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138th IPU ASSEMBLY AND RELATED MEETINGS

Geneva, 23 – 28.03.2018

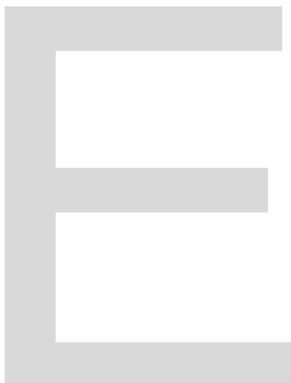
156th session of the Committee on the Human Rights of Parliamentarians

Geneva, 23 - 27 March 2018

Salle Lausanne, CCV Annexe Building, CIGG

Summary of cases examined by the Committee

1. **Cambodia:** Fifty-seven parliamentarians
2. **Ecuador:** Mr. Jaime Ricaurte Hurtado González and Mr. Pablo Vicente Tapia Farinango
3. **Ecuador:** Mr. José Cléver Jimenez Cabrera
4. **Ecuador:** Ms. Lourdes Tibán
5. **Iraq:** Mr. Ahmed Jamil Salman Al-Alwani
6. **Kuwait:** Mr. Abdul Hameed Dashti
7. **Maldives:** Fifty parliamentarians
8. **Mongolia:** Mr. Zorig Sanjasuuren
9. **Niger:** Mr. Amadou Hama
10. **Niger:** Mr. Seidou Bakari
11. **Philippines:** Ms Leila de Lima
12. **Turkey:** Fifty-seven parliamentarians
13. **Venezuela:** Fifty-seven parliamentarians
14. **Zambia:** Eleven parliamentarians



#IPU138

Cambodia



Kem Sokha is escorted by police at his home in Phnom Penh on September 3, 2017 © AFP

- | | |
|----------------------------|--------------------------------|
| KHM27 - Chan Cheng | KHM76 - Ky Wandara |
| KHM48 - Mu Sochua (Ms.) | KHM77 - Lath Littay |
| KHM49 - Keo Phirum | KHM78 - Lim Bun Sidareth |
| KHM50 - Ho Van | KHM79 - Lim Kimya |
| KHM51 - Long Ry | KHM80 - Long Botta |
| KHM52 - Nut Romdoul | KHM81 - Ly Srey Vyna (Ms) |
| KHM53 - Men Sothavarin | KHM82 - Mao Monyvann |
| KHM54 - Real Khemarin | KHM83 - Ngim Nheng |
| KHM55 - Sok Hour Hong | KHM84 - Ngor Kim Cheang |
| KHM56 - Kong Sophea | KHM85 - Ou Chanrath |
| KHM57 - Nhay Chamroeun | KHM86 - Ou Chanrith |
| KHM58 - Sam Rainsy | KHM87 - Pin Ratana |
| KHM59 - Um Sam Am | KHM88 - Pol Hom |
| KHM60 - Kem Sokha | KHM89 - Pot Poeu (Ms.) |
| KHM61 - Thak Lany (Ms.) | KHM90 - Sok Umsea |
| KHM62 - Chea Poch | KHM91 - Son Chhay |
| KHM63 - Cheam Channy | KHM92 - Suon Rida |
| KHM64 - Chiv Cata | KHM93 - Te Chanmony (Ms.) |
| KHM65 - Dam Sithik | KHM94 - Tioulong Saumura (Ms.) |
| KHM66 - Dang Chamreun | KHM95 - Tok Vanchan |
| KHM67 - Eng Chhai Eang | KHM96 - Tuon Yokda |
| KHM68 - Heng Danaro | KHM97 - Tuot Khoert |
| KHM69 - Ke Sovannroth (Ms) | KHM98 - Uch Serey Yuth |
| KHM70 - Ken Sam Pumsen | KHM99 - Vann Narith |
| KHM71 - Keo Sambath | KHM100 - Yem Ponhearith |
| KHM72 - Khy Vannbeth | KHM101 - Yim Sovann |
| KHM73 - Kimsour Phirith | KHM102 - Yun Tharo |
| KHM74 - Kong Bora | KHM103 - Tep Sothy (Ms.) |
| KHM75 - Kong Kimhak | |

Alleged human rights violations:

- ✓ **Violation of freedom of opinion and expression (2.1)**
- ✓ **Violation of freedom of assembly and association (2.2)**
- ✓ **Abusive revocation of the parliamentary mandate (2.4.2)**
- ✓ **Lack of due process at the investigation stage (1.8.1)**
- ✓ **Lack of fair trial proceedings (1.8.2)**
- ✓ **Failure to respect parliamentary immunity (2.4.3)**
- ✓ **Violation of freedom of movement (2.3)**
- ✓ **Threats and acts of intimidation (1.5)**

