cross the line, adopted at the 139th IPU Assembly in October 2018, the Parliamentary action plan on climate change endorsed by the IPU Governing Council at its 198th session in March 2016, and the COP28 Parliamentary Meeting outcome document of December 2023,

Noting the importance of strengthening partnerships between all countries, parliaments, public and private institutions (governmental, non-governmental and inter-parliamentary), and civil society (especially vulnerable groups) to combat climate change, and that without such cooperation to facilitate climate action, the impacts of climate change will be inevitable at all levels,

Recalling the COP28 UAE Consensus, which has the potential to become a benchmark for partnerships for climate action by laying out a response to the global stocktake, putting forward a plan to close implementation gaps by 2030, calling on Parties to transition away from fossil fuels in a just, orderly and equitable manner to reach net zero, recognizing the crucial need to scale up adaptation finance, and introducing targets to triple renewable energy capacity globally and double the global rate of energy efficiency improvements by 2030,

Recalling also the ultimate objective of the UNFCCC to achieve stabilization of greenhouse gas concentrations in the atmosphere at a level that would prevent dangerous anthropogenic interference with the climate system,

Considering that the Paris Agreement has established mechanisms and procedures allowing countries to define their nationally determined contributions (NDCs) to reduce greenhouse gas emissions and adapt to the impacts of climate change; expressing appreciation that all Parties to the Paris Agreement have communicated NDCs that demonstrate progress towards achieving the Paris Agreement temperature goal; and noting that more ambitious mitigation targets in NDCs are needed to reduce emissions rapidly,

Noting the launch, during the COP26 meeting in Glasgow, of the Global Methane Pledge, which is based on solid scientific data and contains a commitment to reduce global methane emissions by at least 30% below 2020 levels by 2030,

Noting also that, presently, more than 155 countries have signed the Global Methane Pledge, and recognizing that only by drastically reducing methane emissions in the current decade will it be possible to stay on track to avoid the average temperature rise in the atmosphere exceeding the 1.5°C target,

Bearing in mind that, despite making up only 16% of greenhouse gases, methane is responsible for approximately a third of global warming and traps 80 times more heat than carbon dioxide, although it dissipates in the atmosphere within decades, rather than centuries as is the case for carbon dioxide, and recognizing both forestry activity, thanks to its vital importance in capturing carbon dioxide, and the production of renewable raw materials for construction, such as wood and its derivatives, as strategic for the sustainable development of countries,

Acknowledging that the right to a clean and healthy environment, including the right to have the environment protected for the benefit of present and future generations, is a fundamental right enshrined in both national and international laws,

Considering that parliaments play a fundamental role in the oversight and control of government policies on environmental matters as well as in budgetary allocations and enacting legislation,

monitoring the implementation of corresponding legislation and regulations, and ensuring alignment between national policies and international commitments,

Considering also that many parliamentary initiatives address the need for urgent financing and climate action, including the parliamentary platforms taking shape for climate action against methane emissions,

Acknowledging that reducing carbon emissions is critical in dealing with climate change and mitigating environmental damage, and that renewable energy that does not degrade ecosystems provides a cleaner and more sustainable means to meet energy demand, bringing environmental sustainability and offering the further advantage of being able to provide power to even the most underprivileged people living in the remotest areas,

Acknowledging also that armed conflicts instigated by States or non-States have a considerable impact on the climate, causing the release of significant amounts of carbon dioxide and other greenhouse gases into the atmosphere, leading to the destruction of ecosystems that currently store carbon and absorb and remove greenhouse gases from the atmosphere, and resulting in ecocide,

Acknowledging further that the deployment of renewables in the power, heat and transport sectors is one of the main enablers of keeping the rise in average global temperatures within reach of 1.5°C, that the need to encourage the deployment of renewable energy has increased in recent years, that more cities, regions and countries, both developed and developing, are promoting and adopting policies to deploy renewable energy, and that concrete and easily-measured environmental goals are paramount in this respect,

Emphasizing the need for deep, rapid and sustained reductions in greenhouse gas emissions in line with 1.5°C pathways, as expressed in the decision on the first global stocktake at COP28, by tripling renewable energy capacity globally and doubling the global average annual rate of energy

efficiency improvements by 2030 as well as through accelerating zero- and low-emission technologies and transitioning away from fossil fuels in energy systems,

Welcoming the G20 New Delhi Leaders' Declaration, which emphasizes accelerating clean, sustainable, just, affordable and inclusive energy transitions through various pathways, as a means of enabling strong, sustainable, balanced and inclusive growth and achieving climate objectives, and which calls for recognition of the needs, vulnerabilities, priorities and different national circumstances of developing countries and support of strong international and national enabling environments to foster innovation, voluntary and mutually agreed technology transfer, and access to low-cost financing,

Recognizing the need expressed in the decision on the first global stocktake at COP28 for States to contribute to global climate change efforts by accelerating zero- and low-emission technologies, including renewables, nuclear, abatement and removal technologies, and low-carbon hydrogen production,

Recognizing also the importance of the agreement reached at COP27 to provide loss and damage funding for vulnerable countries hit hard by floods, droughts and other climate disasters, and welcoming the subsequent operationalization of the global fund for loss and damage at COP28,

Recognizing further the role of developed countries in providing support to and enhancing cooperation with developing countries in transitioning to low-carbon, low-emission economies; emphasizing the imperative to significantly scale finance to meet the urgent and evolving needs of developing countries, including access to technology and low-cost financing; advocating a collective approach for technology transfer and development, knowledge sharing, and cultivating innovative solutions as crucial to fostering socially just, sustainable and effective progress; and emphasizing that every nation is responsible for creating an attractive investment climate that can draw in both domestic and international capital to speed up change,

Noting that developed countries, as the largest contributors to carbon dioxide and greenhouse gas emissions, should bear the greatest responsibility,

Noting also that the world's population is growing at an unprecedented rate and that this has resulted in a dramatic increase in energy demand globally, at a rate likely to be even more rapid than population growth,

Aware that, in an effort to meet this ever-increasing energy demand and address the issue of global warming, breakthrough advances have been made in the design of technologies that can control emissions and harness power from renewable and alternative energy sources, but their costs remain unaffordable to many developing countries,

Recognizing the need to promote and encourage new technologies to scale up integration of battery energy storage systems, aimed at enabling greater integration of variable renewable energy sources and fulfilling the dynamic energy requirements of a growing population,

Encouraging the harmonization of zero- and low-carbon hydrogen standards with the goal of fostering worldwide collaboration, facilitating trade and igniting innovation, which holds the capacity to unlock economies of scale, promote technology transfer and development, expedite the transition towards cleaner energy sources, and reach the full potential of renewable energy,

Welcoming the collaborative initiatives on universal energy access from civil society organizations for increased deployment of green energy technologies to bring energy access, ensure energy security and drive energy transition,

Recognizing the crucial role of grid interconnections, resilient energy infrastructure and regional/cross-border power systems integration in enhancing energy security, fostering economic growth, and facilitating universal energy access for all, in an affordable, reliable and sustainable manner,

Highlighting that climate change impacts individuals and communities differently, with women, youth, the elderly, persons with disabilities, the populations of small island developing States, indigenous groups and communities in vulnerable situations often bearing the brunt of its consequences, and

calling for coordinated efforts to ensure that actions to address these challenges reflect a comprehensive and equitable approach to climate action, including through the promotion of just transition pathways,

Recognizing that women and girls are uniquely affected by the damaging effects of climate change and that steps should be taken to support women's leadership and decision making in climate change mitigation and adaptation efforts, resilience-building and sustainable natural resource management,

Acknowledging that youth are the most important and dynamic segment of the population in a society, that they are agents of change, entrepreneurs and innovators, and that, through education, science and technology, they are scaling up their efforts and using their skills to accelerate climate action, taking account of their common needs, such as access to quality education to prepare them for the jobs of tomorrow, the availability of decent work, equality among men and women, and a planet that is healthy, clean and sustainable,

Bearing in mind that promoting climate culture and harnessing the perspectives, new ideas and energy of young people constitute vital components in the broader efforts to address key issues affecting people of all ages, such as achieving the Sustainable Development Goals (SDGs), peace and security, the right to education, health and social protection, gender equality, equal socioeconomic and political opportunities, and fighting climate change,

Acknowledging the importance of investments in sustainable, healthy lifestyles, just and sustainable energy transitions, and accelerating progress with and achievement of the SDGs, especially in developing countries, as well as in the context of the fight to eradicate poverty in all its forms and dimensions,

Recognizing that sustainable and responsible consumption, production and trade, coupled with environmentally friendly life choices and lifestyles such as zero-waste approaches, are key to achieving the SDGs, including climate goals and inclusive economic growth,

Recognizing also the leadership of subnational governments in accelerating and scaling up climate mitigation and adaptation action through the implementation of local and regional climate plans and actions, while effectively engaging citizens and industry in the transformative process towards responsible consumption and production,

Envisaging a comprehensive transformation in energy efficiency measures and global reduction in consumption, with the ambitious target of doubling the global annual rate of energy efficiency improvement by 2030 in a nationally determined manner, taking into account the UNFCCC and Paris Agreement and different national circumstances, pathways and approaches to foster a sustainable and responsible energy landscape on a global scale, and acknowledging that the global transition provides opportunities for and poses challenges to sustainable development, economic growth and eradication of poverty, and thus requires a coherent, just transition in different sectors of the national economy,

Recognizing the importance of accelerating the development, transfer, deployment, and dissemination of technologies, and of adopting policies to transition towards zero- and low-emission energy systems, including, inter alia, renewables, nuclear, abatement and removal technologies such as carbon capture and utilization and storage, particularly in hard-to-abate sectors, and emphasizing the need to make these technologies available and as affordable as possible to all,

Highlighting the importance of addressing environmental challenges through united climate actions and partnerships to safeguard the planet for present and future generations,

- 1. Emphasizes that global warming is a collective challenge requiring strengthened international cooperation and multilateral processes under the aegis of the UNFCCC framework, based on the principles of equity and common but differentiated responsibilities as outlined in Article 3.1 of the Convention and Article 2.2 of its Paris Agreement; and underscores the need for added international support for developing countries;*

2. *Encourages parliaments to ensure a transition away from fossil fuels in energy systems in a just, orderly and equitable manner, accelerating action in this critical decade to achieve the goal of net zero emissions;*
3. *Stresses the importance of enhancing a clean energy mix in line with 1.5°C pathways, including zero- and low-emission and renewable energy, at all levels as part of diversifying energy mixes and systems, in line with national circumstances and recognizing the need for support towards just transitions; particularly for workers whose jobs are affected by the transition away from fossil fuels;*
4. *Affirms support for promoting reliable, diversified, sustainable and responsible supply chains for energy transitions, including for critical minerals and materials through responsible sourcing practices and international cooperation;*
5. *Reaffirms parliaments' steadfast commitment, in pursuit of the objectives of the UNFCCC, to tackle climate change by strengthening the full and effective implementation of the Paris Agreement and its temperature goals, reflecting equity and the principle of common but differentiated responsibilities and respective capabilities, in the light of different national circumstances;*
6. *Encourages parliaments to urge their respective governments to undertake policy measures to combat climate change, promote renewable, zero- and low-emission energy, implement various schemes and initiatives, including based on the COP28 global stocktake, and establish regulatory frameworks to support green energy initiatives to the benefit of the people;*
7. *Calls on parliaments to actively commit to collective climate action to cut methane emissions, and ensure that:*
 - (a) NDCs explicitly include reductions of methane emissions,*
 - (b) legislative initiatives in national parliaments reduce methane emissions in the energy and waste management sectors,*

- (c) best practices in agriculture are promoted, such as sustainable agriculture and livestock farming as strategic economic activities,*
- (d) resources are allocated, including funding for research, technology*
8. *Also calls on parliaments to monitor whether government policies are effectively with the commitments and emission reduction goals established in the Global Methane Pledge and the International Energy Agency's 75% reduction goal;*
9. *Further calls on parliaments to ensure that international funding in the coming years focuses on aid, investments and deployment of innovative green technologies to reduce methane emissions, namely by:*
- (a) detecting and repairing methane emissions from oil, gas and coal production and distribution, upgrading obsolete equipment, reducing flaring and venting waste, and applying drastic emissions controls,*
- (b) implementing better livestock and manure management practices,*
- (c) investing in waste management (household and industrial), as well as waste reduction, requiring landfills to strictly control methane emissions, and diverting organic waste to valorization processes such as composting, protein extraction and energy production*
10. *Recognizes that the unprecedented global energy crisis underlines the urgency to rapidly transform energy systems to be more secure, reliable and resilient, including by accelerating the clean, equitable, affordable and just transition to renewable, zero- and low-emission energy;*

11. *Encourages the collective actions and efforts to triple renewable energy capacity globally through existing targets and policies, as well as to demonstrate similar ambition with respect to other zero- and low-emission technologies, including, inter alia, renewables, nuclear, abatement and removal technologies such as carbon capture and utilization and storage, particularly in hard-to-abate sectors, and low-carbon hydrogen production, in line with national circumstances;*
12. *Encourages parliaments to urge their respective governments to meet their international commitments to contribute to global climate change efforts by accelerating zero- and low-emission technologies, including renewables, nuclear, abatement and removal technologies, and low-carbon hydrogen production;*
13. *Urges parliaments to press their governments to create international, national, regional and local enabling environments and partnerships to foster innovation, voluntary and mutually agreed upon technology development and transfer, and access to low-cost financing, including capacity-building, grant-based finance and non-debt instruments, taking into account the needs, vulnerabilities, priorities and different national circumstances of developing countries;*
14. *Also urges parliaments to press their governments to allocate specific budgetary resources for climate action initiatives, focusing on the implementation of sustainable, zero- and low-emission development strategies, and to prioritize capacity-building to empower all nations, particularly those facing significant socio-economic challenges and the adverse effects of climate change;*
15. *Encourages parliaments to establish a parliamentary mechanism to systematically monitor and report, through an evidence-based approach, the progress of climate-related legislation and the mainstreaming of green budgeting in parliamentary procedures, to ensure transparency and accountability of the climate actions taken;*
16. *Encourages national parliaments to cooperate with other regional and international parliaments on knowledge exchange and the transfer of best practices, policy standards*

and legislation regarding climate action for sustainable development and clean technology transfer and development;

- 17. Recommends that the IPU, other inter-parliamentary institutions and platforms, and national parliaments closely engage with relevant international climate stakeholders including the UNFCCC finance architecture and its climate technology framework as a means to strengthen parliamentary exposure and awareness on climate issues;*
- 18. Urges parliaments to cooperate with the public and private sectors to create a conducive environment for investing in clean energy technologies and infrastructure, capacity-building and technology transfer and development, as well as to promote greater public-private partnership at the regional and international level, and to deliver a more people-centred energy transition and climate-resilient development for all;*
- 19. Calls upon parliaments to urge their governments to work towards facilitating access to low-cost financing for developing countries, for existing as well as new and emerging clean and sustainable energy technologies, and for supporting just and sustainable energy transitions;*
- 20. Recognizes the role of parliamentarians in raising awareness of climate change issues and of the fact that children and youth will be significantly affected in the future by climate change, and calls on governments to include youth in all climate negotiations;*
- 21. Encourages parliaments to ensure the meaningful and equal participation of women in climate action, including gender-responsive implementation of climate goals;*
- 22. Applauds the initiative of the IPU to engage parliaments and parliamentarians in its Parliaments for the Planet campaign, which highlights that parliaments and parliamentarians can be agents of change by contributing to ensure a just, inclusive, equitable and sustainable transition through collective, individual and institutional efforts;*
- 23. Encourages national parliaments to take stronger climate action by implementing the IPU climate change tools, such as the 10 actions for greener parliaments, to align their*

- work with greening initiatives, to take greater part in NDC processes and to call for more ambitious climate action plans and goals that focus on people-centred and community-led adaptation and a just and equitable energy transition at all levels;*
24. *Recognizes that climate equity is impossible when entities responsible for climate damage are not held accountable;*
25. *Emphasizes the importance of considering climate change-related damages within reparation mechanisms arising from internationally wrongful acts and of acknowledging that major past, present and future large emitters have a great responsibility in this respect;*
26. *Highlights the need to define ecocide as unlawful or wanton acts committed with knowledge that there is a substantial likelihood of severe and either widespread or long-term damage to the environment being caused by those acts.*

2.3 STANDING COMMITTEE ON DEMOCRACY AND HUMAN RIGHTS

57. The Standing Committee held meetings on 25th and 26th March, 2024. The Committee's deliberations centered on two broad topics; the draft resolution for adoption at the 149th Assembly on *The impact of artificial intelligence on democracy, human rights, and the rule of law* and debate on *sustainable actions to improve the life and conditions of people with disabilities, including their chances for education and work opportunities*.

58. At its meeting held on 25th March, 2025, the Committee held a preparatory debate on the draft resolution on *the impact of artificial intelligence on democracy, human rights, and the rule of law*, which provided an opportunity to gather perspectives, share experiences on actions taken by parliaments and make suggestions on the content of the resolution. Members observed the many potential benefits that AI could bring, such as creating new economic opportunities, accelerating medical research, and identifying actions to mitigate climate change. However, Members also expressed several concerns about the potential risks including democratic instability to ethical concerns that posed a threat to global peace and security such as concerns around data protection, the revolutionization of warfare and potential extinction-level events.

59. Members observed that examples of AI-generated “deep nudes” were already an emerging concern in the fight against the exploitation of women and online harassment. Further, AI-generated deep fakes had also greatly increased the risk of misinformation, and of manipulation of elections. In preparation for the mitigation measures that must be put in place, the Committee explored options on what parliaments could do to safeguard people's rights and ensure that this technology helps in build the society we want. The matter was subsequently referred to the Co-

rapporteurs to consider in drafting the draft resolution, which will be discussed at the 149th Assembly in October 2024.

60. The debate on *sustainable actions to improve the life and conditions of people with disabilities, including their chances for education and work opportunities* focused on the challenges and share good practices on how parliaments can advance the inclusion of people with disabilities in society, securing their chances for good quality education and work opportunities. Panellists highlighted the important role parliaments could play to advance implementation of the UN Convention on the Rights of Persons with Disabilities (CRPD), by ensuring laws, policies and budgets advance the full inclusion of persons with disabilities in the community and seek the removal of all forms of discrimination and stigma based on disability.

61. Committee Members discussed the use of digital tools as an enabler of inclusion of people with disabilities, which could be a game changer if well-designed and tailored to each person's specific needs. It was observed that such tools must be accompanied by support services and a regulatory framework. In the absence of robust framework, such tools may widen disparities and expose persons with disabilities to abuse. Members shared insights on good practices in legislating for the rights of persons with disabilities and the non-discrimination principle and embedding such provisions in their constitutions.

2.4 STANDING COMMITTEE ON UNITED NATIONS AFFAIRS

62. The Standing Committee on United Nations Affairs held a meeting on 26th March, 2024, which deliberated on the new United Nations Youth Office and the United Nations humanitarian work.
63. The Committee noted that the new United Nations Youth Office was established by a resolution of the United Nations General Assembly. The office was established on the premise that the world's demographics had changed dramatically over the last few decades, with the largest number of young people ever recorded. The Committee observed with concern, the paradox of some countries ageing while others were populated disproportionately by young people, and how this is causing both challenges and opportunities. To this end, the objective of the office is *inter-alia*, getting the youth to contribute their perspectives to various governance issues led by their respective Member States.
64. Another objective was to ensure that the office assists the UN System in advancing the Youth 2030 Plan, as a common youth engagement blueprint adjustable to the different mandates of the UN offices and agency. The plan includes a specific focus on young parliamentarians as a key constituency that could help advance youth concerns across the entire policy spectrum, with the overarching theme of achieving meaningful youth participation.
65. In the ensuing debate, Members observed that many parliaments had instituted good practices for youth engagement that need to be scaled up and shared with other parliaments. Parliaments need to be more inclusive of young people, which is what the IPU's campaign on "I Say Yes to Youth in Parliament!" was all about. It

was noted that having been turned off from or by formal processes, the youth are finding outlets in protest movements, civil society organizations and the social media. New digital technologies and social media present an opportunity for young people to make themselves heard and to connect to one another, but they also come with risks of exploitation and disinformation. Parliamentarians need to address these risks urgently and with the participation of young people themselves.

66. With respect to the humanitarian work of the UN, a panel discussion involving the Chief, Assessment, Planning and Monitoring Branch, UN Office for the Coordination of Humanitarian Affairs; the Director, Geneva Global Office, World Food Programme; Director, Representative Office for Europe, UN Relief and Works Agency for Palestine Refugees in the Near East (UNRWA); and the Head of Donor Relations and Resource Mobilization Service, UN High Commissioner for Refugees led the discussion on the subject matter.

67. The panel highlighted the tremendous strain under which the UN humanitarian system finds itself at present because of concurrent crises around the world. Aside from the headline grabbing crisis in Ukraine and Gaza, there were other areas of conflict such as the Democratic Republic of Congo, Sudan and elsewhere, the vast majority being in low or middle-income developing countries. The panel noted with concern the inadequate funding to support humanitarian assistance. Conversely, global military expenditure had reached a record-breaking US\$2.3 trillion per year, while the UN was being asked to deliver assistance to millions of people on a budget of just a few billion dollars. However, aid workers continue to provide support to refugees, malnourished or starving populations, civilians caught in the crossfire of war, and many others in need, making the most of meagre budget.

68. Comments by Members emphasized that such good work must never be politicized or weaponized by parties in conflict or other nations pursuing their strategic objectives. Others spoke against the risks involved in the “privatization” of humanitarian work. Members also highlighted the bilateral assistance (hospitals, food supplies, etc.) that their countries were providing in various crisis situations. It was noted that such assistance should aim not just at meeting immediate needs, but also at building resilience to prevent new crises, with investments in key institutions and infrastructure.

2.5 COMMITTEE TO PROMOTE RESPECT FOR INTERNATIONAL HUMANITARIAN LAW

69. On 26th March, 2024, the Committee to Promote Respect for International Humanitarian Law held its meeting. The Committee deliberated on three main topics, namely, areas of humanitarian concern: efforts towards ending statelessness and anti-personnel mine ban convention. On the recent developments regarding situations involving International Humanitarian Law and refugee protection matters which the Committee had been monitoring, the Committee paid particular attention to three conflict areas namely, Afghanistan, the Democratic Republic of the Congo (DRC) and Sudan.

70. With respect to Afghanistan, the Committee noted that life-saving efforts had become a priority for support agencies involved in the country. Approximately 23.7 million people needed urgent humanitarian assistance to survive and that as of 30 June 2023, approximately 1,619,145 Afghan refugees had been displaced to neighbouring countries since the Taliban took over control of the country. 3.25 million had been internally displaced. Further, the situation relating to women in the country has not improved, with implementation of a stricter dress code for

women, which had caused numerous women to be arbitrarily deprived of their liberty.

71. In addition, the Committee deliberated about several Members of Parliament in Afghanistan, who were in danger and were seeking refuge. The Committee was informed that there were 38 former members of the Parliament, 12 parliamentary staff, and their families who remain in danger in Afghanistan and neighbouring countries. In this respect, the Committee called on IPU Member Parliaments to consider providing refuge to these Members and staff.

72. On the situation in the Democratic Republic of the Congo (DRC), the Committee acknowledged the current situation in the DRC, which had worsened since January 2024, with armed clashes across the country. There were approximately 6.1 million people internally displaced in the DRC, in addition to over 500,000 refugees and asylum-seekers fleeing from other neighbouring countries. This displacement crisis was one of the largest in the world. The Committee pointed out the need to draw more attention to the situation of internally displaced persons (IDPs) globally, but especially in the DRC. The Committee called on parliamentarians to raise awareness of the situation in DRC, draw attention to the plight of IDPs and consider encouraging the provision of support to humanitarian organizations working in the country.

73. Concerning the situation in Sudan, the Committee with concern the dire situation in the country, especially since April 2023 when armed conflict broken out. The Committee was informed that the conflict had displaced nearly 6 million people within Sudan by October 2023, and driven over 1.4 million people into five neighbouring countries, namely the Central African Republic, Chad, Egypt,

Ethiopia and South Sudan. It was noted that about half of Sudan's population presently requires humanitarian aid and protection.

74. Sudan currently faces the largest internally displaced persons in the world and that the the most significant child displacement crisis was taking place, with more than three million children displaced arising from the conflict in the country. On the humanitarian effort, the Committee noted with concern that as of March 2024, the Sudan's Humanitarian Response Plan had received only 4% of its target funding. The Committee made a plea for the IPU to raise awareness on this situation and call on their respective governments to provide support for humanitarian assistance. On the other hand, the Committee expressed a strong and urgent plea for the armed conflicts to cease, for IHL to be respected and for humanitarian assistance to be provided to affected civilians, including refugees and internally displaced populations.

75. The deliberations centered on ending statelessness focused on the IPU pledges made in the context of the Global Refugee Forum in 2023 to mobilize parliaments towards universalization of the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness. The Committee expressed concern regarding gender discriminatory nationality laws, especially in the Middle East and Africa, and lack of birth registration, as causes leading to statelessness. To mitigate against this, the Committee advocated for provision of universal birth registration as a solution to tackle some of these concerns.

76. The Committee noted that 2024 was the 70th Anniversary of the 1954 Convention and called upon IPU Member States to consider ratification of both the 1954 and

1961 Conventions and review current legal frameworks with a view to address provisions that may lead to statelessness.

77. Concerning the agenda on Anti-Personnel Mine Ban Convention (APMBC), the Committee took note that 33 States were not yet parties to the Convention and of the objective to have several further ratifications by the Fifth Review Conference of the APMBC, which was scheduled to take place in November 2024 in Cambodia. To facilitate expedited ratification of the convention, the Committee reviewed a checklist of proposed actions for parliaments to take towards universalization and national implementation of key obligations under the Convention.

78. Committee called on parliamentarians to - begin by championing discussions about the Convention; speak out against anti-personnel mines; contribute to raising awareness of the impact of such weapons and encourage the stigmatization of their use; where a country is not yet a State Party, assess the reasons why not and consider ratification; where a National Committee on IHL is in place, engage with it on the topic; and review the status of the Convention at the domestic level, with a view to implementing legislation and stockpile destruction. On this matter, the Committee resolved to hold its open session at the next IPU Assembly in October 2024 on the topic of disability and armed conflict to mark the 25th anniversary of the entry into force of the APMBC.

2.6 FORUM OF WOMEN PARLIAMENTARIANS

79. The 37th Session of the Forum of Women Parliamentarians was held on 23rd March, 2024. During the meeting, Members deliberated on a variety of topics including initiatives taken to promote gender equality, the work of the 148th Assembly from a gender perspective. In this respect, Members examined, the draft resolution of the Standing Committee on Peace and International Security on *Addressing the social and humanitarian impact of autonomous weapon systems and artificial intelligence*.

80. The discussions highlighted concerns and fears about autonomous weapon systems that could lead to a world where weapons could kill people without any human intervention, based, solely on algorithms. Members of the Forum stressed that this was even more worrying given that the algorithms that underpin artificial intelligence (AI) systems already incorporate gender norms and biases. As such, action was urgently needed to remove these biases from all AI algorithms and datasets by applying a gender perspective.

81. Another item identified on this subject matter was the role women played in decision making for AI development. It was noted that women's participation in decision-making processes related to AI, regulation and use of AI and autonomous weapon systems was a challenge, given that 8% of software developers were women, and that women make up only a tiny proportion of the armed forces in most countries. This situation highlighted the need to encourage girls and women to study STEM subjects.

82. On the legislative framework, contributions from delegations focused on the need for national laws, policies, and an international instrument to regulate military AI

systems and autonomous weapons. The debate on the subject matter resulted in the formulation of two amendments which were referred to the Standing Committee on Peace and Security for inclusion in to the draft resolution. The amendments were subsequently included in the final resolution adopted by the Assembly, highlighted under 4.1: Resolution on Addressing the social and humanitarian impact of autonomous weapon systems and artificial intelligence.

83. The Forum also had a panel discussion on women advancing sustainable peace. It was noted that these topics were in line with the IPU strategic focus for 2024 on conflict resolution and peace building, and in tandem with the theme of the 148th Assembly. The Forum observed that intensification of armed conflict around the world and conflict-induced displacement exposed women and girls to a heightened risk of gender-based sexual violence. When making their contributions, delegations deplored the fact that although progress had been made in implementing the women, peace and security (WPS) agenda, the parties negotiating conflict resolution initiatives continue remain an almost exclusively male dominated. The contributions highlighted the fact that for peace to be sustainable, it was essential that women play a more central role in peacebuilding.

84. The Forum noted that without the inclusion of women in peace building processes, there will be no justice for all those involved. The Forum advocated for women peacebuilders who are on the front line of conflict prone areas, who have access to information on the ground and are in close contact with victims and survivors of violent conflict and humanitarian emergencies, to be present at the negotiating table and participate in decision-making processes. The Forum also noted that establishment of partnerships with parliamentarians would also inform and influence better policies to implement the WPS agenda.

2.7 FORUM OF YOUNG PARLIAMENTARIANS

85. The Forum of Young Parliamentarians was held on 24th March, 2024 and it brought together 130 participants including 70 young parliamentarians from 60 countries, as well as representatives from other organizations. In her address to the Forum, the IPU President, reaffirmed her commitment to promote inclusivity during her tenure and to elevate youth voices in the IPU and in parliaments. She noted that young MPs were well-positioned to advocate for the promotion and protection of the human rights of young men and women, especially in times of conflict.
86. The Forum received reports on recent developments in promoting youth participation in respective Member States, which included the formalization of youth caucuses, such as in Thailand and Kenya, the adoption of new youth quotas such as in Ecuador; and the increase of youth participation in political parties, such as in Nepal. The Forum also highlighted the importance of implementing the “I Say Yes to Youth in Parliament!” campaign to lower the age of eligibility to hold office. Experiences of this was observed in Mexico, Nigeria, Paraguay and Türkiye.
87. However, despite the positive developments observed in Member States, alarm was raised over rising violence against young MPs, including assassination and death threats by drug cartels and criminal groups, sexism, and gender-based violence against young women, and online violence and harassment on social media. Such violence deters young people from getting involved in politics and governance in general.

88. Concerning the proceedings of the 148th Assembly, participants examined the theme of the General Debate, *Parliamentary diplomacy: Building bridges for peace and understanding*, and called on young parliamentarians to play a role in the peace and security agenda. Members also called for implementation of national action plans for peace, stressing the important roles that young people play in fostering peace dialogues and engagement in peace processes. Members also emphasized that there can be no lasting peace without youth participation in leadership for democracy and peacebuilding. Members called for increased focus and funding to advance youth rights and provide education and employment opportunities to young people in conflict zones and pledged to push for the implementation of such initiatives.

89. While deliberating on the proposed resolutions for consideration at the Assembly, the Forum highlighted the importance of increased education on autonomous weapon systems, including through awareness raising on social media. The Forum also called for greater investments in green energy, including the implementation of smart grids, and pledged to continue its work on climate action and to make a report at the next Assembly.

2.8 WORKING GROUP ON SCIENCE AND TECHNOLOGY

90. The Working Group on Science and Technology (WGST) was established by the IPU Governing Council to serve as the global parliamentary focal point for issues related to science and technology. The Group is composed of members of parliament who have specific relevant knowledge and experience on matters of science and technology. The Group's role is to inspire global parliamentary action through legislative work in the field of science and technology, and to contribute to

the implementation of the science and technology component of the IPU Strategy by focusing on ethics and on combating the inequalities and discrimination that hinder universal access to science and technology.

91. The Working Group held a meeting on 25th March 2024. At the meeting, the Working Group was briefed by the Chairperson of the Group on the Munich Security Conference, held from 16th to 18th February 2024. The Chairperson also encouraged Members to participate in the Ninth UN Multi-Stakeholder Forum on Science, Technology and Innovation for the Sustainable Development Goals, which was scheduled to take place on 9 and 10 May 2024 in New York. In this respect, Members recommended coordinating their participation to promote and advance the Group's ongoing work on the IPU Charter on the Ethics of Science and Technology.

92. Concerning the ongoing debate and resolutions of the 148th Assembly, the Group resolved that in order to align the activities of the Working Group with the proposed IPU Charter on the Ethics of Science and Technology, as well as the ongoing work of the Standing Committee on Democracy and Human Rights on the draft resolution on *the impact of artificial intelligence on democracy, human rights and the rule of law*, it was necessary to hold the next Science for Peace Parliamentary Meeting on the subject *Understanding artificial intelligence: Ethics and the Charter*, in September 2024. This event was to be held in cooperation with ICISE in Quy Nhon, Viet Nam.

93. Other discussions on the Agenda for the Group was the establishment of a parliamentary toolkit that provides practical assistance and guidance to parliamentarians on ways to engage with the scientific community. Members reviewed the structure and content of the toolkit which was based on the pilot

projects that had been conducted in respective parliaments and the input received from the mapping exercise that had been circulated. In this matter, the Group observed the dominance of scientific information from the Global North, as well as the need for scaling up investment in science and research in developing countries, and the need for establishment and strengthening of parliamentary committees to oversee scientific issues and budgets.

94. The Working Group was scheduled to visit the European Organization for Nuclear Research (CERN) on 26th March, 2024 as part of its ongoing work relating to research and development. However, CERN refused to welcome the Russian member of the Working Group, given that CERN considers that such participation would be contrary to CERN Council resolution to terminate Russian cooperation with CERN. Following an extraordinary meeting held ahead of the visit, the Working Group members unanimously resolved to cancel the CERN visit as long as the Russian member was excluded, based on the IPU's values and principles of inclusivity, including the important role of multilateralism in addressing global challenges, advocating for international cooperation and collaboration among nations and parliaments.

2.9 COMMITTEE ON THE HUMAN RIGHTS OF PARLIAMENTARIANS

95. The Committee on the Human Rights of Parliamentarians held its 174th session from 22nd to 26th March 2024. During the session, the Committee examined the situation of 350 parliamentarians in 19 countries. The Committee also considered new cases concerning 26 parliamentarians in Guinea-Bissau (4 MPs), India (1 MP), Madagascar (1 MP), Somalia (1 MP), Türkiye (1 MP) and Zimbabwe (18 MPs).

96. The Committee held eight hearings with national delegations from each of the affected Member Parliaments on the complainants and submitted its recommendations to the Governing Council for adoption about 268 parliamentarians. The resolution of the Governing Council on each of the cases is Annexed to the Report of the Kenya Delegation.

3. 213TH SESSION OF THE GOVERNING COUNCIL

97. The Governing Council is the administrative and policy-making organ of the IPU and its meetings are held during the Assemblies. The Council is made up of three Members from each Member Parliament, provided that the delegation includes both men and women, while single-gender delegations are limited to one Member.

98. The Council decides on admitting, readmitting, and suspending members and on general activities and operations of the organization including election of the President, the Secretary General and the mandate and composition of committees, working groups and ad-hoc bodies. The Council also oversees the budget and work programme and sets contribution rates for each member parliament and observer organizations. The Governing council also determines the location of Assemblies and approves venues and dates of future events.

99. The Governing Council held sessions on 24th and on 27th March, 2024. The Council considered the following items on its agenda –

The IPU Impact Report for 2023

100. The IPU Impact Report for 2023 was presented to the Governing Council by the Secretary General. The report highlighted several activities that the IPU had been engaged in in 2023, and the impact that such activities had.

101. The Governing Council observed that climate action was the theme for 2023, on the request of Member Parliament that this item be a priority in the 2022 – 2026 IPU Strategy. In line with the Strategy, IPU launched a new climate campaign, “Parliaments for the Planet” which was designed to accelerate parliamentary action on climate change. At the Parliamentary Hearing during the COP28 Climate Change Conference in Dubai, Member Parliaments demonstrated their good practices and solutions for climate action.

102. The Governing Council also noted the adoption of two important declarations to underscore the hope for peace: the *Manama Declaration on Promoting peaceful coexistence and inclusive societies: Fighting intolerance* , which was ratified at the 146th Assembly in March, 2023 and the *Luanda Declaration on Parliamentary action for peace, justice and strong Institutions*, which was ratified at the 147th Assembly in October, 2023. In line with these two resolutions, the IPU organized a global Parliamentary Conference on Interfaith Dialogue to encourage parliaments to be more inclusive of religions, beliefs and faith-based organizations in their work in the interests of peaceful coexistence.

103. The Governing Council was briefed on the IPU leadership’s visit to some a number of the regions experiencing conflict, notably the Sahel region and the Middle East, on behalf of the global parliamentary community. These visits were undertaken in an effort to give a parliamentary dynamic to peace building and to highlight the role

of members of parliament in this regard. The Council noted that the mission to the Middle East had taken on new relevance in view of the protracted conflict in Gaza. On the other hand, the Council noted that the war in Ukraine would remain a priority in the peace-building efforts of IPU, particularly through the work of the IPU Task Force for the peaceful resolution of the war in Ukraine, a body established by the Governing Council.

104. Regarding gender equality and inclusiveness, the Governing Council observed that overall progress towards global gender equality remains slow. Online violence, exacerbated by artificial intelligence, had been an additional hurdle for women involved in political life. There was no room for complacency as the experience of 2023 brought to light the point that parliament can never be vigilant enough on matters of good governance, democracy and gender equality. By the end of 2023, close to 27% of parliamentarians in the world were women, a small increase on the year before.
105. The Governing Council observed that parliaments need to need to remain articulate in acknowledging the challenges ahead in 2024, including conflicts, political uncertainty, stretched resources and the need for members to be more responsive. On his part, the Secretary General highlighted that IPU will continue to address these challenges and mitigate the effects thereof to stay relevant and resilient. This was demonstrated by the 135 year history that the organization had been in existence. In conclusion, the Secretary General expressed optimism with the support of all Member Parliaments, the IPU will continue to empower parliamentarians.

Priority Theme for 2024

106. The theme of the 148th Assembly was directly linked to the priority theme, for 2024 on peace and security, with parliamentary diplomacy taking centre stage, as well as the negotiation of the resolution on Addressing the social and humanitarian impact of autonomous weapon systems and artificial intelligence. The Governing Council noted that the annual Parliamentary Hearing at the United Nations in New York in February 2024 had focused on the role of parliaments in ending conflicts and promoting a more human-centred approach to peacebuilding.
107. The Council noted that the IPU was stepping up its efforts to support transitional parliaments in countries emerging from political instability as well as initiatives to promote peaceful coexistence through interfaith dialogue and parliamentary action to counter terrorism and violent extremism.

Financial situation of the IPU;

108. Hon. A. R. Al Nuaimi, the Chairperson of the Sub Committee on Finance of the Executive Committee presented the Financial results for 2023. The Chairperson reported that the 2023 accounts showed a healthy financial situation with an operating surplus of CHF 157,000 at year end. This surplus was added to the IPU Working Capital Fund, which stood at 91% of its target level. The Chairperson highlighted that the expenditure was within the budget and in line with the Strategic Objectives and the income from subscriptions paid by Member Parliaments. Further, overall income from investments had improved following favourable market conditions in 2023.
109. The Chairperson welcomed the efforts of the IPU to secure additional funding for its activities from voluntary donations from organizations and Member Parliaments.

This, he said, demonstrated that the IPU was recognized by donors, as a reliable partner in achieving mutually beneficial objectives. The Chairperson however noted that in recent years, the amount of arrears in Member Parliament contributions had been increasing steadily. A major reason for this situation, he observed, was attributed to the situation in Venezuela, whose arrears stood at CHF 662,000 by the end of 2023. He encouraged the Council, to decide on how to address this exceptional situation. He also encouraged all Member Parliaments to work with their respective geopolitical groups to try to reduce the list of other Member Parliaments in arrears.

110. Concerning the audit the audit report for 2023, the Internal Auditor, conveyed his opinion that the financial statements presented by the IPU accurately reflected its financial position as of 31st December 2023, and its financial performance throughout the year 2023. The operations of the organization complied fully with the International Public Sector Accounting Standards (IPSAS). However, it was recommended that the Governing Council considers applying all the mechanisms at its disposal to address the mounting of arrears, including suspending the rights of Member Parliaments who fail to meet their obligations.
111. On its part, the External Auditor, the Audit Board of the Republic of Indonesia expressed a positive opinion on the Financial Statements with no reservations, confirming that all previous audit recommendations had been implemented.

Questions relating to IPU Membership

112. The Governing Council considered and approved the recommendation of the Executive Committee to admit the Permanent Conference of Political Parties of

Latin America and the Caribbean (COPPPAL) and the International Development Law Organization (IDLO) as permanent observers to the IPU.

113. The Council was apprised of the situation several parliaments including Afghanistan, Guinea Bissau, Haiti, Myanmar, Niger and Sudan, which were not functioning or otherwise suspended, as a result of internal strife and conflict. There were transitional legislatures established in Burkina Faso, Chad, Gabon, Libya, Mali and South Sudan, where the Governing Council recommended that the IPU continues to monitor the situation and provide assistance. In this regard, it was noted that during the Assembly, the Secretary General held a meeting with the heads of the delegations of Burkina Faso, Chad, Gabon, Guinea, Mali and Guinea-Bissau, to discuss the way forward in terms of IPU support to their respective transitional processes. It was also observed that as a follow-up to this meeting, a regional workshop would be organized in Geneva to harmonize IPU support for these countries and to pool and share experience, which will be followed up by national visits where specific issues would be addressed.
114. The Governing Council also received a report on countries where the political situation had the potential to threaten the functioning of parliaments, including in Venezuela, Yemen, Palestine, Bosnia and Herzegovina and Syria. The Council recommended that the IPU continues to monitor the situation in these countries and offer assistance where necessary, and report at the next Assembly.

Establishment of IPU Regional Offices

115. The Council was apprised of the Executive Committee's deliberations on the question of establishment of IPU regional offices in Uruguay and Egypt. The Governing Council noted that in Uruguay, the Host Agreement between the IPU Secretariat and the Ministry of Foreign Affairs was officially ratified on 25th November 2023. As such, collaborative efforts between the Secretariat and the Parliament of Uruguay were ongoing to conclude an operational agreement, which would outline the operational and budgetary aspects of the Regional Office.
116. On the question of the Regional Office in Egypt, the Council noted that discussions had taken place on the Host Agreement and financial arrangements with the Egyptian Government and that IPU Secretariat had received amendments and feedback on the proposed agreement. A report on the status of this matter would be presented at the next Assembly.

Future inter-parliamentary meetings

117. The Governing Council approved the list of future meetings and other activities funded by the organization. The Council noted that the 149th Assembly was scheduled to take place from 13th to 17th October, 2024 in Geneva, while the 150th Assembly was scheduled to take place in Tashkent, Uzbekistan, from 5th to 9th April, 2025. The Secretariat had visited Tashkent and held discussions with the leadership of the Parliament of Uzbekistan on the modalities for hosting the Assembly.
118. Further meetings were scheduled to be held later in 2024, and that an update of the arrangements leading up to the 150th Assembly would be made at the October, 2024 Assembly.

Sixth World Conference of Speakers of Parliaments

119. The Governing Council noted that the next World Conference of Speakers of Parliaments was scheduled to be held in August 2025 in Switzerland. The Governing Council approved the Preparatory Committee for the event, comprising the President of IPU, 16 Speakers from the six IPU geopolitical groups; two members of the Executive Committee; the President of the Bureau of Women Parliamentarians, the President of the Board of the Forum of Young Parliamentarians, and the President of the Standing Committee on United Nations Affairs. Other Members of the Preparatory Committee are the President of the National Council of Switzerland as the Host Parliament, and the Chef de Cabinet of the United Nations Secretary-General.
120. The Preparatory Committee was scheduled to hold its first meeting on 16 and 17 May 2024 in Geneva.

4. CONCLUDING SITTING

121. On 27th March, 2024, at the conclusion of the proceedings of the 148th Assembly, the IPU President invited the youngest Members of Parliament in attendance, Hon. A. Tongjasod from Thailand and Hon. E. T. Muteka from Namibia to present the Geneva Declaration on *Parliamentary Diplomacy; Building Bridges for Peace and Understanding*. The Assembly unanimously endorsed the Geneva Declaration.
122. On the matter of the Emergency Item, the President observed that the result of the division failed to provide an Emergency Item for consideration by the 148th Assembly. However, the President and the Secretary General issued a Leadership

Statement on the situation in Gaza. Below is the text of the Statement issued on 27th March, 2024.

In view of the worsening situation in Gaza, we call for urgent action to alleviate the suffering of the people in the region, including women, children and the elderly, who have been caught up in the fighting.

On behalf of the global parliamentary community, we call for an immediate ceasefire in Gaza.

We reiterate our demand for the immediate and unconditional release of all hostages.

We appeal to the relevant authorities on all sides to expand the flow of essential humanitarian aid to reach those in need in Gaza.

We reiterate our utter condemnation of any violence against civilians and stress the need for respect for international humanitarian law.

Signed

Tulia Ackson, IPU President, and

Martin Chungong, IPU Secretary General

123. The President of the Standing Committee on Peace and International Security presented the resolution on *Addressing the social and humanitarian impact of autonomous weapon systems and artificial intelligence* to the Assembly for adoption. The resolution by consensus. Likewise, the President of the Standing Committee on Sustainable Development presented the resolution *Partnerships for climate action: Promoting access to*

affordable green energy, and ensuring innovation, responsibility and equity. The Assembly adopted the resolution by consensus.

124. In her concluding remarks, Hon. (Dr.) Tulia Ackson, IPU President and President of the 148th Assembly, expressed her gratitude to all delegations who had played a pivotal role in the success of the Assembly and in particular, the Swiss Delegation for their warm welcome to Geneva. She stated that the level of participation at the Assembly and the strong focus on parliamentary diplomacy sent a strong signal to the international community that parliamentarians support and contribute a strong parliamentary dimension on inclusive dialogue to achieve long-lasting peace. She thanked delegates for their active participation, insightful contributions, and unwavering commitment to the IPU and invited delegations to present the Geneva Declaration back to respective parliaments and consider organizing a special event on parliamentary diplomacy to mark the 135th Anniversary of the IPU, scheduled to be held on 30th June 2024.

**ANNEX: GOVERNING COUNCIL DECISION ON THE
RECOMMENDATION OF THE COMMITTEE ON THE
HUMAN RIGHTS OF PARLIAMENTARIANS**



Inter-Parliamentary Union
For democracy. For everyone.

148th IPU Assembly

Geneva, 23–27 March 2024

Governing Council
Item 13(a)

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Geneva, 27 March 2024

Committee on the Human Rights of Parliamentarians

*Decisions adopted by the IPU Governing Council at its 213th session
(Geneva, 27 March 2024)*

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Bangladesh

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Shah Ams Kibria (right) presents the national budget in parliament on 13 June 1997 © MUFTY MUNIR / AFP

BGD-14 – Shah Ams Kibria

Alleged human rights violations

- ✓ Murder
- ✓ Excessive delays in proceedings

A. Summary of the case

Mr. Shah Ams Kibria, a member of parliament belonging to the then opposition Awami League, was killed on 27 January 2005 in a grenade attack during a political gathering. According to the complainant, the killing was politically motivated.

Almost 20 years have gone by and no one has yet been held accountable for the killing. It has been investigated three times by three different governments (the Bangladesh Nationalist Party, the caretaker government, and currently the Awami League). With each investigation, the list of persons charged has been expanded but a number of them have not been apprehended. A trial is under way but is progressing extremely slowly. The complainant has also raised a number of issues relating to general concerns about the independence of the judiciary and respect for fair-trial guarantees in Bangladesh and the fact that all the suspects targeted seem to be from the political opposition, which could indicate that the proceedings are politically motivated.

According to the complainant, Mr. Kibria's relatives – who are a party to the criminal proceedings – have not been kept informed of the proceedings. They repeatedly filed no-confidence motions against the successive charge sheets, which they considered incomplete. The family continue to believe that other individuals involved in the crime, particularly the

Case BGD-14

Bangladesh: Parliament affiliated to the IPU

Victim: Male opposition member of parliament

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

Submission of complaints: March and October 2005

Recent IPU decision: April 2017

IPU Mission(s): - - -

Recent Committee hearings:

- Hearing with the Bangladeshi delegation to the 148th Assembly (March 2024)
- Hearing with the complainant – online (March 2023)

Recent follow-up:

- Communication from the authorities: Report providing updates about the case shared by the Bangladeshi delegation to the 148th Assembly (March 2024)
- Communication from the complainant: March 2024
- Communication to the authorities: Letter to the Speaker of Parliament (February 2024)
- Communication to the complainant: March 2024

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potential instigators and masterminds, have not yet been charged or arrested owing to political interference. In March 2023, at a hearing before the Committee on the Human Rights of Parliamentarians, the complainant confirmed that the situation had not changed.

During the hearing conducted at the 148th IPU Assembly (Geneva, March 2024), the Bangladeshi delegation reaffirmed that judicial proceedings in Bangladesh take time, that courts have limited capacity and resources, and that the delays in the investigation were largely caused by the defendants, and by the family contesting the charge sheets and investigation reports. Acknowledging that justice delayed is justice denied, the delegation committed to continue to keep the IPU informed of any new developments in the case and to do its utmost, within parliament's constitutional mandate, to contribute to a satisfactory resolution of the case without further undue delay.

B. Decision

The Governing Council of the Inter-Parliamentary Union

1. *Thanks* the Bangladeshi delegation for the information provided during the hearing and for the spirit of cooperation; and *reaffirms its wish* to receive more detailed information on a regular basis on developments in the ongoing trial proceedings, including copies of the charge sheets, as well as further information on the grounds and evidence supporting the charges against the suspects, the names and status of all suspects and the identities of all individuals who remain charged today and those who are in custody;
2. *Notes* that the proceedings are still under way and that slow progress is being made; *takes note* of the reasons given by the parliamentary authorities in this respect; *remains deeply concerned*, however, that almost 20 years after the attack none of the perpetrators has yet been held responsible in a court of law; *solemnly affirms* that justice delayed is justice denied; and *sincerely hopes* that the trial will finally proceed swiftly and that further progress will promptly be made towards ensuring full accountability for this serious crime, in compliance with national and international standards on the right to a fair trial, including those regarding the application of capital punishment, without any political interference;
3. *Fails to understand* why the Awami League, in power since 2009, has not been able to take the necessary steps to shed light on the murder of one of its prominent members; *reaffirms*, in this regard, its strong conviction that the continued interest of the Awami League and parliament in the case – within the boundaries of the separation of powers – is crucial for helping ensure that justice is done and for sending a strong signal that the assassination of a parliamentarian must not be left unpunished; *notes with appreciation* that the Parliament of Bangladesh continues to monitor the case; and *wishes* to be kept informed of any steps it takes in this regard;
4. *Requests* the Secretary General to convey this decision to the parliamentary authorities, the complainant and any third party likely to be in a position to supply relevant information;
5. *Requests* the Committee to continue examining this case and to report back to it in due course.

Egypt

*Decision adopted unanimously by the IPU Governing Council at its 213th session
(Geneva, 27 March 2024)*



Mostafa al-Nagar © Photo courtesy/Belady - An Island for Humanity, US

EGY-07 – Mostafa al-Nagar

Alleged human rights violations

- ✓ Enforced disappearance
- ✓ Threats, acts of intimidation
- ✓ Violation of freedom of opinion and expression
- ✓ Failure to respect parliamentary immunity
- ✓ Impunity

A. Summary of the case

Mr. Mostafa al-Nagar allegedly disappeared in the southern governorate of Aswan on 27 September 2018. His family and lawyers have been unable to contact him or obtain information on his whereabouts. They fear that he might have been arbitrarily arrested and held incommunicado.