Summary of the case:

On 16 November 2017, the Supreme Court dissolved the sole opposition party in Cambodia, the Cambodian National Rescue Party (CNRP). It also banned a total of 118 CNRP leaders (including all 55 CNRP members of the National Assembly) from political life for five years with no possibility of appeal. Their parliamentary mandates were immediately revoked and their seats reallocated to non-elected political parties allegedly aligned with the ruling party. The dissolution of the CNRP has left the ruling Cambodian People's Party (CPP) - and Prime Minister Hun Sen - with no significant opponent in the run-up to the July 2018 elections. The UN and other international stakeholders have voiced grave concerns about the political environment and its consequences for the conduct of credible, free and fair elections in Cambodia

The complainant has called for the immediate reinstatement of all MPs and the unhindered participation of the opposition in the elections, claiming that the dissolution of the CNRP violated the fundamental rights of the parliamentarians targeted and was in breach of the Constitution and laws of Cambodia. The Cambodian authorities affirmed that the Supreme Court decision was based on charges of conspiracy with a foreign country to overthrow the legitimate Government. They pointed out that the National Assembly remained a multiparty parliament composed of four political parties.

The dissolution of the CNRP takes place against the backdrop of long-standing and repeated threats, intimidation or groundless criminal charges against its MPs. They have been repeatedly warned by the Prime Minister that their only choice was to join the ruling party or to be prepared for the dissolution and ban of their party. All the parliamentarians are currently in exile.

Since 2013, some 15 of them have been facing criminal accusations and have been subjected to physical attacks that have gone unpunished. The few assailants who were briefly detained have been released, promoted and reintegrated into the Prime Minister's team of private security guards. The judicial proceedings against opposition MPs have concluded with systematic convictions. Serious issues of due process and lack of judicial independence have been raised. The complainant alleges that the convictions violate the right to freedom of expression of the parliamentarians concerned, who were sentenced for using social media to issue statements criticizing the ruling party and the Prime Minister.

Two former MPs remain in detention (Mr. Kem Sokha and Mr. Um Sam An). Judicial proceedings are still ongoing against Mr. Sam Rainsy and Mr. Kem Sokha. The latter incurs a 30 year prison term for planning to overthrow the Government. The charge is essentially substantiated by a 2013 TV speech in which Mr. Kem Sokha calls for peaceful political change in Cambodia without at any point inciting violence, hatred or uttering defamatory words.

The Cambodian authorities denied the IPU permission to visit Mr. Kem Sokha in detention.

Case KHM-Coll.1

Cambodia: Parliament affiliated to the IPU

Victims: 57 former opposition parliamentarians (50 male and seven female, 55 from the National Assembly and two from the Senate)

Complainant: Section I (1)(c) of the [Committee Procedure](#) (Annex 1)

Submission of complaint: November 2011

Recent IPU decision: [January 2018](#)

Recent IPU Mission: [February 2016](#)

Recent Committee hearings

Hearing with the Cambodia delegation to the 137th IPU Assembly (October 2017)

Recent follow-up

- Communication from the authorities: Letter of the Secretary General of the National Assembly (March 2018)
- Communication from the complainant: March 2018
- Communication from the IPU to the Secretary General of the National Assembly (February 2018)
- Communication from the IPU to the complainant: March 2018

IPU technical assistance: No

Last report update: 12 March 2018 ■

Ecuador



Jaime Ricaurte Hurtado González © MDP 2013

ECU02 - Jaime Ricaurte Hurtado González ECU03 - Pablo Vicente Tapia Farinango

Alleged human rights violations:

- ✓ Murder (1.1)

Summary of the case:

Mr. Hurtado and Mr. Tapia were shot dead on 17 February 1999. A government-appointed monitoring commission sharply criticized the conduct of the investigating authorities and the judicial proceedings. After protracted investigations, plenary trial proceedings were opened in December 2004 against six suspects, two of whom have since been sentenced to a 16-year prison term which they served; two other accused, Mr. Washington Aguirre and Mr. Gil Ayerve were apprehended in the United States of America and Colombia in 2009 and 2010 respectively. In July 2010, the Colombian Supreme Court approved the extradition of Mr. Ayerve, the accused who had been detained in Colombia. However, the Second Criminal Chamber of the National Court of Justice of Ecuador subsequently ruled that the statute of limitations in the case had expired, thereby barring any criminal proceedings. In a resolution adopted in November 2010, the National Assembly of Ecuador strongly criticized that ruling, considering it contrary to Ecuadorian law. Meanwhile, Mr. Ayerve had been extradited to Ecuador, where he was also the subject of other charges. It is unclear, however, whether Mr. Ayerve is still in detention today since his lawyer subsequently pleaded that he could not stand trial for anything other than the charge leading to his extradition and that this charge could no longer be prosecuted owing to the statute of limitations. The lawyers for the deceased MPs have challenged this position, arguing that the murder is a state crime / crime against humanity not subject to any statute of limitations. In March 2013 the other accused, Mr. Aguirre, was apprehended in Italy, where he had gone after fleeing/leaving the United States. The Ecuadorian authorities appear to have subsequently asked for his extradition.

Case ECU-Coll.1

Ecuador: Parliament affiliated to the IPU

Victims: Two opposition members of parliament

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

Submission of complaint: March 1999

Recent IPU decision: [March 2014](#)

Recent IPU Mission: No

Recent Committee hearings

Hearing with the Ecuador delegation during the 131st IPU Assembly (October 2013)

Recent follow up

- Communication from the authorities: Letter from the President of the National Assembly (March 2017)
- Communication from the complainant: complainant inactive
- Communication from the IPU addressed to the President of the National Assembly (March 2018)
- Communication from the IPU addressed to the complainant: complainant inactive

IPU technical assistance: No

Last report update: 7 March 2018 ■

Ecuador



© José Cléver Jiménez Cabrera

ECU68 - José Cléver Jiménez Cabrera

Alleged human rights violations:

- ✓ **Violation of freedom of opinion and expression (2.1)**
- ✓ **failure to respect parliamentary immunity (2.4.3)**
- ✓ **lack of fair trial proceedings (1.8.2)**
- ✓ **threats, acts of intimidation (1.5)**

Summary of the case:

In 2013, Mr. José Cléver Jiménez, then a member of the National Assembly, together with adviser and journalist Fernando Alcibiades Villavicencio and union leader Carlos Eduardo Figueroa, was sentenced at first and second instance for criminal judicial defamation against then President Rafael Correa. The complainant considers, unlike the Ecuadorian authorities, that the action taken against Mr. Cléver Jiménez violates his right to freedom of expression and parliamentary immunity. The sentence was never carried out, as Mr. Cléver Jiménez remained at large. On 24 March 2014, the Inter-American Commission on Human Rights (IACHR) adopted precautionary measures and requested the State of Ecuador to suspend implementation of the sentence. As the State refused to observe the request, Mr. Cléver Jiménez presented a legal action before the Constitutional Court for non-observance of the IACHR precautionary measures. In March 2015, the Supreme Court of Justice ordered the police not to arrest Mr. Cléver Jiménez, as the statute of limitations for implementation of the sentence had run out. Still, former President Correa is pursuing the matter in court so as to obtain the financial compensation awarded to him by the Court and the public apology which Mr. Cléver Jiménez and the two others were ordered to make.

In mid-2013, Mr. Cléver Jiménez denounced the possible conflict of interest by the Government of Ecuador in the purchasing of legal services. According to the complainant, rather than investigating these denunciations, the Prosecutor's Office chose to initiate an investigation into Mr. Cléver Jiménez with regard to his revelations, first on accusations that he was guilty of hacking, accusations that were later dropped, and later that he had disclosed secret information. On 28 October 2016, the judge in

Case ECU68

Ecuador: Parliament affiliated to the IPU

Victim: Member of the opposition

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

Submission of complaint: February and June 2014; September 2016

Recent IPU decision: [October 2016](#)

Recent IPU Mission: - - -

Recent Committee hearings: - - -

Recent follow up

- Communication from the authorities: Letter from the President of the National Assembly (March 2017)
- Communication from the complainant: January 2018
- Communication from the IPU: Letter to the President of the National Assembly (March 2018)
- Communication from the IPU to complainant: March 2018

IPU technical assistance: No

Last report update: 7 March 2018 ■

this case ordered his pre-trial detention, which was subsequently converted into house arrest. Mr. Cléver Jiménez wears an electronic device around his ankle and has to report every week to the President of the Provincial Court of Pichincha, which is a 13-hour drive from his home. According to the complainant, the trial is not proceeding diligently.