The complainants allege that Mr. al-Nagar was a symbol of the 2011 revolution and a vocal critic of the Egyptian Government during his parliamentary term, which lasted from 23 January to 14 June 2012, when the Egyptian Parliament was dissolved in accordance with a ruling by the Supreme Constitutional Court. In December 2017, he was fined and sentenced to three years in prison for "insulting the judiciary" in a speech he reportedly delivered during a parliamentary sitting in 2012. In its ruling of 30 December 2017, the Cairo Criminal Court found that Mr. al-Nagar had committed two crimes in 2012 and 2013, the first of which consisted in insulting and defaming the courts and the judicial authorities with hate speech and disdainful speech, both published and via interviews on television and radio channels, as well as through social media. The complainants also allege that the court reportedly found that Mr. al-Nagar's statements during a parliamentary sitting of 2012 were also intended to defame and harm the judiciary and

Case EGY-07

Egypt: Parliament affiliated to the IPU

Victim: male, independent member of the House of Representatives

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

Submission of complaint: February 2020

Recent IPU decision: March 2022

IPU Mission(s): - - -

Recent Committee hearing: Hearing with the Egyptian delegation to the 144th IPU Assembly (March 2022)

Recent follow-up:

- Communication from the authorities: Letter from the Speaker of the House of Representatives (March 2022)
- Communication from the complainants: March 2024
- Communication to the authorities: Letter to the Speaker of the House of Representatives (March 2024)
- Communication to the complainants: March 2024

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judges. Mr. al-Nagar did not serve his time in prison as he chose to go into hiding, although at the time it was clear to his family members where he was. He disappeared a few days before his appeal trial, which took place on 15 October 2018.

The complainants report that, on 10 October 2018, Mr. al-Nagar's family received an anonymous telephone call informing them that he was in police custody at Aswan's Central Security Forces Al-Shallal camp. Mr. al-Nagar's lawyer made a request to the Egyptian authorities for an official response concerning his client's alleged detention in the Al-Shallal camp, but no information was provided in this regard. Egypt's State Information Service denied playing a role in Mr. al-Nagar's disappearance and said in an official statement issued on 18 October 2018 that he had wilfully disappeared to avoid serving his prison sentence, describing him as a fugitive.

In their letter of 24 May 2021, the Egyptian parliamentary authorities indicated that the Egyptian Court of Cassation's decision of 15 October 2018 concerned the rejection of Mr. al-Nagar's appeal to have his original sentence set aside. The letter explains that the decision of the Court of Cassation to reject the accused's appeal against his original sentence was not because of his absence from the Criminal Court hearing. Egyptian law had been correctly applied, allowing the accused's defence to appear before the Criminal Court in his absence. As the Court had agreed to that arrangement, the ruling against the accused had therefore become a ruling *in absentia*; it had been the accused's right to appeal against it, in order to benefit from the different litigation levels to which he was entitled.

On 29 July 2019, the complainants filed a complaint at the Administrative Court of the State Council against the Egyptian Ministry of the Interior for allegedly failing to disclose Mr. al-Nagar's whereabouts or to make serious efforts to locate him. In its decision handed down on 18 January 2020, the Administrative Court of the State Council recalled the State's responsibility and indicated that the statement issued by the State Information Service was insufficient. The Court noted that the State and the police force, which in accordance with Article 1 of the Law on the Regulation of Police authority (Law No. 109 of 1971), "is a regular body of the Ministry of the Interior that performs its functions and exercises its jurisdiction under the leadership of the Ministry of the Interior", had the duty to locate disappeared individuals, especially when a complaint had been filed about their disappearance.

In their letter of 24 May 2021, the Egyptian parliamentary authorities expressed their views about the case. The authorities also added that the crime committed by Mr. al-Nagar was not related to his parliamentary mandate and that he was not prosecuted for the remarks he made in parliament. The parliamentary authorities argued that, between 2012 and 2013, Mr. al-Nagar and other individuals were accused of undermining the judiciary and judges through written articles and comments, remarks made during interviews and messages posted on social media containing false and hateful statements against the Egyptian courts and the judiciary. The authorities also indicated that parliamentary immunity should not protect members of parliament from prosecution when the crimes committed are punishable by law. The authorities stated that parliament was dissolved in accordance with the ruling by the Supreme Constitutional Court issued in the session of 14 June 2012 and that the effect of this decision is retroactive. The aforementioned had therefore never exercised, at any point in time, representational functions.

During a hearing with the IPU Committee on the Human Rights of Parliamentarians at the 144th IPU Assembly in March 2022, the Egyptian delegation emphasized the importance of the Committee's work and elaborated on the views and arguments expressed by the authorities in their letter of 24 May 2021. The Egyptian delegation highlighted that the authorities were convinced that the case of Mr. al-Nagar should not be under consideration by the IPU as the aforementioned does not exercise, and has never exercised, any representational functions, according to the June 2012 Supreme Constitutional Court ruling. However, they were willing to engage with the Committee in good faith to clarify some issues.

The delegation also stated that, in response to the ruling of the Administrative Court of the State Council of 18 January 2020, the Egyptian authorities had exerted efforts to locate the absent person by taking several measures, including through distributing circulars with Mr. al-Nagar's details to all police stations in all Egyptian governorates seeking information on his whereabouts. The delegation also indicated that, despite the complainants' claim that Mr. al-Nagar has been subjected to enforced disappearance, there is no evidence that he is a victim of enforced disappearance and that such a crime is subject to a set of criteria that have not been met in the present case. The authorities consider

that Mr. al-Nagar is "absent", given that he went into hiding in order to avoid serving his prison sentence, as indicated by his family members. The delegation stated that the representational functions of members of parliament would not allow incumbents to commit crimes, would not justify the commission of such crimes and would not present a barrier to bringing them before a criminal court. The principle of separation of powers would therefore not allow former and current members of the legislative authority to interfere in the work of the judicial authority; to insult or influence its members; or to launch media campaigns against them to influence their rulings and decisions. The delegation clarified that the criminal charges against Mr. al-Nagar were because of remarks he had made outside of parliament, not in a parliamentary context whatsoever, and reiterated that the complaint under consideration did not have any factual or legal foundation; rather, it was based on rhetoric that was dubious and void of any legal evidence.

In December 2022, the complainants stated that in 2018 Mr. al-Nagar's lawyer had submitted a request to the Attorney General of Aswan, to track Mr. al-Nagar's phone number (011555879436) to determine his last location. According to the complainants, such information should have been quite easy to obtain and would have shed light on Mr. al-Nagar's whereabouts in 2018.

B. Decision

The Governing Council of the Inter-Parliamentary Union

1. *Deeply regrets* that the Egyptian House of Representatives has stopped responding to its requests for information since 2022; and *reiterates* that the Committee's procedure is based on ongoing and constructive dialogue with the authorities, first and foremost parliament;
2. *Recalls* the measures taken by the authorities to locate Mr. al-Nagar, including the distribution of circulars with his details to several police stations in different provinces calling for information on his whereabouts; and *deeply regrets* that, despite its wish to receive written confirmation from the authorities concerned that such measures have indeed been taken and to be informed of the results yielded so far, this information has yet to reach the Committee;
3. *Stresses*, once again that, while the State of Egypt considers Mr. al-Nagar to be a fugitive and "absent", it remains duty-bound to do everything possible to find him and that, by not taking serious measures to locate him, the authorities are wilfully denying justice to his relatives, who have the legitimate right to know about his fate; and *remains convinced* that the State of Egypt could exert further efforts to locate Mr. al-Nagar, particularly in light of the complainant's request to track Mr. al-Nagar's phone number to identify his last location;
4. *Urges*, once more, the authorities to take the appropriate measures to truly address the disappearance of Mr. al-Nagar and to find him, through a fully-fledged investigation into his whereabouts, regardless of his conviction and the fact that he did not serve his prison sentence; and *wishes* to be kept informed as a matter of urgency about steps taken in this regard;
5. *Reiterates its concern* that Mr. al-Nagar was convicted for criticizing the judiciary when he was a member of parliament, which is part of the legitimate exercise of his parliamentary mandate and should be protected by his parliamentary immunity; *affirms*, once more, in this respect that freedom of expression is one of the pillars of democracy, that it is essential for members of parliament, and that it encompasses all kinds of speech, the restrictions on which are defined by the core human rights conventions and related case law;
6. *Reiterates its wish* to receive copies of the decisions of the Cairo Criminal Court and Court of Cassation of 2017 and 2018, respectively, in addition to further information on the status of missing persons in Egypt, including the required criteria to be met for the authorities to initiate an investigation into the disappearance of individuals whose families have filed a complaint about their disappearance;
7. *Requests* the Secretary General to convey this decision to the competent authorities, the complainants and any third party likely to be in a position to supply relevant information on the whereabouts of Mr. al-Nagar;
8. *Requests* the Committee to continue examining this case and to report back to it in due course.

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Eswatini

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Members of the Royal Eswatini Police Service (REPS) monitor affiliates of the Trade Union Congress of Eswatini (TUCOSWA) as they shout out political slogans in central Manzini on 28 October 2021 during a pro-democracy protest. Michele Spatari - AFP

SWZ-02 – Mduduzi Bacede Mabuza
SWZ-03 – Mthandeni Dube
SWZ-04 – Mduduzi Gawuzela Simelane

Alleged human rights violations

- ✓ Arbitrary arrest and detention
- ✓ Inhumane conditions of detention
- ✓ Lack of due process at the investigation stage
- ✓ Lack of fair trial proceedings
- ✓ Excessive delays
- ✓ Violation of freedom of opinion and expression
- ✓ Violation of freedom of assembly and association
- ✓ Failure to respect parliamentary immunity
- ✓ Other acts obstructing the exercise of the parliamentary mandate

A. Summary of the case

Parliamentarians Mr. Mduduzi Bacede Mabuza and Mr. Mthandeni Dube were arrested on 25 July 2021. A third parliamentarian, Mr. Mduduzi Simelane, fled the country before an arrest warrant, which still remains valid, could be implemented. Mr. Mabuza and Mr. Dube were charged with the contravention of section 5(1), read in conjunction with section (2)(2)(a)-(d) and (i) of the Suppression of Terrorism Act 2008 (as amended), two alternative counts under the Sedition and Subversive Activities Act of 1938, and two counts of murder. The Accused No. 1 is, in addition, charged with contravention of regulation 4(3)(b), read in conjunction with regulation 4(8) of the Disaster Management Act, No. 1 of 2006. They each entered a plea of not guilty in respect of all charges. The accused made several bail applications, which were all rejected.

Case SWZ-COLL-01

Eswatini: Parliament affiliated to the IPU

Victims: Three independent members of parliament

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

Submission of complaint: January 2022

Recent IPU decision: February 2024

Recent IPU mission: Trial observation (February 2024; November 2022)

Recent Committee hearing: Hearing with the delegation of Eswatini at the 148th IPU Assembly in Geneva (March 2024)

Recent follow-up:

- Communication from the authorities: Letter from the Speaker of the House of Assembly (February 2024)
- Communication from the complainant: November 2023
- Communication to the authorities: Letter to the Speaker of the House of Assembly (February 2024)
- Communication to the complainant: March 2024

The legal action against the parliamentarians was taken in the following context: In May 2021, calls for political reform started circulating on various platforms across Eswatini, with the aforesaid three parliamentarians also advocating for these changes. To prove that these members of parliament had the mandate from their constituencies to make this call resulted in a series of petitions being delivered to parliament in support of the call for change. Protesters were calling for constitutional and political reforms, lamenting the Government's reported failure to deliver basic services to its citizens, demanding responses to socioeconomic challenges, and invoking alleged ill-treatment by police. Petitions were delivered to various *tinkhundla* centres, predominantly by young people, to their members of parliament as an endorsement of the call for constitutional and political reforms. These calls were heightened during protests against alleged "police brutality" following the death of a University of Eswatini law student, Mr. Thabani Nkomonye. On 24 June 2021, the then acting Prime Minister, Deputy Prime Minister, Mr. Themba N. Masuku, issued a ban on the delivery of these petitions, saying that this was "a conscious decision to maintain the rule of law and de-escalate tensions that had turned the exercise into violence and disorder". Protesters continued to deliver petitions in spite of the ban and were blocked by the police.

In its report released at the very end of June 2021 regarding the events that had occurred earlier that month, the Eswatini Commission on Human Rights and Public Administration (the Commission) – which is Eswatini's national human rights institution – found that human rights violations and abuses had been perpetrated during the unrest.

According to the complainant, the charges against Mr. Mabuza, Mr. Dube and, potentially, Mr. Simelane serve as reprisals and aim to silence them, given that they have been at the forefront of the aforesaid demands for democratic reforms in Eswatini, an absolute monarchy led by King Mswati III for over 30 years, where political parties are not legally recognized.

Mr. Rahim Khan, an attorney and former acting chief magistrate in Botswana, with over 40 years of legal experience, was appointed by the IPU to attend and follow the final trial proceedings against Mr. Mabuza and Mr. Dube, namely those which took place from 8 to 10 and 14 to 16 November and on 13 December 2022.

In his first report, the trial observer pointed out that, "[T]he two members of parliament have been denied bail essentially as they are considered flight risks, notwithstanding their official positions as members of parliament, have fixed assets in the country, have clean records, have not interfered with witnesses and are willing to offer a sum of money to secure their attendance. It appears extremely surprising that their bail has been consistently refused". In his general comments and assessment of the trial, the trial observer stated that, "the trial is being continuously postponed, mainly at the instance of the Crown", and that the judge "does not direct any detailed questions to the Crown ... and grants them far too much latitude to conduct the trial as they wish".

On 31 January 2023, the defence and the Crown Prosecutor made final submissions in the criminal proceedings against Mr. Mabuza and Mr. Dube, after which the judge in the case reserved judgement. On 1 June 2023, the judge found them guilty of all charges, except for the charge related to the COVID-19 regulations with respect to Mr. Mabuza, and reserved sentencing for a hearing in December 2023. This hearing was subsequently postponed, with new hearings that took place from 20 to 22 February and on 26 March 2024. The IPU trial observer attended all these hearings, which focused on the defence counsel presenting information in support of mitigating the parliamentarians' sentence. According to information provided by the authorities, at the hearing held on 26 March 2024, Mr. Dube and Mr. Mabuza were not ready to proceed and applied for a postponement to 30 April 2024. This application was granted by the court.

In his most recent report, the IPU trial observer, upon reviewing the verdict, stated that "if we examine the statements attributed to them (Mr. Mabuza and Mr. Dube) by the learned judge, a careful analysis in fact does not reflect criminal intent. Throughout the evidence as appears in the record, there is no exhortation on the Swazi public to rise up in insurrection, overthrow the Monarchy and establish a government of the people. In fact, the accused are very deferential towards the Monarchy, almost religiously so. The entire case rests on the response by the accused to the declaration by the government that it was banning the production of petitions and for the appointment of the Prime Minister by election. The incidents of civil unrest occurred on 24 June 2021. It is abundantly clear from the gravamen of the charges, that the accused were no way near the scene of the crime. It is the effect of what they stated that reflects what the State says is the foundation of their criminal conduct:

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that they encouraged people in their public statements to disobey the lawful appointment of the Prime Minister and in the process encouraged civil disobedience. But, with respect, how can civil disobedience be equated with terrorism and sedition? There was no armed insurrection, no taking up of arms with revolutionary slogans against the State, no intentional destruction of the most visible manifestations of state power. How encouraging people to disobey the government on the issue of denying the filing of petitions automatically led to arrests for terrorism without showing a direct link between rhetoric and causation is difficult to appreciate”.

According to the complainant, on 22 September 2022, the two detained parliamentarians were assaulted by prison guards who entered their cells. It is alleged that on 29 September 2023, Mr. Mabuza was again beaten by a correctional services officer. At the hearing held with the Committee on the Human Rights of Parliamentarians during the 148th IPU Assembly, the Eswatini delegation provided an undated document containing information on the internal inquiry under the Correctional Services Act that provides a response to parliament regarding the alleged attack against Mr. Mabuza and Mr. Dube. The document states that there was a routine search, that Mr. Mabuza refused to be searched and that, while being ordered to adhere to the search, Mr. Mabuza then attacked the officer attending. Mr. Dube then joined in and attacked the officer from behind and then other officers used pepper spray to calm down the situation. There was never an assault on Mr. Mabuza and Mr. Dube.

In response to the IPU's wish to send a delegation from the Committee on the Human Rights of Parliamentarians to Eswatini, at a hearing held at the 145th IPU Assembly in October 2022 the then Speaker responded that he would welcome such a delegation. Subsequent attempts by the IPU to organize the mission have, however, not yet borne fruit with the Eswatini authorities. At the hearing held with the Committee on the Human Rights of Parliamentarians during the 148th IPU Assembly, the Eswatini delegation stated that the Committee was still welcome to come to Eswatini.

On the night of 21 January 2023, Eswatini human rights defender and lawyer Mr. Thulani Maseko – a lawyer previously representing both parliamentarians – was killed. United Nations and African Union experts immediately condemned the killing as “abhorrent” and demanded an impartial investigation. Mr. Maseko was a member of Lawyers for Human Rights Swaziland and chairperson of the Multi-Stakeholder Forum, a coalition of political opposition groups and civil society activists calling for constitutional reform in Eswatini. His murder remains unresolved to this day. At the hearing held with the Committee on the Human Rights of Parliamentarians during the 148th IPU Assembly, the Eswatini delegation stated that an investigation was ongoing but that further information was not available.

Since the protests broke out in Eswatini in 2021, the SADC and other international partners have strongly encouraged the Eswatini authorities to conduct a meaningful, substantive and inclusive national dialogue to discuss options for democratic and institutional reforms. At the hearing held with the Committee on the Human Rights of Parliamentarians during the 148th IPU Assembly, the Eswatini delegation stated that the national dialogue had since been concluded and had been very successful and that the relevant ministries were now tasked with adopting the corresponding implementation plans.

At the same hearing, the Eswatini delegation stated that the IPU trial observer had not been impartial, that their national justice system was intact and proper, and that the judge who ruled in the case was very experienced and had taken all relevant facts into account. The delegation said that Mr. Mabuza and Mr. Dube have the right to appeal the verdict and said that the charges against them concerned events that took place when Eswatini was very much in lockdown due to the COVID-19 pandemic regulations being in place and that in the course of the events in 2021 the lives of more than 30 people were lost. The delegation also said that if, Mr. Mabuza and Mr. Dube had been genuinely interested in pushing for the direct election of the Prime Minister, they should have chosen to achieve this outcome through their work in parliament, rather than by interacting with citizens outside of parliament and inciting them to violence.

B. Decision

The Governing Council of the Inter-Parliamentary Union

1. *Thanks* the Eswatini delegation to the 148th IPU Assembly for the extensive and valuable information provided at a hearing with the Committee on the Human Rights of Parliamentarians and its spirit of cooperation; *appreciates* the written communications that the parliamentary authorities have sent to the IPU throughout the treatment of this case; and *points out* that these communications have always been acknowledged and have always received a response;
2. *Takes note with great interest* of the latest report from the IPU trial observer; and *thanks* him for his thorough analysis and for his continued readiness to attend and report on the legal proceedings at hand;
3. *Is deeply concerned* that Mr. Mabuza and Mr. Dube were found guilty as a result of a trial that had shown serious shortcomings, as identified in the trial observer's reports; *is ever more convinced* that these reports, and the reasons given by the judge for the verdict she reached, give serious weight to the complainant's assertion that the criminal case came in response to the parliamentarians' public appeal to strengthen democracy, which falls squarely within the legitimate exercise of their right to freedom of expression; *strongly believes*, therefore, that both men should never have been detained and prosecuted in the first place; and *sincerely hopes* that the matter will still be resolved, in a way that is in line with applicable human rights standards, before the men are sentenced;
4. *Notes with great interest* that the planned national dialogue has taken place in Eswatini; *wishes* to receive more information on the concrete recommendations made in the course of the national dialogue and on specific actions planned to implement them, in particular in the area of political and democratic reforms; and *reiterates* the IPU's readiness to provide support for ongoing efforts in this regard;
5. *Reaffirms its belief* that, over and above ongoing and new efforts to strengthen democracy in Eswatini, a mission by the IPU Committee on the Human Rights of Parliamentarians, which would include meetings with all the relevant authorities, a meeting with the two members of parliament and their lawyers, along with meetings with relevant third parties, would offer a useful opportunity to discuss the issues that have emerged in the case at hand and to examine possible solutions; *is pleased to learn* that the Eswatini delegation informed the Committee on the Human Rights of Parliamentarians, at the hearing held during the 148th IPU Assembly, that such a mission would still be welcome; and *requests* the Secretary General to continue to engage with the current parliamentary authorities of Eswatini to dispatch the mission as soon as possible;
6. *Requests* the Secretary General to convey this decision to the Speaker of the House of Assembly, the complainant and any third party likely to be in a position to supply relevant information;
7. *Requests* the Committee to continue examining the case and to report back to it in due course.

Guinea-Bissau

*Decision adopted unanimously by the IPU Governing Council at its 213th session
(Geneva, 27 March 2024)*



© Facebook - Marciano Indi

GNB-13 - Marciano Indi
GNB-14 - Domingos Simões Pereira
GNB-15 - Angelo Regalla
GNB-16 - Banjai Bamba

Alleged human rights violations

- ✓ Abduction¹
- ✓ Threats, acts of intimidation
- ✓ Lack of due process at the investigation stage
- ✓ Violation of freedom of opinion and expression
- ✓ Violation of freedom of assembly and association
- ✓ Violation of freedom of movement
- ✓ Arbitrary invalidation of the election of a parliamentarian
- ✓ Abusive revocation or suspension of the parliamentary mandate
- ✓ Failure to respect parliamentary immunity
- ✓ Other acts obstructing the exercise of the parliamentary mandate
- ✓ Impunity

A. Summary of the case

The present case concerns the situation of four members of the National Assembly of Guinea-Bissau, including its speaker, Mr. Domingos Simões Pereira, Mr. Marciano Indi, Mr. Agnelo Regalla and Mr. Bamba Banjai, who have suffered human rights violations since 2020 for publicly criticizing the

Case GNB-COLL-01

Guinea-Bissau: Parliament affiliated to the IPU

Victims: Four opposition members of parliament

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

Submission of complaint: March 2024

Recent IPU decision(s): - - -

IPU mission(s): - - -

Recent Committee hearing: Hearing with the complainant during the 148th IPU Assembly in Geneva (March 2024)

Recent follow-up:

- Communication(s) from the authorities: - - -
- Communication from the complainant: March 2024
- Communication to the authorities: Letter to the President of the Republic: March 2024
- Communication to the complainant: March 2024

¹ This violation only concerns member of parliament Mr. Marciano Indi.

President of the Republic, Mr. Umaro Sissoco Embaló, and the Prime Minister, Mr. Nuno Gomes Nabiam.

On 23 May 2020, Mr. Marciano Indi, leader of the parliamentary group the United People's Alliance-Democratic Party of Guinea-Bissau *Alliance du Peuple Uni-Parti Démocratique de Guinée Bissau* (APU-PDGB), was abducted by individuals whom he identified as belonging to the National Guard, a security force that is under the authority and political auspices of the Ministry of the Interior. Shortly before his abduction, Mr. Indi had questioned the President's policy and calls to replace the opposition head of government.

Mr. Indi was beaten up, insulted and ill-treated by his kidnappers. The member of parliament nevertheless attempted to negotiate his release after overhearing a telephone conversation between one of the kidnappers and the Minister of the Interior. Mr. Indi was taken to the Ministry of the Interior, where he was placed in a cell for a few hours. According to the allegations, Mr. Indi had the opportunity to speak to the Minister of the Interior, who allegedly told him that everything would be resolved and begged him not to divulge anything to the media about what had happened. The member of parliament was then taken by his kidnappers to the house of the former Speaker of Parliament, where he was released. He was escorted back to his home by the former Speaker of Parliament. Having heard the telephone conversations between his kidnappers and the Minister of the Interior, as well as those between the former Speaker of Parliament and the President of the Republic, Mr. Indi understood that his kidnapping had been ordered by President Embaló and that he would receive no compensation for the harm he had suffered.

Regarding the situation of Mr. Agnelo Regalla, the member of parliament was shot outside his home on 7 May 2022 by uniformed armed men. Seriously injured, he was evacuated to Portugal for specialist medical treatment. The incident occurred the day after a press conference held at the headquarters of the African Party for the Independence of Guinea and Cape Verde (PAIGC), during which President Embaló's regime had been heavily criticized. The investigation opened by the judicial police was never completed.

On 3 February 2024, Mr. Bamba Banjai, a member of the parliamentary group MADEM-G15, to which the President of the Republic belongs, was arrested by the Secretary of State for Public Order at Bissau airport while awaiting the arrival of his party's leader. According to the complainant, the Secretary of State for Public Order was joined by several heavily armed police officers who took them to the Ministry of the Interior, where they were questioned and detained until 9 p.m. On 27 February 2024, after spending a few days in hiding due to serious death threats and attempts to re-arrest him, Mr. Banjai reportedly went to the Ministry of the Interior with his lawyer. On arrival, Mr. Banjai was allegedly subjected to intense interrogation for criticizing the regime during a press conference organized by the leaders of his political party. At 9 p.m., Mr. Banjai was allegedly taken to the Presidential Palace and continued to be questioned by President Embaló, who then ordered his release.

Concerning the Speaker of Parliament, Mr. Domingos Simões Pereira was arbitrarily deprived of his parliamentary mandate following the decision of the President of the Republic on 4 December 2023 ordering the dissolution of parliament following the legislative elections of 4 June 2023 on the grounds of an alleged coup d'état, the existence of which the opposition denies. According to the complainant, President Embaló's decision was prompted by the intervention of members of the National Guard to release two opposition ministers while they were being questioned by the judicial police. Clashes broke out between elements of the National Guard and the Presidential Guard special forces, resulting in at least two deaths. President Embaló reportedly decided to dissolve parliament after the security forces intervened on behalf of two opposition ministers.

Following the dissolution of parliament, the military reportedly used excessive force to prevent members of parliament from accessing the National Assembly's premises and holding their meetings. The operating budget of the National People's Assembly, approved in plenary session, was frozen on the orders of President Embaló. According to the complainant, President Embaló's decision to dissolve parliament is contrary to the Constitution, which prohibits the dissolution of parliament within 12 months of its inauguration (article 94 of the Constitution). The complainant accuses the President of the Republic of seeking to disrupt the functioning of parliament and change its current composition, which is dominated by the opposition.

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During a hearing before the Committee on the Human Rights of Parliamentarians at the 148th IPU Assembly in March 2024, the Bissau-Guinean parliamentary delegation, led by the President of the National People's Assembly, thanked the Committee for its interest and for its invitation to a hearing. The Speaker of Parliament acknowledged the many difficulties his country had faced in achieving political stability. Regarding the cases under examination by the Committee, the Speaker of Parliament explained that they were related to the November 2019 presidential elections, which had resulted in the disputed victory of President Embaló. After being declared the winner by the Electoral Commission in February 2020, Mr. Embaló had ended the PAIGC-led government by appointing a new prime minister. In October 2021, a coup d'état had reportedly been foiled, followed by a second attempt in February 2022. In May 2022, the President had decided to dissolve the parliament resulting from the March 2019 legislative elections, with legislative elections scheduled for December 2022. In the end, these were not held until June 2023.

The Bissau-Guinean delegation explained that the legislative elections in June 2023 represented a glimmer of hope and an opportunity for political parties to end to their differences. The PAIGC-led opposition came first with 54 of the 102 seats in parliament. According to the delegation, despite the different political opinions, parliament was functioning and an understanding seemed to be developing between the opposition and the majority, heralding a new era of political stability in the country. The delegation therefore questioned the reasons behind President Embaló's dissolution of parliament. In addition, the delegation pointed out that, from a constitutional point of view, the dissolution contravenes article 94 of the Constitution and the relevant rules on the matter because, if the President had valid reasons for dissolving parliament, he would have to present them to parliament and its standing committee, which would have to examine them. These provisions have not been respected.

According to the delegation, the political instability and arbitrary measures taken by President Embaló, including the dissolution of parliament, the dismissal of the President of the Supreme Court and several of its members, and the lack of independence of the Prosecutor General, facilitate human rights violations in Guinea-Bissau. Anyone who dares to criticize the President may find themselves kidnapped, beaten up and detained before being released without justice being done. The delegation reiterated that the opposition of all the political parties and public opinion to the dissolution of parliament was not a choice but a necessity, given that the absence of a parliament and of all the institutions guaranteeing the rule of law in Guinea-Bissau could lead to a disastrous situation in the country.

The parliamentary delegation said that the only way out of the crisis was for parliamentary functions to resume and for there to be a gradual return to the rule of law. On the eve of its hearing, the delegation had received information that the President of the Republic might be on the verge of reaching such a conclusion, as the Prime Minister had reportedly announced the withdrawal of military forces from parliament.

B. Decision

The Governing Council of the Inter-Parliamentary Union

1. *Notes that the complaint concerning the case of Mr. Domingos Simões Pereira, Mr. Marciano Indi, Mr. Agnelo Regalla and Mr. Bamba Banjai is admissible, considering that the complaint: (i) was submitted in due form 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); (ii) concerns incumbent members of parliament at the time of the alleged facts; and (iii) concerns allegations of abduction, threats, acts of intimidation, lack of due process at the investigation stage, violation of freedom of opinion and expression, violation of freedom of assembly and association, violation of freedom of movement, arbitrary invalidation of the election of a parliamentarian, abusive revocation or suspension of the parliamentary mandate, failure to respect parliamentary immunity, other acts obstructing the exercise of the parliamentary mandate, and impunity, which are allegations that fall within the Committee's mandate;*

2. *Thanks* the parliamentary authorities of Guinea-Bissau for the information provided during their meeting with the Committee on the Human Rights of Parliamentarians at the 148th IPU Assembly;
3. *Denounces* the violations suffered by the four parliamentarians, in particular the abduction of Mr. Indi, the violent attack perpetrated against Mr. Regalla and the arbitrary arrest of Mr. Banjai, violations which have so far gone unpunished even though the identity of the alleged perpetrators is known; and *regrets* the absence of serious judicial investigations into these various cases and the failure of the Bissau-Guinean justice system to protect the physical integrity of these parliamentarians and to ensure that their rights are respected, including their right to freedom of expression and assembly;
4. *Urges* the competent authorities in Guinea-Bissau to take all necessary steps to ensure that the violations suffered by these four parliamentarians are properly investigated and that the perpetrators of these crimes are held accountable; and *stresses* that offences of this kind against opposition parliamentarians, particularly if they go unpunished, encourage their repetition and contribute to a climate of impunity in which other critical voices in society can no longer be heard, with potentially serious repercussions;
5. *Expresses its concern* at the dissolution of the Parliament of Guinea-Bissau in disregard of the relevant constitutional provisions, which is likely to have serious consequences for the democratic functioning of the country; *expresses its solidarity* with the Parliament of Guinea-Bissau; *stresses* that its dissolution directly affects the individual rights of members of parliament, including its President, Mr. Pereira, and deprives the citizens of Guinea-Bissau of political representation; and *hopes*, in view of the information received at the hearing, that parliamentary functions will be restored as soon as possible to facilitate a return to the rule of law in the country;
6. *Requests* the Secretary General to convey this decision to the parliamentary authorities, the complainant and any third party likely to be in a position to supply relevant information;
7. *Requests* the Committee to continue examining the case and to report back to it in due course.

Israel

*Decision adopted unanimously by the IPU Governing Council at its 213th session
(Geneva, 27 March 2024)*



© Member of Knesset Ofer Cassif

ISR-22 – Ofer Cassif

Alleged human rights violations

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

A. Summary of the case

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

After collecting the signatures of 85 members of the Knesset supporting Mr. Cassif's expulsion, the issue was referred to the Knesset House Committee for approval. According to the Israeli Basic Law, the Knesset can expel a member if (s)he expresses support for armed struggle against the State of Israel, provided that 90 Knesset members, or 75 per cent, have voted in favour of the motion.

On 30 January 2024, after a sitting that lasted two days, the Knesset House Committee endorsed the motion to expel Mr. Cassif. Fourteen Committee members had voted in favour of and two against the motion, which moved the motion for expulsion to the Knesset plenary. Mr. Cassif has reiterated that his support for South Africa's case against Israel is a plea to end the war in Gaza. He also said in

Case ISR-22

Israel: Parliament affiliated to the IPU

Victim: An opposition member of parliament

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

Submission of complaint: January 2024

Recent IPU decision(s): - - -

IPU mission(s): - - -

Recent Committee hearing(s): - - -

Recent follow-up:

- Communication from the authorities: - - -
- Communication from the complainant: February 2024
- Communication to the authorities: Letter to Knesset Speaker (January 2024)
- Communication to the complainant: February 2024

several interviews that he had condemned the 7 October attack against Israel and that he had never shown any support to the terrorist group Hamas.

On 19 February 2024, the motion to expel Mr. Cassif failed to gain the needed majority in plenary, as only 85 of the 120 members of the Knesset backed the motion to oust Mr. Cassif in a plenum session, which was five votes short of the 90-seat supermajority required. Despite the failure of the expulsion process, the complainant underlined that those who voted in favour of Mr. Cassif's expulsion were the Knesset Speaker, Prime Minister Netanyahu, and the Chair of the Ethics Committee.

The complainant added that Mr. Cassif was the victim of unfair and undemocratic proceedings and that his political orientation, being the only Jewish member of the Arab-majority Hadash-Ta'al party, was the reason behind his persecution. The complainant stated that since the expulsion case began there has been a constant rise in threats against Mr. Cassif, who requires permanent security protection.

On 7 October 2023, Hamas-led gunmen from the Gaza Strip launched an attack in southern Israel, deliberately killing civilians and taking hostages back to Gaza. In response to the attack, Israel launched an offensive against Gaza, which has caused large-scale loss of human lives and widespread destruction. In December 2023, South Africa filed a case at the ICJ alleging that Israel was engaging in "genocidal acts" in Gaza. South Africa requested the ICJ to order Israel to halt operations in Gaza immediately and to rule on several interim steps to be taken against Israel, which has strongly rejected the allegation, calling it "baseless". On 26 January 2024, the ICJ issued "emergency measures", instructing the State of Israel to prevent its military from committing acts that might be considered genocidal, to prevent and punish incitement to genocide, and to enable the provision of humanitarian assistance to the people of Gaza. Israel is obliged to comply with the ICJ's measures.

On 25 March 2024, the United Nations Security Council passed a resolution expressing deep concern about the catastrophic humanitarian situation in the Gaza Strip and demanding an immediate ceasefire for the month of Ramadan, the immediate and unconditional release of hostages, as well as "the urgent need to expand the flow of humanitarian assistance to and reinforce the protection of civilians in the entire Gaza Strip".

B. Decision

The Governing Council of the Inter-Parliamentary Union

1. *Notes* that the complaint concerning the situation of Mr. Ofer Cassif was not declared admissible by the Committee on the Human Rights of Parliamentarians under its Procedure for the examination and treatment of complaints on 26 March 2024;
2. *Notes* in this regard that, although the Committee considered that all other admissibility criteria had been met, the fact that the motion to expel Mr. Cassif had failed to pass in plenary and that he was able to retain his parliamentary seat in the Knesset meant that the basis for the original complaint had become moot;
3. *Deeply regrets*, however, that Mr. Cassif was the subject of an expulsion procedure for expressing his opinion on a public issue and that he was the target of hateful comments and intimidation due to his political affiliation; and *also regrets* the lack of response of the Israeli authorities regarding the complaint of Mr. Cassif, despite its repeated requests for information;
4. *Expresses concern* that members of the Knesset could be expelled on the basis of opinions and comments expressed publicly because they are deemed to be against the State of Israel; and *considers* that the reasons for which the expulsion procedure can be invoked infringe upon the right to freedom of expression of members of the Knesset and hinder the legitimate exercise of their parliamentary mandate, which should be protected by parliamentary immunity;
5. *Calls on* the Israeli authorities to ensure that the rights of members of the Knesset, including their right to freedom of opinion and expression, are upheld and their parliamentary immunity is protected; and *underlines* in this respect that freedom of expression goes to the heart of democracy, is essential to members of parliament and includes not only speech, opinions and expressions that are favourably received or regarded as inoffensive, but also those that may offend, shock or disturb others;

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6. *Requests* the Secretary General to convey this decision to the Speaker of the Knesset and the complainant.

Kyrgyzstan

*Decision adopted unanimously by the IPU Governing Council at its 213th session
(Geneva, 27 March 2024)*



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KGZ-02 – Adakhan Madumarov

Alleged human rights violations

- ✓ Torture, ill-treatment and other acts of violence
- ✓ Arbitrary arrest and detention
- ✓ Inhumane conditions of detention
- ✓ Lack of due process in proceedings against parliamentarians
- ✓ Violation of freedom of opinion and expression
- ✓ Failure to respect parliamentary immunity

A. Summary of the case

Mr. Adakhan Kumsanbayevich Madumarov is a seasoned parliamentarian and former Speaker of the Kyrgyz Parliament, the *Jogorku Kenesh* (Supreme Council). Mr. Madumarov was the main challenger to interim President Sadyr Japarov in the 2021 presidential elections, and is also the leader of *Butun Kyrgyzstan* (United Kyrgyzstan), one of the largest opposition parties in parliament. According to the complainant, on 2 September 2023, as Mr. Madumarov was out on a stroll with his 13-year-old son, they were both arrested by a *Spetsnaz* (special forces) unit led by agents of the Central Investigative Department of the Interior Ministry. His son was later released and the parliamentarian transferred to the Bishkek Pervomaysky District Court, where he was charged with high treason and ordered to be held in pretrial detention in a State Committee on National Security (GKNB) remand prison. Shortly after his arrest, GKNB Chairperson Kamchybek Tashiev made statements that seemed to presume Mr. Madumarov's guilt.

The complainant stresses that Mr. Madumarov has remained in detention until now with no possibility of continuing to carry out his mandate, as every appeal for his release has been rejected without justification. In addition, the complainant claims that Mr. Madumarov faces mistreatment and inhumane conditions of detention while being arbitrarily detained, as he suffers from a range of serious chronic health conditions, including type-2 diabetes and serious hypertension. The complainant stresses that the prolonged detention of Mr. Madumarov violates sections 3 and 6 of Government of

Case KGZ-02

Kyrgyzstan: Parliament affiliated to the IPU

Victim: Opposition member of parliament

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

Submission of complaint: January 2024

Recent IPU decision: February 2024

IPU Mission(s): - - -

Recent Committee hearing: Hearing with the delegation of Kyrgyzstan to the 148th IPU Assembly in Geneva (March 2024)

Recent follow-up:

- Communication(s) from the authorities: - - -
- Communication from the complainant: January 2024
- Communication to the authorities: February 2024
- Communication to the complainant: January 2024

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the Kyrgyz Republic Decree No. 296 of 20 June 2018 on the approval of the list of serious diseases preventing the detention of suspects and accused persons.

The complainant adds that, in March 2022, the *Jogorku Kenesh* rejected the Prosecutor General's initial request to lift Mr. Madumarov's immunity. However, following a new request in June 2023, parliamentarians rejected charges related to preparing mass riots and attempting to seize power but allowed the abuse of power case against Mr. Madumarov to go ahead. The complainant stressed that the fact that the authorities subsequently upgraded the abuse of power charge to the charge of high treason was never explained and therefore maintains that the arbitrary arrest of Mr. Madumarov violates his parliamentary immunity. The complainant adds that the authorities later introduced embezzlement charges related to an old electoral donation supported by questionable evidence. The complainant adds that parliament's approval to prosecute in the embezzlement charge case was never sought and stresses that both charges have exceeded the statute of limitations. The complainant adds that the Pervomaysky District Court further violated Mr. Madumarov's rights by extending his custody and declaring the proceedings a closed trial. The complainant highlights the arbitrary classification of the case as "secret", imposing a non-disclosure obligation on Mr. Madumarov's lawyers and undermining their ability to defend their client.

According to the complainant, the charge of high treason against Mr. Madumarov is related to his participation in a bilateral meeting with officials of Tajikistan in March 2009, where he was sent, together with a larger delegation, as Secretary of the Security Council to discuss long-standing issues related to the undemarcated border between the two countries. The complainant adds that Mr. Madumarov was acting on instructions from the then President of Kyrgyzstan when he co-signed the protocol (minutes) of the meeting, during which the idea of a land swap had been discussed. According to the complainant, the document carries no legal value, as it was neither endorsed by parliament nor implemented.

The complainant concludes that the reason for Mr. Madumarov's detention, which violates Kyrgyz due process standards, is to punish him for his criticism of the authorities, including his opposition to a recent controversial land-swap deal with Uzbekistan, and to attempt to stamp out opposition in parliament. Statements from his party describe a campaign of "unthinkable threats, psychological pressure and criminal prosecution" following the 2020 elections and the subsequent political upheaval. Regarding Mr. Madumarov specifically, the statement reads that there is "no doubt that the protocol of 2009 is just a pretext for the total destruction of our party and our leader".

During the 148th IPU Assembly, the IPU Committee on the Human Rights of Parliamentarians met with representatives of the Permanent Mission of the Kyrgyz Republic to the United Nations Office and other international organizations in Geneva, who responded to its questions related to the case. In particular, they elaborated on the sensitive nature of the border dispute with Tajikistan following an armed attack by Tajik armed forces in September 2022, which had caused 64 casualties and 250,000 internally displaced persons. According to the authorities, the seriousness of this matter had led the presiding judge to conduct the trial in secret. As a result, much of the information sought by the Committee could not be made available. Nevertheless, the representatives of the authorities undertook to share with the Committee any information that was made available as soon as possible. In addition, the authorities stated that during a court hearing on 19 March 2024 the prosecutor had requested that Mr. Madumarov be found guilty of both offences with no prison sentence, as the statute of limitations had expired for both charges. On 26 March 2024, the complainant communicated that Mr. Madumarov was found guilty of abuse of power and embezzlement but received no prison sentence. However, the complainant reports that he has to remain in detention until the criminal proceedings have been concluded, which is apparently unlawful.

B. Decision

The Governing Council of the Inter-Parliamentary Union

1. *Notes* that the complaint concerning the situation of Mr. Madumarov, a member of the Kyrgyz Parliament at the time of the initial allegations, was declared admissible by the Committee on the Human Rights of Parliamentarians under its Procedure for the examination and treatment of complaints on 7 February 2024;
2. *Thanks* the representatives of the Permanent Mission of the Kyrgyz Republic to the United Nations Office and other international organizations in Geneva for the information provided at a hearing with the IPU Committee on the Human Rights of Parliamentarians during the 148th IPU Assembly in Geneva; and *looks forward* to receiving additional information from the relevant authorities, in particular from parliament, in response to its queries;
3. *Is dismayed* that Mr. Madumarov has remained in prison for more than seven months with no possibility of exercising his mandate; *fails to see why* his arrest and prolonged detention were necessary to investigate the allegations made against him; *is worried* by reports that his detention puts his health at risk and by the allegation that the repeated requests for an end to his deprivation of liberty on the grounds that his detention is unlawful have been dismissed without justification; and *calls on* the authorities to release Mr. Madumarov without delay;
4. *Expresses concern* over reports that he was arrested despite the fact that his immunity had not been lifted for the charges brought against him; *is concerned* that the Chairperson of the GKNB reportedly made statements that seemed to presume Mr. Madumarov's guilt shortly after his arrest; *is deeply worried* by multiple allegations that his right to a fair trial has been denied and that the evidence presented against him is unrelated to the charges brought; *welcomes* the information provided by the authorities that Mr. Madumarov is not expected to be sentenced to prison as the statute of limitations for the charges has expired; *calls on* the authorities to make every effort to protect Mr. Madumarov's rights to a fair trial and to exercise his parliamentary mandate without any undue interference and to ensure that he is able to resume his parliamentary duties without delay; and *looks forward* to hearing from the parliamentary authorities on the points made above;
5. *Requests* the Secretary General to convey this decision to the Speaker of the Kyrgyz Parliament (*Jogorku Kenesh*), the complainant and any third party likely to be in a position to supply relevant information;
6. *Requests* the Committee to continue examining the case and to report back to it in due course.

Madagascar

*Decision adopted unanimously by the IPU Governing Council at its 213th session
(Geneva, 27 March 2024)*



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MDG-17 – Fetra R. Razafitsimalona

Alleged human rights violations

- ✓ Threats, acts of intimidation
- ✓ Arbitrary arrest and detention
- ✓ Excessive delays in proceedings
- ✓ 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

On 8 November 2023, during a demonstration by a group of 10 presidential candidates, member of parliament Fetra R. Razafitsimalona was arrested for taking part in an unauthorized demonstration held to protest against the lack of transparency of the presidential election. According to the complainants, the presidential election was considered fraudulent in view of the measures taken by the incumbent government, including the excessive use of force to break up the demonstrators. In addition, seven months before the official start of the presidential election, the Minister of the Interior had reportedly announced a ban on political demonstrations in public places.

The complainants claim that the member of parliament was detained on the premises of the Criminal Investigation Unit of Fiadanana and that his appearance before the Public Prosecutor's Office was extended by 48 hours for no valid reason. He was subsequently charged with inciting the population to take part in unauthorized demonstrations and was briefly remanded in custody before being released on 17 November 2023 under judicial supervision.

Case MDG-17

Madagascar: Parliament affiliated to the IPU

Victim: An opposition member of parliament

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

Submission of complaint(s): November 2023

Recent IPU decision(s): - - -

IPU mission(s): - - -

Recent Committee hearing(s): - - -

Recent follow-up:

- Communication from the authorities: Letter from the Speaker of the National Assembly (March 2024)
- Communication from the complainants: November 2023
- Communications to the authorities: Letters to the Speaker of the National Assembly: (March 2024)
- Communication to the complainants: March 2024

Mr. Razafitsimalona was supposed to be tried on 19 December 2023 but the decision was postponed to 30 January, then 6 February and then again to 12 March 2024. The complainants stated that the court had referred the case to the High Constitutional Court because of the objection of unconstitutionality raised by the parliamentarian's lawyers, who claimed that Mr. Razafitsimalona had been arrested, detained and charged in violation of his constitutional right to parliamentary immunity as guaranteed under article 73 of the Constitution of Madagascar.

The complainants state that the accusations made against Mr. Razafitsimalona violate his right to freedom of expression and assembly. Further, they allege that the proceedings were brought against him because he had peacefully expressed his opposition to the conditions in which the presidential election was held.

In their letter of 18 March 2024, the parliamentary authorities stated that the National Assembly had taken a number of measures to protect Mr. Razafitsimalona's rights. Indeed, after a meeting with the members of the Standing Bureau, the Assembly had decided to send a letter to the Minister of Justice on 6 December 2023 to ask that Mr. Razafitsimalona's parliamentary immunity be respected, recalling the relevant constitutional provisions during the parliamentary session. In their letter to the Minister of Justice, the parliamentary authorities recalled that, in line with the provisions of article 73, paragraph 2, of the Constitution and article 112 of the National Assembly's Rules of Procedure, any proceedings brought against parliamentarians during a parliamentary session required their parliamentary immunity to be lifted. The parliamentary authorities recalled that the request to lift parliamentary immunity should be made in writing, by the Minister of Justice, to the Standing Bureau of the National Assembly, which was not done.

The parliamentary authorities added that some members of parliament had heckled the Minister of Justice when she visited the National Assembly during its recent extraordinary sitting in February 2024. The Speaker of the Assembly said in her letter that she had received no official, satisfactory response to date.

Further, the parliamentary authorities said in their letter of 18 March 2024 that the objection of unconstitutionality raised by Mr. Razafitsimalona's lawyers had been deemed inadmissible by the High Constitutional Court in its decision of 22 February 2024, a copy of which was forwarded to the Committee by the National Assembly. In its decision, the High Constitutional Court considered that the objection of unconstitutionality formulated by Mr. Razafitsimalona, seeking to interpret article 73 of the Constitution on parliamentary immunity and *flagrante delicto*, could be likened to a request for an opinion for the purposes of interpretation of a constitutional provision. However, under article 119 of the Constitution, that privilege was reserved exclusively for heads of institutions and for all decentralized local government bodies. The High Constitutional Court thus considered that the parliamentarian's referral of the case to the court could not be considered to be an objection of unconstitutionality within the meaning of article 118² of the Constitution, and that it should therefore be declared inadmissible.

The decision of the Antananarivo Court on Mr. Razafitsimalona's case will be handed down on 9 April 2024.

B. Decision

The Governing Council of the Inter-Parliamentary Union

1. *Notes* that the complaint concerning the situation of Mr. Fetra R. Razafitsimalona is admissible, considering that the complaint: (i) was submitted in due form 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); (ii) concerns an incumbent member of the National Assembly at the time of the alleged facts;

² Article 118, paragraph 1, of the Constitution of Madagascar: "A Head of Institution or one quarter of the members of one of the Parliamentary Assemblies or the bodies of the decentralized local government or the High Council for the Defence of Democracy and the Rule of Law may refer to the Constitutional Court, for review of constitutionality, any legislative or regulatory text as well as all matters falling within its jurisdiction".

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and (iii) concerns allegations of threats and acts of intimidation, arbitrary arrest and detention, excessive duration of proceedings, violation of freedom of opinion and expression, violation of freedom of assembly and association, violation of freedom of movement and violation of parliamentary immunity, allegations which fall under the Committee's mandate;

2. *Thanks* the parliamentary authorities for their letter of 18 March 2024; *welcomes* the measures taken by the National Assembly to protect Mr. Razafitsimalona's rights, including his right to parliamentary immunity; and *wishes* to be kept informed of any response received from the Minister of Justice;
3. *Regrets* that Mr. Razafitsimalona has been tried for carrying out his parliamentary mandate by participating in a demonstration held to denounce the decisions taken by the incumbent government the day before the presidential election; *expresses its concern* at the decision of the Minister of the Interior to ban political demonstrations in public places; and *considers* that this decision constitutes a serious violation of the civil and political rights of Malagasy citizens;
4. *Calls on* the judicial authorities to drop the charges against Mr. Razafitsimalona; and *hopes* that the decision to be handed down on 9 April 2024 by Antananarivo Court will clear the parliamentarian of the charges against him, since they appear to be based merely on the peaceful exercise of his rights to freedom of expression, association and assembly, which are guaranteed under the International Covenant on Civil and Political Rights, to which Madagascar has acceded;
5. *Notes* the decision of the High Constitutional Court dismissing the objection of unconstitutionality raised by Mr. Razafitsimalona; *stresses*, nevertheless, that parliamentary immunity constitutes one of the most fundamental rights of the representatives of the people, the aim of which is to guarantee their right to freedom of opinion and expression and protect them from politically motivated judicial proceedings; and *encourages* the Malagasy authorities to take all necessary measures to improve the protection of the rights of all parliamentarians, including the right to freedom of opinion and expression;
6. *Requests* the Secretary General to convey this decision to the Speaker of the Parliament of Madagascar, the complainants and any third party likely to be in a position to supply relevant information;
7. *Requests* the Committee to continue examining the case and to report back to it in due course.

Pakistan

*Decision adopted unanimously by the IPU Governing Council at its 213th session
(Geneva, 27 March 2024)*



Security forces stand guard outside Attock prison, where Mr. Imran Khan is being held. | Abdul MAJEED / AFP

PAK-26 – Muhammad Azam Khan Swati

PAK-27 – Imran Khan

PAK-28 – Aliya Hamza Malik (Ms.)

PAK-29 – Ejaz Chaudhary

PAK-30 – Kanwal Shauzab (Ms.)

Alleged human rights violations

- ✓ Enforced disappearance
- ✓ Torture, ill-treatment and other acts of violence
- ✓ Threats, acts of intimidation
- ✓ Arbitrary arrest and detention
- ✓ Inhumane conditions of 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
- ✓ Abusive revocation or suspension of the parliamentary mandate
- ✓ Failure to respect parliamentary immunity
- ✓ Impunity
- ✓ Other violations: right to privacy
- ✓ Other violations: gender-based discrimination
- ✓ Other violations: right to take part in the conduct of public affairs

A. Summary of the case

The current case concerns five parliamentarians from the *Pakistan Tehreek-e-Insaf* (PTI) party who, according to the complainant, have been persecuted as a result of their opposition to the military authorities of Pakistan following a vote of no confidence that ousted Mr. Imran Khan's government on

Case PAK-COLL-01

Pakistan: Parliament affiliated to the IPU

Victims: Five opposition members of the Parliament of Pakistan (two females and three males)

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

Submission of complaints: December 2022 and September 2023

Recent IPU decision: October 2023

IPU Mission(s): - - -

Recent Committee hearing: Hearing with a member of the delegation of the Senate of Pakistan at the 147th IPU Assembly (October 2023).