Ecuador



CC Wikipedia

ECU71 - Lourdes Tibán

Alleged human rights violations:

- ✓ Threats, acts of intimidation (1.5)

Summary of the case:

According to the complainant, former parliamentarian Lourdes Tibán is a prominent figure in Ecuadorian politics and an indigenous community leader. The complainant claims that when Ms. Tibán was a member of the National Assembly (2009-2017), her head-on opposition to the then Government's policies made her the target of persecution and continuing attacks from the executive branch in Ecuador.

Case ECU71

Ecuador: Parliament affiliated to the IPU

Victim: Female opposition member of the National Assembly

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

Submission of complaint: January 2017

Recent IPU decision: Decision on admissibility (January 2018)

Recent IPU Mission: - - -

Recent Committee hearings: - - -

Recent follow up

- Communication from the authorities: Letter from the Speaker of the National Assembly (March 2017)
- Communication from the complainant: (January 2017)
- Communication from the IPU: Letter to the President of the National Assembly (March 2018)
- Communication from the IPU: Message to the complainant (December 2017)

IPU technical assistance: No

Last report update: 7 March 2018 ■

Iraq



Mr. Al-Alwani five weeks after his sentencing, photo dated 2 January 2015
© Photo courtesy / Mr Ahmed Jamil Salman Al-Alwani's family

IRQ62 - Ahmed Jamil Salman Al-Alwani

Alleged human rights violations:

- ✓ **Torture, ill-treatment and other acts of violence (1.4)**
- ✓ **Arbitrary arrest and detention (1.6)**
- ✓ **Failure to respect parliamentary immunity (2.4.3)**
- ✓ **Lack of fair trial proceedings (1.8.2)**

Summary of the case:

Mr. Al-Alwani was arrested on 28 December 2013 during a raid conducted by Iraqi security forces on his home in Ramadi, in Al-Anbar Governorate. The complainants believe that Mr. Al-Alwani's arrest was in retaliation for his outspoken support of the grievances of the Sunni population and his vocal opposition to the Iraqi Prime Minister at the time, Nouri Al-Maliki. Mr. Al-Alwani was tried and convicted under several different proceedings before the Central Criminal Court of Baghdad for murder and incitement to sectarian violence under the Anti-Terrorism Law. He received two successive death sentences on 23 November 2014 (for the murder of two soldiers) and 17 May 2016 (for incitement to sectarianism). Mr. Al-Alwani's lawyers have appealed the decisions. However, it is unclear whether the appeals are still pending or have been rejected. Mr. Al-Alwani is not eligible to avail himself of the Amnesty Law of 2016 because terrorist-related crimes are excluded from its scope. One of the complainants indicated that in 2016 the Human Rights Committee of Iraq's Council of Representatives recommended to the Higher Judicial Council that Mr. Al-Alwani's case be retried, but no official confirmation from the Council of Representatives has been forthcoming.

The complainants indicated that Mr. Al-Alwani was initially held in secret detention centres, was exposed to mistreatment and torture, did not receive a fair trial and

Case IRQ62

Iraq: Parliament affiliated to the IPU

Victim: Opposition male member of the Council of Representatives of Iraq

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

Submission of complaint: December 2013

Recent IPU decision: [February 2017](#)

Recent IPU Mission: - - -

Recent Committee hearings: Hearing with the Iraqi delegation during the 133rd IPU Assembly (October 2015)

Recent follow up

- Communication from the authorities: Letter from the Secretary General of the Council of Representatives (December 2015); Letter from the Chief General Prosecutor (December 2016)
- Communication from the complainant: (March 2018)
- Communication from the IPU: Letter to the Speaker of the Council of Representatives (February 2018)
- Communication from the IPU to complainant: (March 2018)

IPU technical assistance: No

Last report update: 7 March 2018 ■

saw his right to mount an adequate defence violated. These allegations were confirmed by the United Nations Working Group on Arbitrary Detention in its report of 28 April 2017 on Mr. Al-Alwani's case, in which it called for his immediate release. The complainants confirmed that Mr. Al-Alwani is currently detained at the Al-Kadhimiya detention centre, located in northern Baghdad, and that his conditions of detention had improved in 2017, since he was authorized to receive regular visits from his family and lawyers.

Kuwait



© IPU 2016

KWT04 - Abdul Hameed Dashti

Alleged human rights violations:

- ✓ **Lack of fair-trial proceedings (1.8.2)**
- ✓ **Violation of freedom of opinion and expression (2.1)**
- ✓ **Failure to respect parliamentary immunity (2.4.3)**

Summary of the case

Mr. Abdul Hameed Dashti has been subjected to a campaign of judicial harassment since 2014, primarily at the instigation of the authorities of Saudi Arabia and Bahrain. Mr. Dashti has been prosecuted in some 15 criminal cases before Kuwaiti courts, which all revolve around the legitimate exercise of his right to freedom of expression. Since July 2016, several courts have sentenced Mr. Dashti in seven different cases to a total of 45 and a half years' imprisonment, plus a two-year prison sentence handed down by a Bahraini court. In December 2017, the criminal court of Kuwait sentenced Mr. Dashti to eight additional years in prison for insulting the State of Saudi Arabia, increasing his total prison sentence to a total of 55 years. The Court issued the ruling following comments made by Mr. Dashti in November 2017 about the State of Saudi Arabia which, according to the Court, harms Kuwait's regional interests and its relations with the country. Mr. Dashti's counsel stated that he had no other option than to apply for asylum in Belgium. The request is still pending before the Belgian authorities.

Case KWT04

Kuwait: Parliament affiliated to the IPU

Victim: Opposition Member of Parliament

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

Submission of complaint: June 2016

Recent IPU decision: [February 2017](#)

Recent IPU mission: - - -

Recent Committee hearings:

Hearing with Mr. Dashti and his lawyer during the 135th IPU Assembly (October 2016);

Recent follow-up:

- Communication from the authorities: Letter from the Speaker of the National Assembly (March 2018)
- Communication from the complainant: (March 2018)
- Communication from the IPU to the Speaker of the National Assembly: (March 2018)
- Communication from the IPU to the complainant: (March 2018)

IPU Technical assistance: Yes

Last update: 15 March 2018 ■

Maldives



© Munshid Mohamed, 24 July 2017 - Police prevent Members of Parliament from entering the People's Majlis through the east gate

MDV16 - Mariya Didi* ¹	MDV54 - Ibrahim Shareef*
MDV28 - Ahmed Easa	MDV55 - Ahmed Mahloof*
MDV29 - Eva Abdulla*	MDV56 - Fayyaz Ismail*
MDV30 - Moosa Manik*	MDV57 - Mohamed Rasheed Hussain*
MDV31 - Ibrahim Rasheed	MDV58 - Ali Nizar*
MDV32 - Mohamed Shifaz	MDV59 - Mohamed Falah*
MDV33 - Imthiyaz Fahmy*	MDV60 - Abdulla Riyaz*
MDV34 - Mohamed Gasam	MDV61 - Ali Hussain*
MDV35 - Ahmed Rasheed	MDV62 - Faris Maumoon*
MDV36 - Mohamed Rasheed	MDV63 - Ibrahim Didi*
MDV37 - Ali Riza	MDV64 - Qasim Ibrahim*
MDV39 - Ilyas Labeeb	MDV65 - Mohamed Waheed Ibrahim*
MDV40 - Rugiyya Mohamed	MDV66 - Saud Hussain *
MDV41 - Mohamed Thoriq	MDV67 - Mohamed Ameeth*
MDV42 - Mohamed Aslam*	MDV68 - Abdul Latheef Mohamed*
MDV43 - Mohammed Rasheed*	MDV69 - Ahmed Abdul Kareem*
MDV44 - Ali Waheed	MDV70 - Hussein Areef*
MDV45 - Ahmed Sameer	MDV71 - Mohamed Abdulla
MDV46 - Afrasheem Ali	MDV72 - Abdulla Ahmed
MDV48 - Ali Azim*	MDV73 - Mohamed Musthafa
MDV49 - Alhan Fahmy	MDV74 - Ali Shah
MDV50 - Abdulla Shahid*	MDV75 - Saudhulla Hilmy
MDV51 - Rozeyna Adam*	MDV76 - Hussain Shahudhee
MDV52 - Ibrahim Mohamed Solih	MDV77 - Abdullah Sinan
MDV53 - Mohamed Nashiz	MDV78 - Ilham Ahmed

* (Re-)elected to parliament in the elections of March 2014.