Recent follow-up:

- Communication from the authorities: October 2023
- Communication from the complainant: October 2023
- Communication to the authorities: September 2023
- Communication to the complainant: October 2023

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14 April 2022. The complainant reports that, since then, the authorities have interfered with the demonstrations organized by Mr. Khan by arresting over 400 PTI officials and banning rallies over vaguely defined security concerns. According to the complainant, despite mounting pressure, Mr. Khan and his supporters continued their marches to demand fresh elections. The complainant reports that protesters were frequently met with a disproportionate use of force, which left Ms. Shauzab with long-term injuries.

The complainant also reports that, on 13 October 2022, Senator Azam Swati was abducted by armed men belonging to the Federal Investigation Agency (FIA), tortured and arbitrarily detained following a tweet criticizing the outgoing chief of staff, General Qamar Javed Bajwa. On 26 November 2022, Mr. Swati was arrested by the FIA again hours after posting a tweet criticizing Mr. Bajwa and detained at an undisclosed location, raising fears that he was the victim of enforced disappearance. However, after a campaign to secure his release by a number of parliamentarians, he was freed on bail on 3 January 2023. The bail order contained a warning, however, that should Mr. Swati "repeat the offence" the order would be revoked.

The complainant reports that, on 4 November 2022, Mr. Khan was shot and wounded while leading a peaceful protest. The complainant alleges the gun attack was one of several assassination attempts on Mr. Khan and reports that these incidents were not properly investigated, as Mr. Khan's complaints to the police against Director General of Counter Intelligence Faisal Naseer remained unregistered for a prolonged time, prompting the intervention of the Supreme Court. The complainant reports that, on 8 March 2023, the police stormed his residence and brutalized Mr. Khan's staff, leading to the death of a PTI official. According to the complainant, following the attack on Mr. Khan's residence, his supporters were banned from protesting and the media were banned from mentioning Mr. Khan's name.

According to the complainant, on 9 May 2023 Mr. Khan was arrested on a charge of misdeclaration of the proceeds from the sale of state gifts, prompting mass protests and unrest. Some demonstrations became the scene of violence, as several state and military facilities were targeted by arsonists amid an internet blackout. The complainant alleged that the violent incidents were staged by the military authorities as part of a false-flag operation to frame Mr. Khan and disintegrate the PTI party. According to the complainant, the authorities were swift in assigning blame to the PTI and unfurled a widespread campaign of violent arrests, killing five PTI activists in the process and detaining over 5,000 people, including Mr. Ejaz Chaudhary and Ms. Aliya Hamza, while Ms. Shauzab, Mr. Swati and other members of parliament went into hiding to avoid further persecution. The complainant adds that dozens of PTI parliamentarians have been intimidated into changing sides or face multiple charges ranging from sedition to terrorism under draconian laws.

According to the complainant, Mr. Khan was later released, following a Supreme Court ruling that his arrest was illegal. However, the complainant reports that Mr. Khan was violently arrested on 5 August 2023 and sentenced to three years in prison, deprived of his seat and barred from taking part in elections for five years over the alleged sale of state gifts. Since then, Mr. Khan has faced over 180 charges, including leaking state secrets, corruption, treason and organizing violent protests. On 29 August 2023, the Islamabad High Court suspended his conviction and freed him on bail, yet Mr. Khan remained in prison on the basis of a multitude of other charges against him. According to the complainant, Mr. Khan then remained in maximum-security prisons reserved for terrorists and violent militants where he is kept in appalling conditions. The complainant adds that Mr. Khan's health has deteriorated considerably in recent weeks and that he has been denied adequate medical assistance and visits from a physician of his choice, raising fears that he is being slowly killed. The complainant also shared concerns for the health of Ms. Hamza and Mr. Chaudhary and alleged that they faced similar obstructions while they are being held on remand. According to the complainant, their trials are riddled with violations of due process and excessive delays. On 31 January 2024, Mr. Khan and his wife were handed a 14-year prison term in the "state gifts case", a day after another special court found Mr. Khan guilty of disclosing state secrets, sentencing him to 10 years and removing his political rights days before general elections were held.

A trial observer mandated by the IPU travelled to Islamabad on 23 July 2023 to follow the trial *in absentia* of Mr. Swati and prepared a report based on the information provided by the state attorneys and his lawyer. According to the report, his arrest and detention "may be described as a punishment for his exercise of the rights to freedom of expression and opinion". The trial observer also concluded that judicial and executive authorities interpret the relevant laws in such a way that "no citizen is

allowed to criticize [the] army". In addition, the report expressed concern at the use of multiple charges for the same occurrence, suggesting that the motive of that practice was to keep him in custody.

The complainant emphasizes that the authorities have targeted female members of parliament to silence the voice of women who support the PTI. In particular, the complainant reports that Ms. Hamza is subjected to frequent invasive body searches during the night and held in close proximity to hardened criminals as a way to intimidate her. The complainant further reports that Ms. Shauzab, the President of the PTI women's wing, has received threats calling on her to leave political life. The complainant shared copies of these threats with the Secretariat and stressed that her complaints to the authorities were to no avail. According to the complainant, these violations have to be seen within a pattern of state repression and impunity designed to create an atmosphere of fear and intimidation for the opposition.

During a hearing with the Committee on the Human Rights of Parliamentarians, a member of the Pakistani delegation to the 147th IPU Assembly indicated that several procedures are available to allow PTI parliamentarians to seek redress, including by requesting that the parliamentary leadership issue production orders to allow detained parliamentarians to take part in parliamentary sessions, and invited PTI parliamentarians to follow these procedures. However, the complainant later shared that all production orders delivered were ignored by the security sector.

Elections were eventually held in Pakistan on 8 February 2024 after a controversial delay past the constitutionally mandated deadline. According to the complainant, the elections were mired in controversy, including a connectivity blackout, accusations of rigging and other instances of arbitrary interference with the voting process, including a ban on the use of the party symbol for the PTI. Nevertheless, the elections resulted in the biggest electoral upset in the history of the country, with over 80 seats going to PTI candidates who had campaigned as independents, ahead of any other party. However, the complainant maintains that none of the parliamentarians in the case were able to take part in elections, as all of them were either detained or in hiding, with the exception of Ms. Shauzab who faced overwhelming obstacles and threats, as well as an unjustified refusal to accept her election registration papers.

B. Decision

The Governing Council of the Inter-Parliamentary Union

1. *Thanks* the delegation of Pakistan to the 148th IPU Assembly for its willingness to meet with the Committee on the Human Rights of Parliamentarians and for its cooperation, even though, for reasons that are independent of the availability of the Pakistani delegation, the meeting did not take place; and *hopes* that such a meeting can take place in the future;
2. *Strongly regrets* that the authorities did not see fit to implement the decision of the Governing Council of 27 October 2023 and did not allow the parliamentarians in this case to take part in the 2024 general elections freely; *considers*, in light of the information made available to it, that the intimidation faced by the parliamentarians concerned amounts to a violation of their right to take part in the conduct of public affairs as enshrined in the International Covenant on Civil and Political Rights, to which Pakistan is a party; and *strongly believes* that parliament bears a responsibility to identify and address the root causes of what led to this outcome and do its utmost to ensure that such violations do not recur in the future, so that all members of parliament are able to take part in future elections without any undue interference;
3. *Is profoundly concerned* by the increasingly grave allegations conveyed by the complainant in this case, including allegations of torture, inhumane treatment and arbitrary arrest and detention; *is deeply concerned* by information shared by the families of the detained parliamentarians who took part in a hearing with the Committee during its 173rd session in January 2024, including reports of the inhumane conditions of detention of the detained parliamentarians, as well as by the practice of issuing numerous first information reports for the same occurrences with the alleged intention of keeping Mr. Khan, Ms. Hamza and Mr. Chaudhary in prison, even though they had received several judgments ordering their release; *urges* the competent authorities to release all detained parliamentarians without delay and to ensure that all their rights are fully respected; until then, *calls on* the authorities to urgently provide detailed information on the three detained parliamentarians above, including on their location, their state of health, their ability to receive visits from a physician of their choice

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and from their family members without any undue interference; and *wishes* to be informed of the outcome of the actions taken by parliament within its constitutional powers and prerogatives to that end;

4. *Is also concerned* by the persistent pattern of allegations of lack of due process and impunity in previous cases of parliamentarians in Pakistan; *is particularly shocked* by allegations that such violations are being used to pressure opposition parliamentarians into changing their allegiance and by reports that only such parliamentarians who have yielded to pressure are relieved from arbitrary actions against them; and *considers* in this regard that parliament has a vested interest and an undeniable duty to ensure that the rights of all its members, irrespective of their political allegiance, opinion or religion, are fully protected and that no affront to their rights and dignity is left unpunished, irrespective of the position of the violators;
5. *Hopes* to be able to rely on the support of parliament in ensuring that the rights of parliamentarians in this case are protected in full, including their right to a fair trial; and *reiterates its wish* to be kept informed of the dates of the trial and of any other relevant judicial developments in the case, as well as to receive a copy of the relevant legal provisions in preparation for an upcoming trial observation mission to Pakistan;
6. *Is convinced* that, in light of the aforesaid concerns, a Committee mission to Pakistan to discuss the issues at hand directly with all the relevant authorities and other stakeholders is needed more than ever in order to help find swift satisfactory solutions to these cases in accordance with applicable national and international human rights standards; *sincerely hopes*, therefore, that the Pakistani authorities will be able to receive this mission as soon as practicable; and *requests* in this regard the Secretary General to engage with the parliamentary authorities of Pakistan with a view to the dispatch of the mission as soon as possible;
7. *Requests* the Secretary General to convey this decision to the competent authorities, the complainant and any third party likely to be in a position to supply relevant information;
8. *Requests* the Committee to continue examining this case and to report back to it in due course.

Palestine/Israel

*Decision adopted unanimously by the IPU Governing Council at its 213th session
(Geneva, 27 March 2024)*



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

PSE-02 – Marwan Barghouti

Alleged human rights violations

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

A. Summary of the case

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

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

Case PSE-02

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

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

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

Submission of complaint: April 2002

Recent IPU decision: November 2020

IPU mission(s): - - -

Recent Committee hearings:

- Hearing with the Palestinian complainants at the 162nd session of the CHRP (October 2020) and hearing with head of the parliamentary group of Fatah at the 139th IPU Assembly (October 2018)

Recent follow-up:

- Communications from the authorities: Letter from the head of the Knesset delegation to the IPU (March 2024); letter from the Speaker of the Palestinian National Council (October 2020)
- Communication from the complainants: March 2024
- Communications to the authorities: Letter to the Knesset Speaker (December 2023); letter to the Speaker of the Palestinian National Council (December 2023)
- Communication to the complainants: March 2024

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Mr. Foreman stated in his report that those breaches started with the illegal arrest and transfer of Mr. Barghouti to Israel in violation of the Oslo Agreements and the Fourth Geneva Convention. According to the report, Mr. Barghouti's claims that he was subjected to cruel, inhuman and degrading treatment during the interrogations have never been investigated. Regarding the conduct of the trial proceedings, the trial observer indicated that none of the prosecution witnesses, all Palestinians, had testified against Mr. Barghouti and provided any evidence of his involvement in the acts of which he is accused. On the contrary, some of them contested their "confessions" as having been obtained under duress, while others stated that they were forced to sign documents in Hebrew that they did not understand, and others took the opportunity to denounce Israeli politics in the occupied territories. Moreover, according to one of the sources, on 6 April 2003 the court reportedly accepted as Mr. Barghouti's testimony a report written by the Israeli intelligence services that Mr. Barghouti had refused to sign. Mr. Foreman also noted that, at the first hearings, the public present in the court room displayed a hostile attitude, calling Mr. Barghouti a "murderer, terrorist".

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

In the early years of his detention, several members of the Knesset called for the release of Mr. Barghouti, such as Knesset member Mr. Amir Peretz in March 2008, when he stated that Mr. Barghouti could be a key element in attaining stability and assuming responsibility of the PNA, and Mr. Gideon Ezra, a member of Kadima. Following Mr. Barghouti's election in August 2009 to Fatah's Central Committee, the Israeli Minister for Minority Affairs, Mr. Avishai Braverman, also expressed his support for his release.

On 17 April 2017, Mr. Barghouti initiated a mass hunger strike, joined by more than 1,000 Palestinian inmates, to protest against the abusive and inhumane conditions in which Palestinian inmates were allegedly being held by the Israeli authorities. While the Israeli prison service (IPS) had agreed to grant some of the detainees' requests, including increasing the number of monthly visits, the complainants stated that such requests had not been met.

During the hearing held with the Palestinian complainants in October 2020, the Committee on the Human Rights of Parliamentarians gathered information on the situation of Mr. Barghouti and other Palestinian inmates in Israeli prisons, including on visitation rights, which were severely restricted due to the COVID-19 pandemic. The Committee also learned about the difficult conditions that family members of those detained have to meet before they are granted access to visit their loved ones, which include International Committee of the Red Cross (ICRC) confirmation, Israeli permission to enter the country and making the lengthy trip to the prison facility. During the October 2020 hearing, the complainants also described the dire detention conditions in Israeli prisons, particularly their overcrowding. In their letter of 18 October 2020, the Israeli parliamentary authorities did not provide any information on Mr. Barghouti's conditions of detention, including his visiting rights.

The Committee on the Human Rights of Parliamentarians invited the Israeli authorities to a hearing during its session held during the 144th IPU Assembly in March 2022 to discuss Mr. Barghouti's case and resume dialogue. In their letter of 10 March 2022, the Israeli authorities declined the Committee's hearing invitation, considering that Mr. Barghouti had been duly convicted in a fair trial conducted in an Israeli court for murder, attempted murder and membership of a terrorist organization. The Israeli authorities added that, in light of these elements, they see "no reason to alter their position *vis-à-vis* the Committee on this case or any others pertaining to terrorists convicted in Israeli courts".

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

According to recent information shared by the complainants, Mr. Barghouti's detention conditions, as well as those of all the Palestinian inmates detained in Israeli prisons, have deteriorated since the Hamas attack of 7 October.

Since the beginning of the recent conflict, Mr. Barghouti has been transferred three to five times to unknown detention facilities in Israel. His lawyer reported that he was placed in solitary confinement for being suspected of planning the subsequent uprising (Intifada) in the West Bank and Gaza. According to the lawyer of another inmate, who saw Mr. Barghouti in his cell while visiting his client, the former member of parliament's face was covered in blood and displayed clear signs of beating. Mr. Barghouti's family stated that the Israeli prison service's officers are torturing him with regular beatings and sleep deprivation through playing the Israeli national anthem and the Israeli Declaration of Independence at full volume in his cell. Mr. Barghouti has no access to medical care and has lost significant weight due to the severe limitations imposed by the IPS on the food supply in all prison cells. According to his family, Mr. Barghouti and other Palestinians detained in Israel are fed two spoons of rice and a tomato per day.

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

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

According to a public report³ issued by Israeli human rights organizations, including the Public Committee Against Torture in Israel and Physicians for Human Rights Israel on 16 February 2024, "since Hamas' attack on October 7, 2023, and the subsequent Israeli offensive on Gaza, there has been a marked and severe escalation in the abuse of Palestinian detainees and prisoners incarcerated in Israeli prisons and detention facilities. Over the last four months, at least seven Palestinians have died while in custody in Israeli prisons and ad-hoc detention facilities, with initial evidence and testimonies suggesting that at least some of these deaths were connected to instances of severe violence by IPS officers". The report aims to address the widespread abuse inflicted by IPS officers on Palestinian prisoners.

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

With regard to the situation in Gaza, on 25 March 2024, the United Nations Security Council passed a resolution expressing deep concern about the catastrophic humanitarian situation in the Gaza Strip and demanding an immediate ceasefire for the month of Ramadan, the immediate and unconditional release of hostages, as well as "the urgent need to expand the flow of humanitarian assistance to and reinforce the protection of civilians in the entire Gaza Strip."

³

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

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B. Decision

The Governing Council of the Inter-Parliamentary Union

1. *Takes note* of the Israeli parliamentary authorities' letter of 18 March 2024; and *regrets*, however, the Israeli authorities' lack of willingness to engage constructively with the Committee about the case of Mr. Barghouti and the lack of concrete information on his detention conditions;
2. *Expresses deep concern* about the deteriorating detention conditions of Mr. Barghouti, including his apparent unjustified transfer to various detention centres and placement in solitary confinement in the absence of any valid reason; the reported torture and ill-treatment inflicted upon him; the reported denial of medical care and family visits; the lack of food, water, electricity and the deprivation of his basic human rights as a detainee, which could have life-threatening consequences; *urges* the Israeli authorities to treat Mr. Barghouti with respect for his inherent dignity and value as a human being, to prevent torture and other forms of ill-treatment, to investigate thoroughly the very serious allegations about his current treatment and to take the necessary action that may be warranted as a result of the outcome of the investigation;
3. *Deplores* the reported continued arbitrary decisions of the Israeli authorities with regard to Mr. Barghouti's visiting rights, which have not been respected, given that his family has been denied access to visit him for the past two years; *firmly recalls* the United Nations Standard Minimum Rules for the Treatment of Prisoners, according to which Mr. Barghouti's visitation rights should not be subject to arbitrary decisions authorizing or denying visits; *calls on* the relevant Israeli authorities to ensure that Mr. Barghouti is entitled to family visiting rights in accordance with the law and relevant international standards; and *wishes* to ascertain his current conditions of detention, with respect in particular to the frequency of visits and access to medical care;
4. *Reaffirms*, once more, its views that members of parliament are not above the law and that when they commit crimes they should be held accountable in a court of law following due process; *recalls* that Mr. Barghouti was a serving member of the Palestinian Legislative Council when charges of terrorism were brought against him; *recalls* in this regard the stringent legal arguments put forward in Mr. Foreman's report of 2003, on which the Israeli authorities have never provided their observations, that Mr. Barghouti's trial did not correspond to the fair trial standards that Israel, as a party to the International Covenant on Civil and Political Rights, was bound to respect; and *recalls*, in light of the report, that Mr. Barghouti's transfer to Israel had breached the Oslo Agreements and the Fourth Geneva Convention and had led the IPU to urge the Israeli authorities to transfer Mr. Barghouti to the custody of the Palestinian authorities with a view to his being prosecuted and judged by them, in accordance with international law and international fair trial standards;
5. *Affirms* that while it condemns the Hamas attack on 7 October 2023, deplores the lives it claimed and is deeply concerned about the fate of the remaining hostages, it considers that the State of Israel must uphold the rule of law and must stop any collective punitive measures against Palestinian detainees, including Mr. Barghouti, for unjustified reasons; and *calls on* the Israeli authorities to grant unrestricted access to Mr. Barghouti by his family and lawyer as well as the ICRC and ensure that his detention conditions are in line with Israel's obligations under international law;
6. *Sincerely hopes* that the Israeli authorities will consider the Committee's long-standing request to be granted permission to visit Mr. Barghouti;
7. *Stresses*, once more, that the many national and international reports denouncing the conditions of detention of Palestinian prisoners in Israeli prisons should be of concern to the Knesset; *reaffirms* that the Knesset can, and should, exercise its oversight function of the Israeli prison service with regard to the treatment of Palestinian prisoners and thereby help ensure that all persons under the jurisdiction and effective control of Israel are afforded the full enjoyment of the rights enshrined in the International Covenant on Civil and Political Rights; and *wishes* to know if the Knesset and individual members are allowed to carry out impromptu prison visits and, if so, to receive information on the applicable legal framework;

8. *Requests* the Secretary General to convey this decision to the competent authorities, the complainants and any third party likely to be in a position to supply relevant information;
9. *Requests* the Committee to continue examining this case and to report to it in due course.

Palestine/Israel

*Decision adopted unanimously by the IPU Governing Council at its 213th session
(Geneva, 27 March 2024)*



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

PSE-05 – Ahmad Sa'adat

Alleged human rights violations

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

A. Summary of the case

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

In April 2017, Mr. Sa'adat took part in a mass hunger strike by Palestinian detainees to protest against their detention conditions in Israeli prisons. He was reportedly moved at that time to solitary confinement in Ohlikdar Prison. According to the information gathered during a hearing with the Palestinian

Case PSE-05

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

Victim: Majority member of the Palestinian Legislative Council

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

Submission of complaint: July 2006

Recent IPU decision: November 2020

IPU mission(s): - - -

Recent Committee hearing:

- Hearing with the Palestinian complainants at the 162nd session of the CHRP (October 2020), and hearing with the head of the parliamentary group of Fatah at the 139th IPU Assembly (October 2018)

Recent follow-up:

- Communications from the authorities: Letter from the head of the Knesset delegation to the IPU (March 2024); letter from the Speaker of the Palestinian National Council (October 2020)
- Communication from the complainant: March 2024
- Communications to the authorities: Letters to the Knesset Speaker and the head of the Knesset delegation to the IPU (March 2022); letter to the Speaker of the Palestinian National Council (December 2021)
- Communication to the complainant: March 2024

complainants in October 2020, the strike had also been triggered by the 2017 decision of the Israeli authorities to reduce the number of monthly visits to one instead of two visits per month. The complainants stated that the Israeli authorities had promised to increase the number of monthly visits; however, this has yet to be done.

During the hearing held with the Palestinian complainants in October 2020, the Committee on the Human Rights of Parliamentarians gathered information on the situation of Palestinian inmates in Israeli prisons, including on visitation rights, which were severely restricted due to the COVID-19 pandemic. The Committee also learned about the difficult conditions that family members of those detained have to meet before they are granted access to visit their loved ones, which include International Committee of the Red Cross (ICRC) confirmation, Israeli permission to enter the country and making the lengthy trip to the prison facility. During the October 2020 hearing, the complainants also described the dire detention conditions in Israeli prisons, particularly their overcrowding. In their letter of 18 October 2020, the Israeli parliamentary authorities did not provide any information on Mr. Sa'adat's conditions of detention, including his visiting rights. The authorities suggested that the IPU should consider whether future correspondence relating to the case of Mr. Sa'adat was appropriate, given his involvement in terrorism-related crimes.

The Committee on the Human Rights of Parliamentarians invited the Israeli authorities to a hearing during its session held during the 144th IPU Assembly in March 2022 to discuss Mr. Sa'adat's case and resume dialogue. In their letter of 10 March 2022, the Israeli authorities declined the Committee's hearing invitation, considering that Mr. Sa'adat had been convicted for heading a terrorist group that, among other things, assassinated a member of the Israeli parliament and was sentenced to 30 years in prison. According to the authorities, Mr. Sa'adat was duly convicted in a fair trial conducted in an Israeli court for murder, attempted murder and membership of a terrorist organization. The Israeli authorities added that, in light of these elements, they see "no reason to alter their position *vis-à-vis* the Committee on this case or any others pertaining to terrorists convicted in Israeli courts".

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

According to recent information shared by the complainant, Mr. Sa'adat's detention conditions, as well as those of all the Palestinian inmates detained in Israeli prisons, have deteriorated since the Hamas attack on 7 October. The ICRC, the only organization allowed by the Israeli authorities to visit Palestinian inmates held in Israel, has been denied access to Israeli prisons, while family visits facilitated by the ICRC have been prohibited. Only lawyers have been granted the right to visit their clients.

According to the complainant, Mr. Sa'adat was transferred from Rimon prison to an unknown detention facility in Israel. The former member of parliament was reportedly placed in solitary confinement. Mr. Sa'adat has allegedly no access to medical care, water or electricity due to the severe limitations imposed by the Israeli Prison Service (IPS) in all prison cells, which also extends to restrictions on food supply. Mr. Sa'adat is also denied access to showers, hygiene essentials and water, which the IPS has reportedly restricted to less than an hour a day. The toilets are not functional, thereby denying Mr. Sa'adat minimum sanitary standards.

According to a public report⁴ issued by Israeli human rights organizations, including the Public Committee Against Torture in Israel and Physicians for Human Rights Israel on 16 February 2024, "since Hamas' attack on October 7, 2023, and the subsequent Israeli offensive on Gaza, there has been a marked and severe escalation in the abuse of Palestinian detainees and prisoners incarcerated in Israeli prisons and detention facilities. Over the last four months, at least seven Palestinians have died while in custody in Israeli prisons and ad-hoc detention facilities, with initial evidence and testimonies suggesting that at least some of these deaths were connected to instances

⁴ [Systemic torture and inhumane treatment of Palestinian detainees in Israeli prison facilities since October 7, 2023 - Urgent Appeal to the UN Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, authored by the Public Committee Against Torture in Israel; Adalah - the Legal Center for Arab Minority Rights in Israel; HaMoked - Center for the Defence of the Individual; and Physicians for Human Rights Israel, 14 February 2024.](#)

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of severe violence by IPS officers." The report aims to address the widespread abuse inflicted by IPS officers on Palestinian prisoners.

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

With regard to the detention conditions of Mr. Sa'adat, the parliamentary authorities stated in their letter of 18 March 2024 that the Red Cross was responsible for carrying out these inspections and that the prison authorities carefully review and consider the recommendations of every Red Cross report and implement changes when necessary.

Concerning to the situation in Gaza, the United Nations Security Council passed a resolution on 25 March 2024 expressing deep concern about the catastrophic humanitarian situation in the Gaza Strip and demanding an immediate ceasefire for the month of Ramadan, the immediate and unconditional release of hostages as well as "the urgent need to expand the flow of humanitarian assistance to and reinforce the protection of civilians in the entire Gaza Strip."