Alleged human rights violations:

- ✓ Torture, ill-treatment and other acts of violence (1.4)
- ✓ Arbitrary arrest and detention (1.6)
- ✓ Violation of freedom of opinion and expression (2.1)
- ✓ Threats, acts of intimidation (1.5)
- ✓ Murder (1.1)
- ✓ Other acts obstructing the exercise of the parliamentary mandate (2.4.5)
- ✓ Violation of freedom of opinion and expression (2.1)
- ✓ Abusive revocation or suspension of parliamentary mandate (2.4.2)
- ✓ Violation of freedom of movement (2.3)

Summary:

Since February 2012, following the controversial resignation of President Mohamed Nasheed (Maldivian Democratic Party (MDP), which he claimed was forced upon him, there have been serious and credible reports and allegations of arbitrary arrest, ill-treatment, attacks and death threats against several opposition members of the People's Majlis, most belonging to the MDP.

Since the 2014 parliamentary elections, the opposition has repeatedly claimed that the ruling Progressive Party of Maldives (PPM), with the support of the Speaker of the People's Majlis, has systematically limited the space for the opposition to contribute meaningfully to the work of parliament and that parliament has adopted laws that seriously diminish human rights, and in particular the rights to freedom of expression and assembly.

Tension and violence erupted once again after an opposition alliance and defections from the PPM galvanized the opposition to move a first no-confidence motion against the

Speaker in March 2017. According to the opposition, a sudden ruling by the Supreme Court unlawfully revoking the parliamentary mandates of 12 MPs for defecting to the PPM, the physical removal of opposition MPs shortly before the vote and a lock-down of parliament have thwarted all lawful attempts between March and August 2017 to seek the Speaker's removal. The parliamentary authorities have denied these allegations and stated that the opposition resorted to bribery and was responsible for misconduct in pushing for a no-confidence motion by any means.

It is within this context that one MP, Mr. Qasim Ibrahim, was convicted of vote-buying and sentenced to more than three years imprisonment, and that another MP, Mr. Fauris Maumoon, was charged with the same offence. The former is abroad, while the latter is in pre-trial detention. Both consider the legal proceedings to be politically motivated and without basis in fact or law.

The political crisis in the Maldives took a further turn for the worse in the aftermath of the ruling by the Supreme Court on 1 February 2018 to release nine high-profile politicians and to reinstate the 12 MPs, thereby giving the opposition a majority in parliament. President Yameen has refused to implement the ruling, claiming it unlawful, and on 6 February 2018 declared a state of emergency, which was extended on 19 February by 30 days. The opposition and its supporters have protested the refusal to respect the ruling, have contested the validity of the state of emergency and are boycotting parliament. Nine MPs have been arrested under the state of emergency, seven of whom remain in detention, although the situation is volatile and this number fluctuates. At least 14 other MPs are facing charges, most of which date back to 2017. The opposition claims that all of this is part of a pattern of intimidation and repression by the authorities.

Case MDV-Coll

Maldives: Parliament affiliated to the IPU

Victims: Opposition members of parliament, except Mr. Afrasheem Ali, a member of the majority

Complainant: Section I (1)(a) of the [Committee Procedure](#) (Annex 1)

Submission of complaint: February 2012

Recent IPU decision: [October 2017](#)

Recent IPU Missions: [November 2012](#), [November 2013](#), [October 2016](#), March 2018

Recent Committee hearings

Hearing with the Maldives delegation during the 137th IPU Assembly (October 2017)

Recent follow-up

- Communication from the authorities: Letter from the Deputy Secretary General of the People's Majlis (March 2018);
- Communication from the complainant: March 2018
- Communication from the IPU: Letter addressed to the Speaker of the People's Majlis (February 2018)
- Communication addressed to the complainant: March 2018

IPU technical assistance: Yes

Last report update: 15 March 2018 ■

Mongolia



© Zorig Foundation

MNG01 - Zorig Sanjasuuren

Alleged human rights violations:

✓ **Murder (1.1)**

Summary of the case:

Mr. Zorig Sanjasuuren (“Mr. Zorig”) was assassinated on 2 October 1998. Regarded by many as the father of the democratic movement in Mongolia in the 1990s, Mr. Zorig was a member of parliament and acting Minister of Infrastructure. At the time, Mongolia was undergoing a period of political upheaval after the breakdown of the coalition government. Negotiations were in place to select the next Prime Minister. Mr. Zorig was being considered as a candidate for the post on the day he was killed. The murder is widely believed to have been a political assassination that was covered up.

Since a parliamentary report in July 2000 harshly criticized the severe deficiencies in the initial investigation, the Mongolian authorities have repeatedly affirmed that every effort is being made to identify the murderers and bring them to justice. Successive judicial investigative working groups were established and parliamentary committees were mandated to monitor, support and exercise oversight of the investigation.

However, little progress was reported. By mid-2015, nobody had been held accountable and the authorities affirmed that no suspects had been identified. The investigation was entirely shrouded in secrecy, considered a “state secret” and handled primarily by the intelligence services, with recurring allegations over the years that a number of persons had been pressured and tortured in order to obtain confessions.

Between late 2015 and 2017, suspects were suddenly arrested, expeditiously tried and sentenced in camera shortly before the presidential elections. The trials were held in the absence of the only eyewitness of the assassination, Ms. Banzragch Bulgan (“Ms. Bulgan”), Mr. Zorig’s widow. She was herself treated as a suspect and held in solitary confinement in conditions tantamount to torture. The

Case MNG01

Mongolia: Parliament affiliated to the IPU

Victim: Member of the majority

Complainant: Section I (1)(a) of the [Committee Procedure](#) (Annex 1)

Submission of complaint: October 2000, March 2001, September 2015

Recent IPU decision: [October 2017](#)

Recent IPU Missions: August [September 2015](#), September 2017

Recent Committee hearings: Hearing with the delegation of Mongolia to the 136th IPU Assembly (April 2017)

Recent follow up

- Communication from the authorities: Letter of the Vice Chairman of the State Great Hural, November 2017
- Communications from the complainant: March 2018
- Communications from the IPU to the executive, judicial and parliamentary authorities (February 2018)
- Communication from the IPU addressed to the complainant: March 2018

IPU technical assistance: No

Last report update: 8 March 2018 ■

other suspects also appear to have been exposed to torture to force them to admit involvement in the assassination. On 27 December 2016, the three main accused were sentenced to prison terms of 23 to 25 years for killing Mr. Zorig on the orders of an unidentified mastermind. These sentences were upheld by the Appeals Court and the Supreme Court.

Neither the parliamentary authorities, nor Mr. Zorig's family or the Mongolian people, considered that justice had been done. It cannot be ruled out that the accused are innocent and have been framed to protect the mastermind and real perpetrators. Their conditions of detention are of concern. Their families allegedly face intimidation and pressure. Ms. Bulgan and other past suspects have been kept under close surveillance and remain barred from travelling abroad although the criminal charges against them have been dropped.

In December 2017, the Mongolian Government decided that most of the files relating to the Zorig case should be declassified.

Niger



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NER115 - Amadou Hama

Alleged human rights violations

- ✓ **Failure to respect parliamentary immunity (2.4.3)**
- ✓ **Lack of due process at the investigation stage (1.8.1 and 1.8.2)**
- ✓ **Excessive delays (1.8.3)**
- ✓ **Violation of freedom of opinion and expression (2.1)**

Summary of the case:

Mr. Amadou Hama, former Speaker of the National Assembly and leading member of the opposition, has been exiled in France since 2014 as a result of legal proceedings brought against him. He was convicted in absentia and sentenced to one year in prison in March 2017 for the offence of aiding and abetting the concealment of newborns. The Court of Cassation has yet to rule on the appeal lodged by Mr. Hama.

The complainant alleges that Mr. Hama's parliamentary immunity and right to a defence have been violated, that the accusations made against him are unfounded and that legal proceedings were conducted in a manner that was neither impartial nor independent. In the complainant's view, Mr. Hama has been subjected to acts of political and legal harassment since his party sided with the opposition in August 2013. The complainant points out that these acts intensified when Mr. Hama refused to resign from his post of Speaker of the National Assembly and in the run-up to the presidential elections in February 2016. The coalition of opposition parties boycotted the second round of voting,

making allegations of fraud. Mr. Hama came second in the presidential election (despite having been in detention throughout the electoral campaign), behind the outgoing president, whose term was then renewed.

The parliamentary authorities maintain that the case is in no way politically motivated. The procedure to authorize the lifting of parliamentary immunity was conducted in accordance with the Constitution and the Rules of Procedure. New Rules of Procedure were adopted in March 2017 and, according to

Case NER115

Niger: Parliament affiliated to the IPU

Victims: An opposition member of the National Assembly

Complainant: Section I (1)(a) of the [Committee Procedure](#) (Annex 1)

Submission of complaint: October 2014

Recent IPU decision: [January 2018](#)

Recent IPU Mission: - - -

Recent Committee hearings: - - -

Recent follow-up

- Communication from the authorities: Letter from the Speaker of the National Assembly (January 2018)
- Communication from the complainant: March 2018
- Communication from the IPU to the President of the National Assembly (February 2018)
- Communication from the IPU to the complainant: March 2018

IPU technical assistance: No

Last report update: 7 March 2018 ■

the Speaker of the National Assembly, the procedure is now better regulated. The charges against Mr. Hama were made following a legal investigation lasting several months, and Mr. Hama's conviction – as well as that of some 20 others who were being jointly prosecuted – was set out in judgments handed down by an independent judiciary.