B. Decision

The Governing Council of the Inter-Parliamentary Union

1. *Takes note* of the Israeli parliamentary authorities' letter of 18 March 2024; and *regrets*, however, the Israeli authorities' lack of willingness to engage constructively with the Committee about the case of Mr. Sa'adat and the lack of concrete information on his detention conditions;
2. *Expresses deep concern* about the deteriorating detention conditions of Mr. Sa'adat, including his apparent unjustified transfer to an unknown detention facility and placement in solitary confinement in the absence of any valid reason; the reported denial of medical care and family visits; the lack of food, water, electricity and the deprivation of his basic human rights as a detainee; *urges* the Israeli authorities to treat Mr. Sa'adat with respect for his inherent dignity and value as a human being, to prevent torture and other forms of ill-treatment, to investigate thoroughly the very serious allegations about his current treatment and to take the necessary action that may be warranted as a result of the outcome of the investigation;
3. *Deplores* the continued arbitrary decisions of the Israeli authorities with regard to Mr. Sa'adat's visiting rights, which have been denied; *firmly recalls* the United Nations Standard Minimum Rules for the Treatment of Prisoners, according to which Mr. Sa'adat's visitation rights should not be subject to arbitrary decisions authorizing or denying visits; *calls on* the relevant Israeli authorities to ensure that Mr. Sa'adat is entitled to family visiting rights in accordance with the law and relevant international standards; and *wishes* to ascertain his current conditions of detention, with respect in particular to the frequency of visits and access to medical care;
4. *Reaffirms*, once more, its views that members of parliament are not above the law and that when they commit crimes they should be held accountable in a court of law following due process; *recalls* in this regard that Mr. Sa'adat's abduction and transfer to Israel had breached the Oslo Agreements and the Fourth Geneva Convention and were related not to the original murder charge but rather to his political activities as PFLP General Secretary;
5. *Affirms* that while it condemns the Hamas attack on 7 October 2023, deplores the lives it claimed and is deeply concerned about the fate of the remaining hostages, it considers that the State of Israel must uphold the rule of law and must stop any collective punitive measures against Palestinian detainees, including Mr. Sa'adat, for unjustified reasons; *calls on* the Israeli

authorities to grant unrestricted access to Mr. Sa'adat by his family and lawyer as well as the ICRC and ensure that his detention conditions are in line with Israel's obligations under international law;

6. *Reiterates* its long-standing request that the Committee be granted permission to visit Mr. Sa'adat; *sincerely hopes* the Israeli authorities will grant that request;
7. *Stresses*, once more, that the many national and international reports denouncing the conditions of detention of Palestinian prisoners in Israeli prisons should be of concern to the Knesset; *reaffirms* that the Knesset can, and should, exercise its oversight function of the Israeli prison service with regard to the treatment of Palestinian prisoners and thereby help ensure that all persons under the jurisdiction and effective control of Israel are afforded the full enjoyment of the rights enshrined in the International Covenant on Civil and Political Rights; and *wishes* to know if the Knesset and individual members are allowed to carry out impromptu prison visits and, if so, to receive information on the applicable legal framework;
8. *Requests* the Secretary General to convey this decision to the competent authorities, the complainant and any third party likely to be in a position to supply relevant information;
9. *Requests* the Committee to continue examining this case and to report to it in due course.

Philippines

*Decision adopted unanimously by the IPU Governing Council at its 213th session
(Geneva, 27 March 2024)*



Former Philippine senator and human rights campaigner Leila de Lima (centre) waves as she arrives at the Muntinlupa City Trial Court in Manila on 16 October 2023. | JAM STA ROSA / AFP

PHL-08 – Leila de Lima

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

A. Summary of the case

Ms. Leila de Lima served as Chairperson of the Philippines Commission on Human Rights from May 2008 to June 2010. In that capacity, she led a series of investigations into alleged extrajudicial killings linked to the “Davao Death Squad” in Davao City, where Mr. Duterte had been long-time mayor, and concluded that Mr. Duterte, former President of the Philippines, was behind the Davao Death Squad.

In 2010, Ms. de Lima was appointed Secretary of Justice. She resigned from this position in October 2015 to focus on her campaign for a senate seat in the May 2016 elections, a bid that was successful. In August 2016, as Chair of the Senate Committee on Justice and Human Rights, she launched an inquiry into the killings of thousands of alleged drug users and drug dealers, which had reportedly taken place after President Duterte took office in June 2016. After she was elected to the Senate, she became the target of acts of intimidation and denigration, including by the then President Duterte himself.

Case PHL-08

Philippines: Parliament affiliated to the IPU

Victim: Female opposition member of parliament

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

Submission of complaint: September 2016

Recent IPU decision: October 2023

IPU mission: May 2017

Recent Committee hearing(s): - - -

Recent follow-up:

- Communication from the authorities:
Letter from the President of the Senate (March 2024)
- Communication from the complainant:
October 2023
- Communication to the authorities:
Letter to the President of the Senate (March 2024)
- Communication to the complainant:
March 2024

On 7 November 2016, Ms. de Lima filed a petition for writ of *habeas data* against the then President Duterte before the Supreme Court, requesting that the Court, *inter alia*, order President Duterte and any of his representatives to cease: seeking details about her private life outside the realm of legitimate public concern or making statements maligning her as a woman and injuring her dignity as a human being; discriminating against her on the basis of gender; describing or publicizing her alleged sexual conduct; engaging in psychological violence against her; and otherwise violating her rights or engaging in acts that are contrary to law, good morals, good customs, public policy and/or public interest. On 18 October 2019, the Supreme Court dismissed the petition for writ of *habeas data* on the ground that the President was immune from legal action during his incumbency and tenure.

Ms. de Lima was arrested and detained on 24 February 2017 over accusations of receiving drug money to finance her campaign for a senate seat. The charges, in three different cases, were brought in the wake of an inquiry in 2016 by the House of Representatives into drug trafficking in New Bilibid Prison and Ms. de Lima's responsibility in such trafficking while she was Secretary of Justice. The House-led inquiry was launched one week after she had initiated her inquiry in the Senate into the extrajudicial killings.

Since July 2018, Ms. de Lima has been charged in the three cases before Branches 205 and 256 of the Regional Trial Court (RTC) – Muntinlupa City. On 17 February 2021, RTC Branch 205 granted Ms. de Lima's demurrer to evidence in case No. 17-166, technically acquitting her, in the absence of sufficient evidence.

The complainant points out that during the presentation of the prosecution's evidence in the first of the two remaining cases (Case No. 17-165), not only was there no physical evidence of the alleged illegal drugs, or of the money allegedly delivered to Ms. de Lima as her share of the alleged illegal drug trade, but even the prosecution's own witnesses – mostly criminals serving sentences in the New Bilibid Prison – denied any involvement or even any personal knowledge of the alleged illegal drug trade. Instead, the prosecution spent most of its time attempting to prove the guilt of its own witnesses, including Mr. Peter Co, Mr. Hans Tan and Mr. Vicente Sy, all of whom repeatedly denied any involvement in the illegal drug trade, and whom the prosecution, to this date, has failed to indict as co-conspirators. Conveniently, the only person who was consistently singled out by these witnesses as having personal knowledge of the New Bilibid Prison drug trade and the role of Ms. de Lima died on 26 September 2016. That person, Mr. Tony Co, was an inmate who was stabbed to death in a staged prison riot that targeted inmates who initially refused to testify against Ms. de Lima before the House of Representatives Justice Committee's hearing on the New Bilibid Prison drug trade. Most importantly, the complainant points out that the prosecution's foremost witness in the case, Mr. Rafael Ragos, former National Bureau of Investigation Deputy Director and former Bureau of Corrections Officer-in-Charge, who had been the sole witness to testify that he had delivered money to Ms. de Lima's house on two occasions, recanted all his testimonies and statements against Ms. de Lima on 30 April 2022. In his retraction, Mr. Ragos said that he had been forced to testify against her by the then Secretary of Justice Vitaliano Aguirre II, who had led the witch-hunt against Ms. de Lima in the Philippines' House of Representatives Justice Committee's hearings in 2016. In addition to Mr. Ragos, Mr. Rodolfo Magleo, a former police officer convicted of kidnapping, and Mr. Nonilo Arile, a police asset, also recanted. In light of these recantations, Case No. 17-165 was concluded on 12 May 2023 with the acquittal of Ms. de Lima. According to the complainant, however, the Office of the Solicitor General and the Department of Justice appealed the acquittal before the Court of Appeals, in violation of the constitutional proscription against double jeopardy.

After Mr. Ragos' recantation, and earlier recantations by Mr. Kerwin Espinosa and co-accused former bodyguard Mr. Ronnie Dayan, in the remaining case (Case No. 17-167) two more witnesses for the prosecution recanted their testimony on 16 October 2023. This was done in a letter handed over to Ms. de Lima, and subsequently shared with the court, in which they said that they were "bothered by their consciences" and that they did not want the accused to be the victim of a false trial. The letter also mentioned that five more witnesses would also recant. Moreover, the complainant underscores that at least two other witnesses, Mr. Joel Capones and Mr. Herbert Colanggo, claim to have engaged in illegal drug trafficking. Despite these admissions made under oath and in open court, to this day the prosecution has actively refused to charge them, whether as co-conspirators in the same case or in a separate case, hence showing – according to the complainant – that they stand to benefit from incriminating Ms. de Lima. Currently, the case is pending before the RTC of Muntinlupa City (Branch 206), with Judge Gener Gito presiding. Pending before the court is the motion for reconsideration of the court order under the previous judge, Mr. Romeo Buenaventura, who denied Ms. de Lima's

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application for bail on 7 June 2023. The motion for reconsideration was submitted after it was discovered that Judge Buenaventura's brother had direct and close links to the Chair of the aforementioned inquiry into Ms. de Lima by the House of Representatives in 2016. After Judge Buenaventura recused himself from the case, the case was assigned to Muntinlupa RTC Branch 206 under presiding Judge Gener Gito. On 13 November 2023, Judge Gito granted Ms. de Lima bail, after which she was released. After running through the testimonies of the primary witnesses, the court stated that the testimonies were unable to clearly establish that conspiracy existed among the accused, including Ms. de Lima, to commit illegal drug trading. The prosecution completed its case on 11 March 2024. On 21 March 2024, the defence counsel filed a demurrer to evidence, which, if granted, would amount to an acquittal. The defence counsel did so in the belief that there is not sufficient evidence for the case to proceed.

In his letter of 6 March 2024, the President of the Senate stated that the "Philippine Senate continues to uphold the rights and privileges due to its incumbent and former members".

On 30 November 2018, the United Nations Working Group on Arbitrary Detention concluded, echoing the conclusions of an earlier IPU mission to the Philippines, that Senator de Lima's detention was arbitrary and that her immediate release was in order.

Ms. de Lima ran for re-election to the Senate from detention in May 2022, but was not re-elected.

B. Decision

The Governing Council of the Inter-Parliamentary Union

1. *Thanks* the President of the Senate for his communication and his spirit of cooperation;
2. *Is pleased* that Ms. de Lima was finally released on bail in November 2023; *is deeply concerned*, nevertheless, that the reasons that led the judge to grant bail underscore once more the serious deficiencies in the trial and in the evidence presented against Ms. de Lima; and *sincerely hopes* that the demurrer to evidence will succeed and that justice will finally be done through the dismissal of this last, remaining charge;
3. *Remains convinced* in this regard that the steps taken against Ms. de Lima came in response to her vocal opposition to the way in which the then President Duterte was waging war on drugs, including her denunciation of his alleged responsibility for extrajudicial killings; and *points out* in this regard, in addition to the numerous recantations by witnesses, the inexplicable length of the criminal proceedings; the repeated violation of the principle of the presumption of innocence; the timing of the criminal proceedings; the amendment of the charges; the reliance on the testimonies of convicted drug traffickers, who were either given favourable treatment in return, subjected to physical intimidation, including death, in prison, or had an axe to grind against Ms. de Lima as a result of her efforts to dismantle their drug trafficking operations when she was Secretary of Justice; and the pressure exerted on other individuals to testify against her;
4. *Welcomes* the readiness of the Senate to help protect the rights of Ms. de Lima; and *trusts* that it will continue to monitor her situation until its satisfactory conclusion;
5. *Requests* the Secretary General to convey this decision to the parliamentary authorities, the complainant and any third party likely to be in a position to supply relevant information;
6. *Requests* the Committee to continue examining this case and to report back to it in due course.

Philippines

*Decision adopted unanimously by the IPU Governing Council at its 213th session
(Geneva, 27 March 2024)*



France Castro Official portrait, 2019 © Wikipedia

PHI-10 – Francisca Castro (Ms.)

PHI-13 – Sarah Jane I. Elago (Ms.)

Alleged human rights violations

- ✓ Arbitrary arrest and detention
- ✓ Lack of due process at the investigation stage
- ✓ 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 (“France”) Castro and Ms. Sarah Jane I. Elago became members of the Philippines’ House of Representatives in 2016. After 2022, only Ms. Castro remained a member of the House of Representatives.

The complainants state that in the course of their parliamentary mandates, they have both faced regular harassment due to their opposition to the policies of the then President, Mr. Rodrigo R. Duterte. This alleged intimidation includes being subjected 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 state that Ms. Castro, who stands accused with other educators and advocates for the Lumad indigenous community in Davao del Norte in the Philippines, was briefly

Case PHL-COLL-02

Philippines: Parliament affiliated to the IPU

Victims: Current opposition members of parliament (two women)

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

Submission of complaint: December 2019

Recent IPU decision: October 2023

IPU mission(s): - - -

Recent Committee hearings(s): - - -

Recent follow-up:

- Communication from the authorities: Report from the Reference and Research Bureau of the House of Representatives (March 2024)
- Communication from the complainants: March 2024
- Communication to the authorities: Letter to the President of the Senate (March 2024)
- Communication to the complainants: October 2023

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arrested and detained on 28 and 29 November 2018 on a charge of "child abuse" in connection with the evacuation of 14 Lumad children attending the Salugpongan Ta' Tanu Igkanogon Community Learning Center in conflict-ridden Mindanao, where the armed forces, along with the paramilitary group Alamara, are fighting against the communist insurgency. It seems that the authorities are also claiming that the learning centre operated as a front for the communist insurgency. The prosecution is trying to prove the crime of "child abuse" by maintaining that this abuse was committed by accompanying the minors without the assistance and presence of the government law enforcement agency concerned or the written permission and consent of the minors' parents. The complainants state that Ms. Castro and the other accused rescued the 14 minors from harassment by the paramilitary group Alamara and the military. The children's parents reportedly denied that their children had been kidnapped by the accused and said that they had had to leave because the threats were no longer bearable. The complainants contend that the prosecution recently discharged one of the accused so that they could become a state witness, and that this individual – like the other witnesses for the prosecution – did not have any personal knowledge that would implicate Ms. Castro and the other accused in the commission of any crime. Despite the reported lack of evidence, on 25 September 2023, the court in the case denied the defence counsel's motion for leave to file a demurrer to evidence. Instead, it directed the defence counsel to present its witnesses starting on 4 October 2023. From the information provided on 20 March 2024 by the Reference and Research Bureau of the House of Representatives, it would appear that, until now, the witnesses for the prosecution have not been able to support the prosecution's thesis. Since October 2023, several witnesses for the defence have been heard. The defence counsel will present its next witness, Ms. Nolasco, on 11 April 2024, after which the court will set a trial date for the final defence witness, Ms. Castro. These last two hearings will be conducted via videoconference, as Ms. Nolasco and Ms. Castro continue to be targets of red-tagging, offline and online, which have given them cause for concern for their safety should they fly from Manila to Davao City and Tagum City.

In that regard, the complainant also states that Ms. Castro continues to be subjected to attacks, red-tagging and political harassment, and even threats. On 11 October 2023, the following remarks were made on national television, and subsequently disseminated on social media, by former President Duterte, whose daughter is the incumbent Vice-President of the Philippines: "I didn't tell them (France Castro and others) face-to-face, I didn't tell them that 'you know, we're enemies, I want to kill you but I want to kill you softly'". He then reportedly told his daughter, the Vice-President: "But your first target with the intelligence fund, is you, you, France, you communists whom I want to kill. Tell her already". According to the complainants, the former President issued these threats due to Ms. Castro's denunciation of the Vice-President's alleged unauthorized receipt and use in 2022 of 125 million pesos of confidential funds. Upon the insistent opposition of Ms. Castro and others to the new grant of confidential funds, the House of Representatives scrapped the Vice-President's request. The leadership of the House of Representatives has called former President Duterte out for threatening harm to Ms. Castro. The leaders of all political parties in the House of Representatives issued a statement on 14 October 2023 saying that "We, leaders of all political parties in the House of Representatives, take utmost exception to the remarks made by former President Rodrigo R. Duterte". On 24 October 2023, Ms. Castro filed a criminal complaint against former President Duterte for grave threats in relation to the Cybercrime Act or Republic Act No. 10175. In her criminal complaint, Ms. Castro, among others, said that President Duterte's remarks with regard to her were factually baseless and clearly malicious, but that she could not dismiss them as "figurative, joking, or otherwise benign". On 9 January 2024, the Quezon City Office of the City Prosecutor dismissed the complaint for "want of sufficient evidence". Ms. Castro filed a petition for review with the Department of Justice on 5 February 2024.

As a then member of parliament, Ms. Elago was directly and indirectly labelled in social media posts by the police and army as a terrorist. Red-tagging in the Philippines is understood to refer to the malicious blacklisting of individuals or organizations critical or not fully supportive of the actions of a sitting government in the country. These individuals and organizations are "tagged" as either communist or terrorist, or both, regardless of their actual political beliefs or affiliations. On 7 December 2020, Ms. Elago filed a complaint to the Office of the Ombudsperson with regard to the conduct of six senior army and government officials. The matter is still pending.

As part of the alleged harassment, Ms. Elago was also targeted by an amended 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 "the Kabataan Party List" in which she accused the latter of

kidnapping and abusing her daughter. On 10 November 2020, the Supreme Court upheld its earlier decision to dismiss the petition submitted by the daughter's parents. In so doing, the Supreme Court concluded that the daughter was reportedly of legal age and that she had denied having been subjected to coercion and had voluntarily chosen to join the youth group. Shortly before, on 15 October 2020, prosecutors at the Department of Justice dismissed several of the charges in connection with this situation against Ms. Elago for lack of probable cause.

B. Decision

The Governing Council of the Inter-Parliamentary Union

1. *Thanks* the Reference and Research Bureau of the House of Representatives for the report provided;
2. *Remains deeply concerned* that the then President of the Philippines directly threatened on air the life of a member of parliament; *considers* that, over and above the grave consequences for Ms. Castro herself, this matter also has a serious impact on the functioning of the Filipino Parliament as a whole, as it may deter its members from speaking out on important matters and put their lives at significant risk; and *reiterates* its satisfaction that the leaders of political parties in parliament denounced the remarks made by the then President Duterte soon after he made them;
3. *Is perplexed* that, in light of the very public nature of the threats, the Prosecutor's Office decided not to proceed with Ms. Castro's criminal complaint against the then president; *sincerely hopes* that the Department of Justice will reconsider this decision and take the necessary follow-up action that the complaint warrants; and *wishes* to receive more information on this point;
4. *Remains concerned* about the continuous allegations of intimidation and red-tagging against Ms. Castro; *wishes* to know what steps are being taken to investigate these allegations and to provide her with the necessary protection; *trusts* that the House of Representatives is closely monitoring her situation; and *wishes* to receive confirmation thereof;
5. *Is concerned* that the trial proceedings against Ms. Castro and the rest of the accused have still not been completed and that the status of the remaining potential charges against Ms. Elago has yet to be determined, thereby creating a situation of prolonged legal uncertainty; *trusts* that Ms. Castro's trial will soon be concluded, all the more so in the apparent absence of any clear evidence to support the charge; *also trusts* that the remaining potential charges against Ms. Elago will soon be determined and that, in doing so, the conclusions reached by the Supreme Court on the petition pertaining to the same facts will be duly taken into account; and *wishes* to be kept informed in this regard;
6. *Remains concerned* that Ms. Elago's complaint regarding her alleged red-tagging is still pending with the Ombudsperson, with no sign of it being actively examined; *calls again on* the Ombudsperson to take the necessary action to examine the complaint along with any steps its findings may warrant; and *wishes* to be kept informed in this regard;
7. *Requests* the Secretary General to convey this decision to the parliamentary authorities, the Department of Justice, the Ombudsperson, the complainants and any third party likely to be in a position to supply relevant information;
8. *Requests* the Committee to continue examining this case and to report back to it in due course.

Somalia

*Decision adopted unanimously by the IPU Governing Council at its 213th session
(Geneva, 27 March 2024)*



© Facebook - Abdullahi Hashi Abib

SOM-14 – Abdullahi Hashi Abib

Alleged human rights violations

- ✓ Threats, acts of intimidation
- ✓ Violation of freedom of opinion and expression
- ✓ Violation of freedom of movement
- ✓ Undue invalidation, suspension, revocation or other acts obstructing the exercise of the parliamentary mandate

A. Summary of the case

Mr. Abdullahi Hashi Abib is an independent member of the Somali House of the People. According to the complainant, Mr. Abib has faced escalating threats against him and his family as well as intimidation due to his efforts to expose alleged human rights violations and instances of corruption within the government. He has allegedly also been confronted in parliament and called upon to stop his investigations. As a result, Mr. Abib has had no choice but to reside occasionally outside the country for his own safety. When in Somalia he has to take extreme precautions to avoid putting himself in danger, which limits his freedom of movement and ability to work with his constituents.

In addition, the complainant asserts that Mr. Abib has been repeatedly denied the opportunity to speak in parliament, prevented from introducing motions and has faced warnings of sanctions for making critical statements against the authorities. The complainant also notes that, during a parliamentary session where the accession to the Rome Statute of the International Criminal Court (ICC) was to be

Case SOM-14

Somalia: Parliament affiliated to the IPU

Victim: An independent member of parliament

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

Submission of complaint: February 2024

Recent IPU decision(s): - - -

IPU mission(s): - - -

Recent Committee hearing(s): - - -

Recent follow-up:

- Communication from the authorities: March 2024
- Communication from the complainant: March 2024
- Communication to the authorities: Letter to the Speaker of the National Assembly (February 2024)
- Communication to the complainants: March 2024

discussed, the Speaker did not allow any discussion on this item despite broad support among the parliamentarians present. According to the complainant, such a decision violates parliamentary rules, was taken as a result of pressure from outside parliament and was motivated by a desire to protect high-ranking officials for their involvement in numerous human rights violations, including the murder of Mr. Abib's colleague, Ms. Amina Abdi, in March 2022 (see case SOM-13), who was known for her calls for accountability in parliament.

Following the May 2022 elections, there was a peaceful transfer of power in June 2022, raising hopes for a more democratic and peaceful future for the country. According to the complainant, the new president actively called for an investigation to identify the mastermind of the assassination of Ms. Abdi, who hailed from the same party as Mr. Abib, but there has been no progress in the investigation since the elections. According to the complainant, Mr. Abib continues to call for accountability in Ms. Abdi's assassination, with the hope of ending the endemic impunity for political murders of prominent female figures in Somalia. He also aims to mobilize fellow parliamentarians by raising their awareness and building their capacity to fulfil their mandate through his involvement with the Horn and East Africa Parliamentary Institute.

Somalia is facing an increase in violent armed attacks as part of a decades-long civil war against insurgent groups. In past cases, the federal authorities have not been able to investigate the murder of parliamentarians due to structural challenges plaguing the country's judicial system. The IPU Committee on the Human Rights of Parliamentarians dealt with 12 cases of assassination, dating back to 2008, 2009 and 2014. All cases concerned acts of murder, none of which have been resolved.

During the 148th Assembly of the IPU in Geneva, the Committee on the Human Rights of Parliamentarians was able to meet with the delegation of Somalia. During the course of the meeting, the delegation shared a letter from the Speaker of the House of the People that addressed some of the concerns raised by the complainant. According to the parliamentary authorities, Mr. Abib was always allowed to voice his views, as stipulated by the parliamentary rules of procedure; they were not aware of any complaints raised by Mr. Abib in parliament and had not heard of any threats being made against him. The authorities encouraged Mr. Abib to make use of internal mechanisms to address his concerns and to include supporting evidence for any allegations raised against the authorities.

B. Decision

The Governing Council of the Inter-Parliamentary Union

1. *Notes* that the complaint concerning Mr. Abib is admissible, considering that the complaint: (i) was submitted in due form by a qualified complainant under Section I.(1)(a) of the Procedure for the examination and treatment of complaints (Annex I of the revised Rules and Practices of the Committee on the Human Rights of Parliamentarians); (ii) concerns an incumbent member of parliament at the time of the initial allegations; and (iii) concerns allegations of threats, acts of intimidation, violation of freedom of opinion and expression, violation of freedom of movement, and undue invalidation, suspension, revocation or other acts obstructing the exercise of the parliamentary mandate, allegations which fall under the Committee's mandate;
2. *Thanks* the members of the Somalian delegation for the information provided during a meeting with members of the IPU Committee on the Human Rights of Parliamentarians in March 2024;
3. *Is concerned* about the allegations that Mr. Abib received death threats as a result of his oversight activities; *acknowledges* that Somalia continues to face grave security challenges that affect all members of society; *remains convinced* that the parliamentary authorities have a responsibility to do their utmost to ensure that their colleagues are safe from any reprisals or threats as a consequence of their parliamentary work; and *requests* the authorities to do everything they can to ensure that Mr. Abib's life is protected and that he is able to carry out his work without threats, intimidation or obstruction;
4. *Is troubled* by the discrepancy between the account of the complainant and that of the authorities regarding allegations that Mr. Abib and others have repeatedly been denied the right to speak or raise motions in parliament; *wishes* to receive further clarification on this point, including a copy of the rules of procedure of the House of the People; and *hopes* to be able to

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rely on the assistance of the parliamentary authorities in obtaining video recordings of sessions of parliament where incidents were reported by the complainant;

5. *Requests* the Secretary General to bring this decision to the attention of the Speaker of the House of the People of Somalia, the complainant and any third party likely to be in a position to supply relevant information;
6. *Requests* the Committee to continue examining this case and to report back to it in due course.

Türkiye

*Decision adopted by consensus by the IPU Governing Council at its 213th session
(Geneva, 27 March 2024)⁵*



A demonstrator holds up a picture of Figen Yüksekdağ during the trial of the co-leader of pro-Kurdish party People's Democratic Party (HDP) in front of the court in Ankara on 13 April 2017. ADEM ALTAN/AFP

- | | |
|---------------------------------------|-----------------------------------|
| TUR-69 - Gülser Yıldırım (Ms.) | TUR-107 - Ferhat Encü |
| TUR-70 - Selma Irmak (Ms.) | TUR-108 - Hişyar Özsoy |
| TUR-71 - Faysal Sariyildiz | TUR-109 - Idris Baluken |
| TUR-73 - Kemal Aktas | TUR-110 - Imam Taşçier |
| TUR-75 - Bedia Özgökçe Ertan (Ms.) | TUR-111 - Kadri Yıldırım |
| TUR-76 - Besime Konca (Ms.) | TUR-112 - Lezgin Botan |
| TUR-77 - Burcu Çelik Özkan (Ms.) | TUR-113 - Mehmet Ali Aslan |
| TUR-78 - Çağlar Demirel (Ms.) | TUR-114 - Mehmet Emin Adiyaman |
| TUR-79 - Dilek Öcalan (Ms.) | TUR-115 - Nadir Yıldırım |
| TUR-80 - Dilan Dirayet Taşdemir (Ms.) | TUR-116 - Nihat Akdoğan |
| TUR-81 - Feleknas Uca (Ms.) | TUR-118 - Osman Baydemir |
| TUR-82 - Figen Yüksekdağ (Ms.) | TUR-119 - Selahattin Demirtaş |
| TUR-83 - Filiz Kerestecioğlu (Ms.) | TUR-120 - Sirri Süreyya Önder |
| TUR-84 - Hüda Kaya (Ms.) | TUR-121 - Ziya Pir |
| TUR-85 - Leyla Birlik (Ms.) | TUR-122 - Mithat Sancar |
| TUR-86 - Leyla Zana (Ms.) | TUR-123 - Mahmut Toğrul |
| TUR-87 - Meral Daniş Beştaş (Ms.) | TUR-124 - Aycan Irmez (Ms.) |
| TUR-88 - Mizgin Irgat (Ms.) | TUR-125 - Ayşe Acar Başaran (Ms.) |
| TUR-89 - Nursel Aydoğan (Ms.) | TUR-126 - Garo Paylan |
| TUR-90 - Pervin Buldan (Ms.) | TUR-128 - Aysel Tuğluk (Ms.) |
| TUR-91 - Saadet Becerikli (Ms.) | TUR-129 - Sebahat Tuncel (Ms.) |
| TUR-92 - Sibel Yiğitalp (Ms.) | TUR-130 - Leyla Güven (Ms.) |
| TUR-93 - Tuğba Hezer Öztürk (Ms.) | TUR-131 - Ayşe Sürücü (Ms.) |
| TUR-94 - Abdullah Zeydan | TUR-132 - Musa Farisogullari |
| TUR-95 - Adem Geveri | TUR-133 - Emine Ayna (Ms.) |
| TUR-96 - Ahmet Yıldırım | TUR-134 - Nazmi Gür |
| TUR-97 - Ali Atalan | TUR-135 - Ayla Akat Ata (Ms.) |
| TUR-98 - Alican Önlü | TUR-136 - Beyza Ustün (Ms.) |
| TUR-99 - Altan Tan | TUR-137 - Remziye Tosun (Ms.) |

⁵ The Turkish delegation expressed its reservations regarding the decision.

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TUR-100 - Ayhan Bilgen
TUR-101 - Behçet Yıldırım
TUR-102 - Berdan Öztürk
TUR-105 - Erol Dora
TUR-106 - Ertuğrul Kürkcü

TUR-138 - Kemal Bulbul
TUR-140 - Gültan Kışanak (Ms.)
TUR-141 - Semra Güzel (Ms.)
TUR-142 - Saliha Aydemir (Ms.)
TUR-143 - Can Atalay

Alleged human rights violations

- ✓ Failure to respect parliamentary immunity
- ✓ Lack of due process at the investigation stage
- ✓ Lack of fair trial proceedings and excessive delays
- ✓ Violation of freedom of opinion and expression
- ✓ Violation of freedom of assembly and association
- ✓ Arbitrary arrest and detention
- ✓ Ill-treatment
- ✓ Abusive revocation or suspension of the parliamentary mandate

A. Summary of the case

Over 600 criminal and terrorism charges have been brought against the members of parliament of the People's Democratic Party (HDP) since 20 May 2016, when the Constitution was amended to authorize the wholesale lifting of parliamentary immunity. They are being tried on terrorism-related charges and charges of defamation of the President, Government or State of Türkiye. Some of them also face older charges in relation to the Kurdistan Communities Union (*Koma Civakên Kurdistan – KCK*) first-instance trial that has been ongoing since 2011, while others face more recent charges. In these cases, their parliamentary immunity was allegedly not lifted.

Since 4 November 2016, scores of parliamentarians have been detained and others have gone into exile. Since 2018, over 30 parliamentarians have been sentenced to prison terms. Ten current and former parliamentarians are in prison, namely the former HDP co-chairs, Mr. Selahattin Demirtaş and Ms. Figen Yüksekdağ, as well as Ms. Leyla Güven, Ms. Semra Güzel, Ms. Hüda Kaya, Ms. Gültan Kışanak, Mr. Sebahat Tuncel, Mr. Nazmi Gür, Ms. Ayla Akat Ata and Mr. Can Atalay. Some of them were arrested in September 2020, although the accusations against them relate to the events in the distant past that unfolded soon after the siege of Kobane in Syria in 2014. At least 15 HDP members of parliament have lost their parliamentary mandates in recent years, largely as a result of their criminal convictions. Most recently, on 30 January 2024, Mr. Can Atalay, who had been elected in the May 2023 parliamentary elections from prison, lost his parliamentary mandate due to his earlier conviction and sentence to 18 years on charges of "aiding attempts to overthrow the Turkish Republic" for his alleged involvement in the Gezi protests in 2013. It should be noted that in October 2023, the Constitutional Court had ruled that he should be released given that his continued imprisonment violated his right to hold office, which ruling subsequently triggered a judicial crisis when the Court of Cassation said it would not recognize the ruling and filed a criminal complaint against the judges who made it. President Erdoğan has since reportedly stated publicly that he intends to curb the powers of the Constitutional Court.

According to the complainant, the charges against HDP members of parliament are groundless and violate their rights to freedom of opinion and expression, and freedom of assembly and association. The complainant claims that the evidence adduced to support the charges against the members of parliament relates to public statements, rallies and other peaceful political activities carried out in furtherance of their parliamentary duties and political party programme. Such activities include mediating between the Kurdistan Workers' Party (*Partiya Karkerên Kurdistanê – PKK*) and the Turkish Government as part of the peace process between 2013 and 2015, publicly advocating political

Case TUR-COLL-02

Türkiye: Parliament affiliated to the IPU

Victims: 68 opposition members of parliament (34 men and 34 women)

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

Submission of complaint: June 2016

Recent IPU decision: February 2023

IPU mission: June 2019

Recent Committee hearings: Hearing with the Deputy Head of the Turkish delegation at the 148th IPU Assembly (Geneva, March 2024)

Recent follow-up:

- Communication from the authorities: Letter from the President of the Turkish IPU Group (January 2024)
- Communication from the complainant: March 2024
- Communication to the authorities: Letter to the President of the IPU Group (March 2024)
- Communication to the complainant: March 2024

autonomy and criticizing the policies of President Erdoğan in relation to the current conflict in south-eastern Türkiye and at the border with Syria (including denouncing the alleged crimes committed by the Turkish security forces in that context). The complainant alleges that such statements, rallies and activities do not constitute any offence, and that they fall under the clear scope and protection of the fundamental rights of members of parliament.

An IPU trial observer concluded in 2018 that the prospects for Ms. Yüksekdağ and Mr. Demirtaş receiving fair trials were remote and that the political nature of both prosecutions was evident. It should be noted that, on 17 July 2022, the Constitutional Court ruled in one of the cases against Ms. Yüksekdağ that her rights to freedom of thought and expression, as well as to be elected, were violated when she was stripped of her parliamentary immunity in 2016.

A 2018 IPU review of 12 court decisions issued against HDP members reached similar conclusions. It concluded, *inter alia*, that the judiciary in Türkiye, from the first-instance courts to the Constitutional Court, completely disregarded the case law of the European Court of Human Rights and the main judgment of the Turkish Constitutional Court in relation to freedom of expression when evaluating whether an expression constituted incitement to violence or one of the other offences with which the members of parliament were charged.

On 22 December 2020, the Grand Chamber of the European Court of Human Rights delivered its judgment in the case of *Demirtaş v. Türkiye* (No. 2) (Application No. 14305/17), and held that there had been violations of his rights to freedom of expression, to freedom and security, to a speedy decision on the lawfulness of detention and to free elections. The Court also found that Mr. Demirtaş' detention, especially during two crucial campaigns relating to the referendum of 16 April 2017 and the presidential elections of 24 June 2018, had pursued the ulterior motive of stifling pluralism and limiting freedom of political debate, which was at the very core of the concept of a democratic society. The Court held that the respondent state was to take all necessary measures to secure his immediate release. On 7 January 2021, the Ankara 22nd Assizes Court accepted a 3,500-page indictment against Mr. Demirtaş and 107 other defendants, issued by the Ankara public prosecutor on 30 December 2020, regarding the same protests that took place in October 2014, this time charging Mr. Demirtaş with 30 new offences. Since then, Mr. Demirtaş has been sentenced to prison terms in other criminal cases, which the complainant maintains violate his basic human rights. The Turkish authorities have stated that the ruling of the European Court of Human Rights could not be implemented, given that Mr. Demirtaş' ongoing detention was related to new evidence that is substantially different from that examined by the Court. Similarly, on 8 November 2022, the European Court of Human Rights ruled that Türkiye had violated Articles 10 (freedom of expression) and 5 (subparagraphs 1, 3 and 4 concerning the right to freedom and security) of the European Convention regarding the pretrial detention of 13 HDP parliamentarians elected to parliament in November 2015, namely Ms. Figen Yüksekdağ, Mr. İdris Baluken, Ms. Besime Konca, Mr. Abdullah Zeydan, Mr. Nihat Akdoğan, Ms. Selma Irmak, Mr. Ferhat Encu, Ms. Gülser Yıldırım, Mr. Nursel Aydoğan, Ms. Çağlar Demirel, Mr. Ayhan Bilgen, Ms. Burcu Çelik Özkan and Ms. Leyla Birlik.

On 1 February 2022, the European Court of Human Rights ruled that the lifting of the parliamentary immunity of 40 HDP lawmakers, who had brought their case to the European Court following the constitutional amendment in May 2016, had violated their right to freedom of expression. In so doing, the Court responded to their assertion that the lifting of their immunity came in response to their political opinions and drew for its conclusions on this point on its rulings in the cases of *Demirtaş v. Türkiye* and *Demir v. Türkiye*.

On 19 October 2021, in the landmark decision *Vedat Şorli v. Turkey*, the European Court of Human Rights found that section 299 of the Turkish Criminal Code, which criminalizes insulting the President, was incompatible with the right to freedom of expression, and urged the Government to align legislation with Article 10 of the European Convention on Human Rights.

The Turkish authorities have provided extensive information on the legal status of the criminal proceedings against the HDP parliamentarians, without, however, providing information on the precise facts to support the charges or convictions, despite numerous requests over the years from the IPU.

The Turkish authorities have repeatedly justified the legality of the measures taken against the HDP parliamentarians, and invoked the independence of the judiciary, the need to respond to security and terrorism threats and legislation adopted under the state of emergency. The authorities have provided

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detailed information on parliament's May 2016 "provisional constitutional amendment" on parliamentary immunity, which has been used to prosecute parliamentarians from all parties. They have asserted that there is no "HDP witch-hunt" in Türkiye; that women parliamentarians are not being specifically targeted; that there is no Kurdish issue in Türkiye and no current conflict in south-eastern Türkiye; that Türkiye is facing a terrorism issue on many levels involving the PKK and its "extensions"; that the HDP has never publicly denounced the violent activities of the PKK; that HDP members, including members of parliament, have made many statements in support of the PKK and their "extensions"; that HDP members have attended funerals of PKK suicide bombers and called for people to take to the streets, which has resulted in violent incidents with civilian casualties; that this does not fall within the acceptable limits of freedom of expression; that the Constitutional Court has reached such conclusions in several cases and, in other cases, domestic remedies have not yet been exhausted; and that the independence of the judiciary and the rule of law in Türkiye must be respected.

On 17 March 2021, the chief prosecutor of the Turkish Court of Cassation referred a request for the dissolution of the HDP to the Constitutional Court, accusing the HDP of terrorist activities. It appears that the prosecution is drawing heavily on the ongoing proceedings against several HDP politicians in the 2014 Kobane case referred to earlier. At the hearing held with the Committee on the Human Rights of Parliamentarians at the 148th IPU Assembly (March 2024), the Deputy Head of the Turkish delegation stated that the legal proceedings had been completed, that the files had been handed over to the court rapporteurs, who would now have to report back to the court as a whole, after which a date would be set for the ruling. She pointed out that Turkish law had been amended, with the current criteria allowing for the dissolution of political parties to be much more stringent. She also said that the court could decide, rather than choosing between dissolving the HDP or not, that the penalty would be to deprive it of state funding.

The Deputy Head of the Turkish delegation also pointed out that further legal reforms had taken place to promote respect for the right to freedom of expression, which had been acknowledged by the Council of Europe's Committee of Ministers on 14 March 2024. In this regard, it should be noted that the Committee had welcomed, in connection with the *Işıkırık* group of cases, the recent decision of the Constitutional Court, which had annulled section 220(6) of the Criminal Code and invited the authorities to provide the Committee with full details and analysis of the legislative amendment that entered into force on 12 March 2024 and to keep the Committee updated on the application of this provision by the domestic courts. The Committee also welcomed the rulings of the Constitutional Court and the Court of Cassation provided by the authorities, demonstrating a Convention-compliant application of section 220(7) of the Criminal Code. At the same time, in the absence of any information to indicate a significant drop in the number of investigations, prosecutions, pretrial detention orders and convictions imposed in relation to the exercise of freedom of expression, the Committee repeated its call on the authorities to consider further legislative amendments to the Criminal Code and the anti-terrorism legislation, particularly sections 125(3) and 301 of the Criminal Code, to clarify that the exercise of the right of freedom of expression does not constitute an offence, and to abrogate section 299 of the Criminal Code.

B. Decision

The Governing Council of the Inter-Parliamentary Union

1. *Notes* that the complaint concerning the situation of Mr. Can Atalay, which is the subject of cases TUR-69 to TUR-142, is admissible, considering that the complaint: (i) was submitted in due form by qualified complainants under section I.1(c) of the Procedure for the examination and treatment of complaints (Annex I of the revised Rules and Practices of the Committee on the Human Rights of Parliamentarians); (ii) concerns a member of parliament at the time of the initial allegations; and (iii) concerns allegations of failure to respect parliamentary immunity, violation of freedom of opinion and expression, and arbitrary arrest and detention, which are allegations that fall under the Committee's mandate; and *decides* to merge Mr. Atalay's case with the present collective case;
2. *Thanks* the President of the Turkish IPU Group for her latest communication and the Deputy Head of the Turkish delegation for the information provided at the hearing held with the Committee on the Human Rights of Parliamentarians during the 148th IPU Assembly (March 2024);

3. *Remains alarmed* at the prospect of the dissolution of the HDP party, also bearing in mind that its predecessors were dissolved by court order; *considers* that such a step would show once again that the authorities continue to view, wrongly, the PKK and the HDP as one and the same entity; *recalls* in this regard that, while recognizing that the two organizations rely largely on the same support base and pursue similar objectives, the HDP is a legal political party that does not in any way advocate violence to achieve its goals; *trusts* that the Turkish Constitutional Court will clearly take this distinction into account in the ruling it adopts; and *also trusts* that the amended legal framework in place in Türkiye complies with, and will be interpreted in this case in order to comply with, the European Court of Human Rights' jurisprudence regarding the dissolution of or ban on a party as an extreme measure only justified as a last resort and in very exceptional circumstances;
4. *Remains concerned* that in recent years the number and scope of the rulings from the European Court of Human Rights underscore that the legal steps to which the HDP parliamentarians have been subjected did not follow due process and came in direct response to the exercise of their freedom of expression and, as determined in the case of Mr. Demirtaş, were aimed at stifling the opposition;
5. *Remains deeply concerned* in this regard that 10 current and former parliamentarians continue to languish in prison; *considers*, once more, that the information on file, as provided by the Turkish Parliament, does nothing to dispel the doubts that the HDP parliamentarians have been targeted in connection with the legitimate exercise of their political rights; *calls on* the Turkish authorities to review their situation and, where possible, to release them and terminate the criminal proceedings; and *requests* the Turkish authorities, once again, to provide information on the facts in support of the legal action taken against those 10 and other individuals concerned in this case;
6. *Reaffirms its long-standing view* that, in their legitimate fight against terrorism, the Turkish authorities need to take more decisive action to ensure that current national legislation and its application are in line with international and regional standards on freedom of opinion and expression, assembly and association; *notes with great interest*, however, that the Constitutional Court has adopted several rulings in support of some of the basic human rights at the heart of the cases at hand and that some legislative reforms are said to have taken place to strengthen freedom of expression; *wishes* to receive more information on these matters, also in light of the reported calls to curb the powers of the Constitutional Court made at the highest official level in Türkiye that may jeopardize its work, and on any further intended plans to strengthen freedom of expression; and *wishes also* to receive in this regard more information on the preparation of the new human rights action plan and the new judicial reform strategy paper;
7. *Requests* the Secretary General to convey this decision to the relevant authorities, the complainant and any third party likely to be in a position to supply relevant information;
8. *Requests* the Committee to continue examining the case and to report back to it in due course.

Venezuela

*Decision adopted unanimously by the IPU Governing Council at its 213th session
(Geneva, 27 March 2024)*



Maria Corina Machado in a meeting with supporters in Caracas on 22 October 2023 @ Pedro Rances Matthey / ANADOLU via AFP

VEN-18 – María Corina Machado (Ms.)

Alleged human rights violations

- ✓ Threats, intimidation
- ✓ Lack of due process in proceedings against parliamentarians
- ✓ Violation of freedom of opinion and expression
- ✓ Failure to respect parliamentary immunity
- ✓ Abusive revocation or suspension of the parliamentary mandate

A. Summary of the case

According to the complainant, on 24 March 2014, the then Speaker of the National Assembly announced, reportedly without any discussion in plenary, that Ms. Machado had been stripped of her parliamentary mandate after she had taken part in a meeting on 21 March 2014 held by the Organization of American States (OAS) in Washington DC. Ms. Machado had been invited by Panama to give her account at the OAS meeting of the situation in Venezuela at the time. The Speaker of the National Assembly reportedly said that Ms. Machado had contravened the Constitution by accepting the invitation to act as a Panamanian official at the meeting. The complainant asserts that the decision to revoke Ms. Machado's mandate was taken without any respect for due process and was unfounded in law. Ms. Machado then became the subject of two criminal investigations and was excluded from the parliamentary elections of 6 December 2015, as the authorities claimed that she had presented an inaccurate declaration of assets, which the complainant considers to be untrue and a frivolous excuse to exclude her from the election race. In this context, the Comptroller General took the decision to disqualify Ms. Machado from holding public office for 15 years. According to the complainant, Ms. Machado was never formally notified of this, nor was she given the opportunity to defend herself during the proceedings that led to this decision.

Case VEN-18

Venezuela: Parliament affiliated to the IPU

Victims: One female opposition member of parliament

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

Submission of complaint: February 2013

Recent IPU decision: February 2018

IPU Mission: August 2021

Recent Committee hearing:

- Hearing with members of the National Assembly elected in 2020 at the 173rd session of the Committee on the Human Rights of Parliamentarians (January 2024)

Recent follow-up:

- Communication from the authorities: Letter from the Ambassador of Venezuela in Geneva (January 2024)
- Communication from the complainant: March 2024
- Communication to the authorities: Letter to the Ambassador of Venezuela in Geneva: February 2024
- Communication to the complainant: March 2024

Presidential elections are scheduled to take place in Venezuela on 28 July 2024. Ahead of this, several opposition factions organized an internal presidential primary contest to elect a single opposition candidate. On 23 October 2023, Ms. Machado emerged as the opposition's chosen candidate. On 26 January 2024, Venezuela's Supreme Court upheld a 15-year ban on Ms. Machado from holding public office. The ruling upholds the constitutionality of the Comptroller General of the Republic's decision banning Ms. Machado from holding public office for 15 years. According to information received by the IPU, several arrest warrants have been issued against members of Ms. Machado's campaign team, some of whom have been arrested, including Ms. Dignora Hernández, a former member of parliament elected in 2015, who was arrested on 20 March 2024.

In a letter sent by the Venezuelan authorities in January 2024, it was stated that there had been no political persecution or other arbitrary actions against former or current parliamentarians. The cases of former parliamentarians that are under investigation and that have led to the actions of the competent organs of the Venezuelan State are based on alleged facts that constitute a violation of the established norms of the Venezuelan legal system, in which the accused enjoy all the legal guarantees established by the Constitution and laws of the Bolivarian Republic of Venezuela. This position was reiterated by a delegation of members of the National Assembly elected in 2020 during a meeting with the Committee on the Human Rights of Parliamentarians in January 2024. The delegation also expressed its willingness to work with the Committee to find solutions to the Venezuelan cases before it. However, the Committee's request for updated and official information on all cases before it remains unanswered to date.

B. Decision

The Governing Council of the Inter-Parliamentary Union

1. *Thanks* the Venezuelan authorities for the information provided in writing and for meeting with the Committee on the Human Rights of Parliamentarians during its 173rd session to discuss the cases and concerns at hand; and *notes with satisfaction* the willingness expressed by the delegation to collaborate with the IPU in seeking satisfactory solutions to the cases before the Committee and to cooperate with it on issues of common interest;
2. *Is concerned* that Ms. Machado, who has her sights set on the State's highest office, is being prevented from standing as a candidate in the forthcoming presidential elections as a result of a unilateral act by the Comptroller General, a non-judicial authority, and a procedure that did not allow her to exercise her right of defence; *recalls* that Ms. Machado had already been prevented from standing as a candidate in the legislative elections of December 2015; and considers that the position taken by Venezuela's Supreme Court on Ms. Machado's ban from holding public office appears to be a continuation of ongoing actions by state institutions to restrict Ms. Machado's rights, which began when she was a prominent opposition member of parliament;
3. *Is also concerned* that several arrest warrants have been issued against members of Ms. Machado's campaign team, some of whom have been arrested; and *considers* in this regard that continued reprisals against members of her campaign team are preventing Ms. Machado from participating in the electoral process on an equal footing with other candidates and may discourage opposition participation in the presidential elections;
4. *Notes with concern* that the Independent International Fact-Finding Mission on the Bolivarian Republic of Venezuela established by the United Nations Human Rights Council reported on 20 March 2024 that recent developments in Venezuela highlight serious difficulties in ensuring that the upcoming presidential elections are conducted in accordance with the right to participate in public affairs, as affirmed in the International Covenant on Civil and Political Rights;
5. *Recalls*, once more, as stated in the IPU's [Universal Declaration on Democracy](#), that the "key element in the exercise of democracy is the holding of free and fair elections ... enabling the people's will to be expressed ... on the basis of universal, equal and secret suffrage so that all voters can choose their representatives in conditions of equality, openness and transparency"; and *expresses its firm hope*, therefore, that the national authorities will urgently take measures

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to ensure that opposition candidates and their supporters will be allowed to exercise their basic human right to take part in the conduct of public affairs on a par with the ruling party and its supporters;

6. *Reaffirms* its stance that the issues in this case are part of the broader complex situation in Venezuela, which can only be resolved through political dialogue and by the Venezuelans themselves; *calls on, once again*, all relevant political actors to act in good faith and to commit fully to inclusive political dialogue that will bring about a new social pact through participatory and non-violent means, without foreign interference and in compliance with the State's international human rights commitments, as well as create the necessary conditions to conduct elections accepted by all parties; *reaffirms* that the IPU stands ready to assist with these efforts; and *invites the relevant authorities to provide* further official information on how this assistance can best be provided;
7. *Renews its call on* all IPU Member Parliaments, IPU Permanent Observers, relevant human rights organizations and the international community in general to take concrete actions in support of any effort to strengthen democracy in Venezuela in a manner consistent with human rights values and within the boundaries of the principle of non-interference in domestic affairs;
8. *Requests* the Secretary General to convey this decision to the competent authorities, the complainant and any third party likely to be in a position to supply relevant information;
9. *Requests* the Committee to continue examining the case and to report back to it in due course.

Venezuela

*Decision adopted unanimously by the IPU Governing Council at its 213th session
(Geneva, 27 March 2024)*



View of the National Assembly building in Caracas, Venezuela © Luis ROBAYO / AFP

- | | |
|-----------------------------------|--|
| VEN-10 – Biagio Pilieri | VEN-86 – Edgar Zambrano |
| VEN-11 – José Sánchez Montiel | VEN-87 – Juan Pablo García |
| VEN-12 – Hernán Claret Alemán | VEN-88 – Cesar Cadenas |
| VEN-13 – Richard Blanco | VEN-89 – Ramón Flores Carrillo |
| VEN-16 – Julio Borges | VEN-91 – María Beatriz Martínez (Ms.) |
| VEN-19 – Nora Bracho (Ms.) | VEN-92 – María C. Mulino de Saavedra (Ms.) |
| VEN-20 – Ismael García | VEN-93 – José Trujillo |
| VEN-22 – Williams Dávila | VEN-94 – Marianela Fernández (Ms.) |
| VEN-24 – Nirma Guarulla (Ms.) | VEN-95 – Juan Pablo Guanipa |
| VEN-25 – Julio Ygarza | VEN-96 – Luis Silva |
| VEN-26 – Romel Guzamana | VEN-97 – Eliezer Sirit |
| VEN-27 – Rosmit Mantilla | VEN-98 – Rosa Petit (Ms.) |
| VEN-28 – Renzo Prieto | VEN-99 – Alfonso Marquina |
| VEN-29 – Gilberto Sojo | VEN-100 – Rachid Yasbek |
| VEN-30 – Gilber Caro | VEN-101 – Oneida Guaípe (Ms.) |
| VEN-31 – Luis Florido | VEN-102 – Jony Rahal |
| VEN-32 – Eudoro González | VEN-103 – Ylidio Abreu |
| VEN-33 – Jorge Millán | VEN-104 – Emilio Fajardo |
| VEN-34 – Armando Armas | VEN-106 – Angel Alvarez |
| VEN-35 – Américo De Grazia | VEN-108 – Gilmar Marquez |
| VEN-36 – Luis Padilla | VEN-109 – José Simón Calzadilla |
| VEN-37 – José Regnault | VEN-110 – José Gregorio Graterol |
| VEN-38 – Dennis Fernández (Ms.) | VEN-111 – José Gregorio Hernández |
| VEN-39 – Olivia Lozano (Ms.) | VEN-112 – Mauligmer Baloa (Ms.) |
| VEN-40 – Delsa Solórzano (Ms.) | VEN-113 – Arnoldo Benítez |
| VEN-41 – Robert Alcalá | VEN-114 – Alexis Paparoni |
| VEN-42 – Gaby Arellano (Ms.) | VEN-115 – Adriana Pichardo (Ms.) |
| VEN-43 – Carlos Bastardo | VEN-116 – Teodoro Campos |
| VEN-44 – Marialbert Barrios (Ms.) | VEN-117 – Milagros Sánchez Eulate (Ms.) |
| VEN-45 – Amelia Belisario (Ms.) | VEN-118 – Denncis Pazos |
| VEN-46 – Marco Bozo | VEN-119 – Karim Vera (Ms.) |

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VEN-48 – Yanet Fermin (Ms.)	VEN-120 – Ramón López
VEN-49 – Dinorah Figuera (Ms.)	VEN-121 – Freddy Superlano
VEN-50 – Winston Flores	VEN-122 – Sandra Flores-Garzón (Ms.)
VEN-51 – Omar González	VEN-123 – Armando López
VEN-52 – Stalin González	VEN-124 – Elimar Díaz (Ms.)
VEN-53 – Juan Guaidó	VEN-125 – Yajaira Forero (Ms.)
VEN-54 – Tomás Guanipa	VEN-126 – Maribel Guedez (Ms.)
VEN-55 – José Guerra	VEN-127 – Karin Salanova (Ms.)
VEN-56 – Freddy Guevara	VEN-128 – Antonio Geara
VEN-57 – Rafael Guzmán	VEN-129 – Joaquín Aguilar
VEN-58 – María G. Hernández (Ms.)	VEN-130 – Juan Carlos Velasco
VEN-59 – Piero Maroun	VEN-131 – Carmen María Sivoli (Ms.)
VEN-60 – Juan A. Mejía	VEN-132 – Milagros Paz (Ms.)
VEN-61 – Julio Montoya	VEN-133 – Jesus Yanez
VEN-62 – José M. Olivares	VEN-134 – Desiree Barboza (Ms.)
VEN-63 – Carlos Paparoni	VEN-135 – Sonia A. Medina G. (Ms.)
VEN-64 – Miguel Pizarro	VEN-136 – Héctor Vargas
VEN-65 – Henry Ramos Allup	VEN-137 – Carlos A. Lozano Parra
VEN-66 – Juan Requesens	VEN-138 – Luis Stefanelli
VEN-67 – Luis E. Rondón	VEN-139 – William Barrientos
VEN-68 – Bolivia Suárez (Ms.)	VEN-140 – Antonio Aranguren
VEN-69 – Carlos Valero	VEN-141 – Ana Salas (Ms.)
VEN-70 – Milagro Valero (Ms.)	VEN-142 – Ismael León
VEN-71 – German Ferrer	VEN-143 – Julio César Reyes
VEN-72 – Adriana d'Elia (Ms.)	VEN-144 – Ángel Torres
VEN-73 – Luis Lippa	VEN-145 – Tamara Adrián (Ms.)
VEN-74 – Carlos Berrizbeitia	VEN-146 – Deyalitzza Aray (Ms.)
VEN-75 – Manuela Bolívar (Ms.)	VEN-147 – Yolanda Tortolero (Ms.)
VEN-76 – Sergio Vergara	VEN-148 – Carlos Proserpi
VEN-78 – Oscar Ronderos	VEN-149 – Addy Valero (Ms.)
VEN-79 – Mariela Magallanes (Ms.)	VEN-150 – Zandra Castillo (Ms.)
VEN-80 – Héctor Cordero	VEN-151 – Marco Aurelio Quiñones
VEN-81 – José Mendoza	VEN-152 – Carlos Andrés González
VEN-82 – Angel Caridad	VEN-153 – Carlos Michelangeli
VEN-83 – Larissa González (Ms.)	VEN-154 – César Alonso
VEN-84 – Fernando Orozco	VEN-155 – Auristela Vásquez (Ms.)
VEN-85 – Franco Casella	

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 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
- ✓ Impunity
- ✓ Other violations: right to privacy

A. Summary of the case

The case concerns allegations of human rights violations affecting 135 parliamentarians⁶ from the coalition of the *Mesa de la Unidad Democrática* (Democratic Unity Roundtable – MUD), against the backdrop of continuous efforts by Venezuela's executive and judicial authorities to undermine the functioning of the National Assembly elected in 2015. At the time, the MUD coalition was opposed to President Nicolás Maduro's Government and obtained a majority of seats in the National Assembly in the parliamentary elections of 6 December 2015. New parliamentary elections were held on 6 December 2020.

According to the complainant, 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, inside parliament and/or at their homes. At least 11 National Assembly members were arrested reportedly due to politically motivated legal proceedings against them and subsequently released. All were detained without due respect for the constitutional provisions on parliamentary immunity. There are also serious concerns regarding respect for due process and their treatment in detention. People associated with opposition parliamentarians have also been detained and harassed. At least 36 parliamentarians are in exile, six have recently returned to Venezuela, 23 are engaged in court proceedings, and many of them have been barred from holding public office. The passports of at least 13 parliamentarians have been confiscated, not been renewed, or cancelled by the authorities, reportedly as a way to exert pressure and to prevent them from travelling abroad to report what is happening in Venezuela.

On 31 August 2020, President Nicolás Maduro pardoned 110 members of the political opposition who had been accused of committing criminal acts. The decision meant the closure of ongoing criminal proceedings against 26 parliamentarians listed in the present case and the release of four of them.

A joint mission, composed of members of both the IPU Committee on the Human Rights of Parliamentarians (CHRP) and the IPU Executive Committee, visited Venezuela from 23 to 27 August 2021. The delegation was able to meet with a large variety of state authorities and stakeholders as well as with more than 60 of the 135 parliamentarians elected in 2015 with cases under examination by the CHRP, thereby obtaining first-hand information on their individual situations.

In August 2022, the complainant informed the Committee that, on 4 August 2022, Mr. Juan Requesens (VEN-66), was sentenced to eight years in prison for his alleged involvement in what the Venezuelan authorities defined as a failed assassination attempt involving drones carrying explosives against President Nicolás Maduro in Caracas in 2018. He spent two years in prison and three under house arrest. He was finally released on 19 October 2023.

According to the complainant, in recent months, Venezuelan judges have issued arrest warrants and extradition requests against several former members of parliament from the 2015 National Assembly, including Mr. Julio Borges (VEN-16) and Mr. Juan Guaidó (VEN-53), both former presidents of the 2015 National Assembly; Ms. Dinorah Figuera (VEN-49); Ms. Marianela Fernández (VEN-94) and Ms. Auristela Vásquez (VEN-155). All of them live in exile. The complainant also reported that on 25 January 2023 the properties of Ms. Figuera and Ms. Vásquez had been seized by the judicial

Case VEN-COLL-06

Venezuela: Parliament affiliated to the IPU

Victims: 135 opposition members of parliament (93 men and 42 women)

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

Submission of complaint: March 2017

Recent IPU decision: March 2023

IPU mission: August 2021

Recent Committee hearings:

- Hearing with members of the National Assembly elected in 2020 at the 173rd session of the Committee on the Human Rights of Parliamentarians (January 2024)

Recent follow-up:

- Communication from the authorities: January 2024
- Communication from the complainant: March 2024
- Communication to the authorities: Letter to the Ambassador of Venezuela in Geneva (February 2024)
- Communication to the complainant: March 2024

⁶ In this decision, the use of the term "parliamentarian" should be construed as referring to both women and men elected in 2015 as members of the National Assembly and by no means as expressing an opinion on the validity of their parliamentary mandate at the present time.

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authorities. In September and December 2023, the CHRP received detailed information about new death threats and intimidation against former Vice-president of the CHRP, Ms. Delsa Solórzano (VEN-40). In March 2024, the complainant reported that an arrest warrant had been issued against Mr. Omar González (VEN-51), who is a member of the campaign team of the opposition presidential candidate, Ms. María Corina Machado (VEN-18), for allegedly being linked to a destabilization plan to create violence in the country aimed at ensuring Ms. Machado's participation in the upcoming presidential elections.

In a letter sent by the Venezuelan authorities in January 2024, it was stated that there had been no political persecution or other arbitrary actions against former or current parliamentarians. The cases of former parliamentarians that are under investigation and that have led to the actions of the competent organs of the Venezuelan State are based on alleged facts that constitute a violation of the established norms of the Venezuelan legal system, in which the accused enjoy all the legal guarantees established by the Constitution and laws of the Bolivarian Republic of Venezuela. This position was reiterated by a delegation of members of the National Assembly elected in 2020 during a meeting with the CHRP in January 2024. The delegation also expressed its willingness to cooperate with the Committee in finding solutions to the Venezuelan cases before it. However, the Committee's request for updated and official information on all cases before it remains unanswered to date.

B. Decision

The Governing Council of the Inter-Parliamentary Union

1. *Thanks* the Venezuelan authorities for the information provided in writing and for meeting with the Committee on the Human Rights of Parliamentarians during its 173rd session to discuss the cases and concerns at hand; and *notes with satisfaction* the willingness expressed by the delegation to collaborate with the IPU in seeking satisfactory solutions to the cases before the Committee and to cooperate with it on issues of common interest;
2. *Welcomes* the release of Mr. Juan Requesens, who was the last former parliamentarian in the present collective case to be deprived of his liberty;
3. *Remains deeply concerned* by reports that criminal proceedings are ongoing and several arrest warrants and/or extradition requests have been issued against a number of former opposition parliamentarians, including Mr. Julio Borges, Mr. Juan Guaidó, Ms. Dinorah Figuera, Ms. Marianela Fernández, Ms. Auristela Vásquez and Mr. Omar González; *wishes* to receive official and detailed information on the facts justifying each of the charges brought against them as well as copies of the relevant court decisions; and *urges* the national authorities to take all necessary steps to ensure that their rights are fully respected;
4. *Is deeply concerned* that Ms. Delsa Solórzano has allegedly received new death threats and is facing intimidation; *urges* in this regard the competent authorities to ensure that she receives adequate protection and that the threats are effectively investigated and those responsible held to account; and *wishes* to receive information on this point;
5. *Reaffirms* its long-standing position that the continued harassment of opposition parliamentarians elected in 2015, despite the expiry of their mandate, is a direct consequence of the prominent role they played as outspoken opponents of President Nicolás Maduro's Government and as members of the then opposition-led National Assembly; *urges* the authorities, once again, to put an immediate end to all forms of persecution against the opposition parliamentarians elected in 2015, to thoroughly investigate and establish accountability for reported violations of their rights, and to ensure that all relevant state authorities respect their human rights, including the right of those who are currently living in exile to voluntarily return in safety to Venezuela; and *calls on* the Venezuelan authorities to provide official information on any steps taken to this end;
6. *Is deeply concerned* that, on 15 February 2024, the Venezuelan Government decided to suspend the activities of the Office of the United Nations High Commissioner for Human Rights (OHCHR) in the country; *recalls* that the OHCHR's presence in Caracas has played an

important role in monitoring and documenting the human rights situation in the country and in providing support and assistance to victims and survivors, including the former members of parliament listed in the present case; and *sincerely hopes* that the Venezuelan Government will reverse this decision and re-engage with the OHCHR as soon as possible;

7. *Reaffirms* its stance that the issues in this case are part of the broader complex situation in Venezuela, which can only be resolved through political dialogue and by the Venezuelans themselves; *calls on*, once again, all relevant political actors to act in good faith and to commit fully to inclusive political dialogue that will bring about a new social pact through participatory and non-violent means, without foreign interference and in compliance with the State's international human rights commitments, as well as create the necessary conditions to conduct presidential elections, the results of which can be accepted by all parties; *reaffirms* that the IPU stands ready to assist with these efforts; and *invites* the relevant authorities *to provide* further official information on how this assistance can best be provided;
8. *Recalls*, once more, as stated in the IPU's Universal Declaration on Democracy, that the "key element in the exercise of democracy is the holding of free and fair elections ... enabling the people's will to be expressed ... on the basis of universal, equal and secret suffrage so that all voters can choose their representatives in conditions of equality, openness and transparency"; and *expresses its firm hope*, therefore, that the national authorities will urgently take measures to ensure that opposition candidates and their supporters will be allowed to exercise their basic human right to take part in the conduct of public affairs on a par with the ruling party and its supporters;
9. *Renews its call on* all IPU Member Parliaments, IPU Permanent Observers, relevant human rights organizations and the international community in general to take concrete actions in support of any effort to strengthen democracy in Venezuela in a manner consistent with human rights values and within the boundaries of the principle of non-interference in domestic affairs;
10. *Notes* that the Committee decided to close the individual case relating to the situation of Mr. Oscar Ronderos (VEN-78) in accordance with section IX.25 (c) of Annex I to its Procedure for the examination and treatment of complaints, considering that Mr. Ronderos stated that further action by the Committee would no longer be useful in his case;
11. *Requests* the Secretary General to convey this decision to the competent Venezuelan authorities, the complainant and any third party likely to be in a position to supply relevant information;
12. *Requests* the Committee to continue examining the case and to report back to it in due course.

Zimbabwe

*Decision adopted by consensus by the IPU Governing Council at its 213th session
(Geneva, 27 March 2024)*⁷



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|--|---|
| ZWE-47 – Pashor Raphael Sibanda | ZWE-68 – Mativenga Godfrey Madzikana |
| ZWE-48 – Ereck Gono | ZWE-69 – David Chimhini |
| ZWE-49 – Nicola Jane Watson (Ms.) | ZWE-71 – Admore Chivero |
| ZWE-50 – Desmond Makaza | ZWE-72 – Stephen Chatiza |
| ZWE-51 – Obert Manduna | ZWE-73 – Gift Ostallos Siziba |
| ZWE-52 – Sitabile Mlilo (Ms.) | ZWE-74 – Tapfumaneyi Willard Madzimbamuto |
| ZWE-53 – Jasmine Toffa (Ms.) | ZWE-75 – Oliver Mutasa |
| ZWE-54 – Janeth Dube (Ms.) | ZWE-76 – Amos Chibaya |
| ZWE-55 – Evidence Zana (Ms.) | ZWE-77 – Emma Muzondiwa (Ms.) |
| ZWE-56 – Morgan Ncube | ZWE-78 – Machirairwa Mgidho (Ms.) |
| ZWE-57 – Velisiwa Nkomo (Ms.) | ZWE-79 – Constance Chihota (Ms.) |
| ZWE-58 – Prince Dubeko Sibanda | ZWE-80 – Monica Mukwada (Ms.) |
| ZWE-59 – Bright Moyo Vanya | ZWE-81 – Sekai Mungani (Ms.) |
| ZWE-60 – Febion Munyaradzi Kufahatizwi | ZWE-82 – Linnet Mazingaidzo (Ms.) |
| ZWE-61 – Helen Zivira (Ms.) | ZWE-83 – Dephine Gutsa (Ms.) |
| ZWE-62 – Gideon Shoko | ZWE-84 – Webster Maondera |
| ZWE-63 – Siphwe Ncube (Ms.) | ZWE-85 – Jameson Timba |
| ZWE-64 – Felix Magalela | ZWE-86 – Editor Matamisa (Ms.) |
| ZWE-65 – Tendai Sibanda (Ms.) | ZWE-87 – Vongai Tome (Ms.) |
| ZWE-66 – Joel Gabuza Gabbuza | ZWE-88 – Ralph T. Magunje |
| ZWE-67 – Anastasia Moyo (Ms.) | |

⁷ The delegation of Zimbabwe expressed its reservations regarding the decision.

Alleged human rights violations

- ✓ Torture, ill-treatment and other acts of violence
- ✓ Threats, acts of intimidation
- ✓ Lack of due process in proceedings against parliamentarians
- ✓ Undue invalidation, suspension, revocation or other acts obstructing the exercise of the parliamentary mandate
- ✓ Other violations: right to take part in the conduct of public affairs

A. Summary of the case

General elections were held in Zimbabwe on 23 August 2023, which led to the inauguration of the 10th parliamentary term on 3 October 2023. According to the complainant, the Citizen's Coalition for Change (CCC), the opposition party then led by Mr. Nelson Chamisa, the main challenger to the incumbent President Mnangagwa of the ruling Zimbabwe African National Union (ZANU-PF) party, acquired a sizeable number of seats in both chambers of parliament, thus ending the two-thirds majority that the ZANU-PF party had enjoyed in the past. According to the complainant, in a letter dated 11 September 2023, Mr. Nelson Chamisa wrote to the speakers of both houses of parliament that, as President of the CCC, his office was to be solely responsible for any correspondence between the authorities and the CCC.

At a hearing with the IPU Committee on the Human Rights of Parliamentarians during the 147th IPU Assembly, the Speaker of the National Assembly stated that Article 129(1)(k) of the Constitution of Zimbabwe stipulated that the seat of a member of the National Assembly becomes vacant "if the Member has ceased to belong to the political party of which he or she was a member when elected to Parliament and the political party concerned, by written notice to the Speaker ... has declared that the Member has ceased to belong to it".

The complainant contends that Speaker Mudenda recalled 14 members of the National Assembly on the basis of a letter that was allegedly received from a Mr. Sengozi Tshabangu on 4 October 2023, in which Mr. Tshabangu claimed to be the "interim Secretary General of the CCC" and requested the speakers of both houses of parliament to recall 14 members of the lower house and nine senators on the grounds that they were no longer members of the CCC. According to the complainant, Mr. Tshabangu is an imposter with no position in the CCC and without any authority to request this recall. Moreover, none of the individuals concerned in parliament stated that they had left the CCC. In the hearing with the IPU Committee, the Speaker of the National Assembly stated that Mr. Tshabangu's letter had been received before Mr. Chamisa's letter and affirmed that, had it been the other way around, his decision would have been quite different.

According to the complainant, the Speaker of the National Assembly denied the CCC parliamentarians the right to be heard before proceeding with the revocation of their parliamentary mandate on 10 October 2023. According to information received from the Speaker of the National Assembly, most recently through his letter of 26 February 2024, under Article 129(1)(k) of the Constitution, and bearing in mind a legal precedent specifying that the Speaker should not adjudicate internal party disputes, the Speakers of each chamber had no choice but to proceed with the recall and to refer the individuals concerned to the courts if they did not agree with the recall decision. The Speaker of the National Assembly has also referred in his observations to existing case law that confirms this position.

The complainant claims that the Speaker acted unconstitutionally by ignoring the written and oral submission of known members of the CCC by refusing any discussion on this issue and by accepting the letter from Mr. Tshabangu without verifying that it was a legitimate communication from the CCC. In addition, the complainant alleges that the Speaker ordered the intervention of a riot police unit, which evicted the CCC parliamentarians from the National Assembly after they refused to leave the House,

Case ZWE-COLL-02

Zimbabwe: Parliament affiliated to the IPU

Victims: 41 opposition members of parliament (22 men and 19 women)

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

Submission of complaint: October 2023

Recent IPU decision: October 2023

IPU mission(s): - - -

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

Recent follow-up:

- Communication(s) from the authorities: Letter from the Speaker of the National Assembly (February 2024)
- Communication from the complainant: January 2024
- Communication to the authorities: Letter to the Speaker of the National Assembly (February 2024)
- Communication to the complainant: January 2024

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protesting against the recall of their colleagues. According to the complainant, several parliamentarians sustained injuries as a result of police brutality in the House. In addition, the complainant submits that the Speaker suspended all CCC National Assembly members from the House for six sittings and stopped their salaries for two months.

Since then, the complainant states that 18 additional CCC parliamentarians were recalled on 14 November 2023 (five senators and 13 members of the lower house), and that all recalled CCC legislators have been barred from taking part in by-elections held since October 2023. In addition, Mr. Febion Kufahatizwi, whose mandate was affected by the recall of 10 October 2023, was reportedly subjected to threats and intimidation against himself and his staff during the by-elections, which led to the abduction and murder of his aide, Mr. Tapfumaneyi Masaya. The complainant adds that this followed the abduction and torture of Mr. Takudzwa Ngadziore on 1 November 2023 and two other CCC members in the months that followed the August 2023 elections.

According to the complainant, these events should be seen as part of a pattern of repression, erosion of the independence of the judiciary and a shrinking civic space, which intensified after the 2023 elections, and against the background of pre-existing violations of the rights of opposition parliamentarians. The complainant shared several incidents where opposition parliamentarians had been recalled from other opposition parties in the past but stressed that never before had the recall procedure been initiated by a person who was reportedly external to the political party and its leadership. Reportedly, Mr. Tshabangu made statements to the effect that only CCC candidates vetted by himself would be allowed to take part in future by-elections, which led to the intervention of the Zimbabwe Electoral Commission (ZEC) to ban recalled members of parliament from taking part in elections. In addition, all attempts to rectify the recalls by challenging them in court were dismissed.

B. Decision

The Governing Council of the Inter-Parliamentary Union

1. *Notes* that the current case also includes a new complaint regarding the situation of 18 individuals and that the complaint: (i) was submitted in due form by a qualified complainant under section I.1(a) of the Procedure for the examination and treatment of complaints (Annex I of the revised Rules and Practices of the Committee on the Human Rights of Parliamentarians); (ii) concerns 18 additional members of parliament who had been elected before the alleged violations took place; and (iii) concerns allegations of undue invalidation, suspension, revocation or other acts obstructing the exercise of the parliamentary mandate, which are allegations that fall within the Committee's mandate; and *decides* to merge the examination of their cases with the present case;
2. *Thanks* the Speaker of the National Assembly of Zimbabwe for his recent letter and for the detailed information provided therein;
3. *Is concerned* by the escalating number of cases before the Committee on the Human Rights of Parliamentarians in Zimbabwe;
4. *Regrets* that the parliamentary authorities did not see fit to implement the decision of the Governing Council of 27 October 2023 regarding the modification of the recall procedure after the revocation of the mandate of the first 23 opposition parliamentarians; *declares*, once again, that the procedure allowing political parties in Zimbabwe to recall their members in parliament runs counter to the basic principle of the free representational mandate and to the right to freedom of expression, both of which the IPU has consistently defended; *reaffirms* that the Constitution should also secure the rights of parliamentarians, and that if the interpretation of some norms infringes on the rights of duly elected members of parliament and deprives them of the mandate given to them by the people, that serious consideration should be given to revising those norms; *renews its sincere hope* that the Zimbabwean authorities, in particular parliament, will seriously examine the possibility of modifying the recall procedure so as to ensure that members of parliament can carry out their work freely without undue pressure from their political parties;

5. *Appreciates* the argument put forward by the Speaker of the National Assembly that he acted in line with Article 129(1)(k) of the Constitution of the Republic of Zimbabwe; *fails to see*, however, any reasonable grounds for accepting an official communication from an unknown individual without being satisfied that the said communication is legitimate and without seeking the point of view of the individuals concerned or the President of their party; *is concerned* by the assertion that the official communication from the leader of the party to which the 18 parliamentarians belonged was not taken into account because it was reportedly received after the recall, even though it was dated three weeks before that decision was taken; *is puzzled* by the swiftness with which the decision to revoke the mandate of the newly elected parliamentarians was taken and the fact that no debate on the issue was allowed; and *wishes* to receive additional clarification from the parliamentary authorities of the National Assembly and the Senate on the points above;
6. *Is dismayed* that 18 additional opposition parliamentarians lost their seats following the decision of the Speaker of the National Assembly and the President of the Senate to revoke their mandate on the basis of yet another deeply contested letter from Mr. Tshabangu, an individual who is allegedly unrelated to the party to which these legislators belong; *is perplexed* by the fact that this letter was accepted and acted upon despite the fact that the President of the party concerned, Mr. Nelson Chamisa, had written months before to the said Speakers, clearly stating that all correspondence with and from the CCC party had to go solely through him, and despite his later comments that Mr. Tshabangu was an imposter and that the parliamentarians concerned were *bona fide* members of the party and did not consent to the recall;
7. *Is shocked* to learn that the members of parliament who lost their seats as a result of the recalls were denied the right to take part in by-elections in their constituencies by decision of the Zimbabwe Electoral Commission; *takes note* of the information that a ban has been issued by the High Court of Zimbabwe blocking any new recalls pending a final decision on the matter by the courts; and *strongly believes* that parliament should review the circumstances that paved the way to the emergence of this case and do everything necessary to ensure that such circumstances do not arise again;
8. *Is convinced* that this case and the ongoing cases from Zimbabwe before the Committee require the organization of a mission by the IPU Committee to Zimbabwe as soon as practicable; *thanks*, once again, the Speaker of the National Assembly for his renewed commitment, as stated in his most recent letter, to making arrangements with the executive authorities to facilitate the organization of such a mission; and *wishes* to receive such information in time to conduct such a mission ahead of the 149th Assembly of the IPU, scheduled to take place in October 2024; and *looks forward* to receiving information on the specifics of the mission as soon as possible;
9. *Requests* the Secretary General to convey this decision to the parliamentary authorities and other relevant national authorities, the complainant and any interested third party likely to be in a position to supply relevant information;
10. *Requests* the Committee to continue examining this case and to report back to it in due course.

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