Niger



© Seidou Bakari

NER116 – Seidou Bakari

Alleged human rights violations

- ✓ **Arbitrary arrest and detention (1.6)**
- ✓ **Lack of due process at the investigation stage (1.8.1)**
- ✓ **Excessive delays (1.8.3)**
- ✓ **Failure to respect parliamentary immunity (2.4.3)**
- ✓ **Violation of freedom of opinion and expression (2.1)**

Summary of the case:

On 28 July 2015, the Bureau of the National Assembly authorized the arrest of parliamentarian Seidou Bakari, president of the MODEN/FA Lumana-Africa parliamentary group, on the basis of the report of an administrative investigation alleging the embezzlement of public funds in 2005, when Mr. Bakari was head of a food emergency committee. At the end of his parliamentary mandate, legal proceedings were taken out against Mr. Bakari. He has been held in pre-trial detention since 16 May 2017.

According to the complainant, Mr. Bakari's parliamentary immunity was violated; Mr. Bakari was not given a hearing by the Bureau before his immunity was lifted, although no criminal charges had been made against him. The complainant believes that Mr. Bakari's continued detention, and the lack of progress in the legal proceedings, are deliberate acts which constitute violations of Mr. Bakari's fundamental right to be given a prompt and fair hearing. According to the complainant, Mr. Bakari's requests for bail were refused, in violation of the code of criminal procedure. The complainant also alleges that Mr. Bakari's right to

a defence was violated, and that the investigating judge ignored exonerating evidence provided by Mr. Bakari's lawyer.

The complainant states that Mr. Bakari's detention and the legal proceedings brought against him, are linked to steps he took and opinions he expressed when he was still a member of parliament and president of his party's parliamentary group. In particular, he was accused of having supported his party's president Mr. Amadou Hama (NER115) - then Speaker of the National Assembly - when the latter was subjected to legal proceedings after announcing that his party would be siding with the opposition at the next presidential elections.

Case NER116

Niger: Parliament affiliated to the IPU

Victim: An opposition member of the National Assembly

Complainant: Section I(1)(a) of the [Committee Procedure](#) (Annex 1)

Submission of complaint: Septembre 2015

Recent IPU decision: [January 2018](#)

Recent IPU Mission: - - -

Recent Committee hearing: - - -

Recent follow up

- Communication from the authorities: Letter from the Speaker of the National Assembly (January 2018)
- Communication from the complainant: March 2018
- Communication from the IPU to the President of the National Assembly (February 2018)
- Communication from the IPU to the complainant: February 2018

IPU Technical assistance: No

Last report update: 7 March 2018 ■

The parliamentary authorities stated that they followed the procedure for authorizing the lifting of parliamentary immunity. New Rules of Procedure were adopted in March 2017 and, according to the Speaker of the National Assembly, the procedure is now better regulated. They provided no information about the other allegations, and gave no reasons to explain why charges were brought against Mr. Bakari 12 years after the events in question. The Speaker of the National Assembly said he had been unable to obtain any answers owing to the principle of separation of powers and the confidentiality of preliminary investigations, but that the investigating judge would soon be issuing an order relating to the case.

Philippines



© AFP

PHL08 - Leila de Lima

Alleged human rights violations:

- ✓ **Threats, acts of intimidation (1.5)**
- ✓ **arbitrary arrest and detention (1.6)**
- ✓ **lack of due process in proceedings against parliamentarians (1.8)**
- ✓ **violation of freedom of opinion and expression (2.1)**

Summary of the case:

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

In 2010, Ms. de Lima was appointed Secretary of Justice. She resigned from this position in October 2015 to focus on her campaign to gain a seat in the Senate in the elections of May 2016, in which she was successful. In August 2016, as Chair of the Senate Committee on Justice and Human Rights, she initiated an inquiry into the killings of thousands of alleged drug users and drug dealers alleged to have taken place since President Duterte took office in June 2016. Since the start of her term as Senator, she has been subject to widespread intimidation and denigration, including by President Duterte directly.

Senator de Lima was arrested and detained on 24 February 2017 on the basis of accusations that she had received drug money to finance her senatorial campaign. The charges, in three different cases, were brought in the wake of an inquiry by the House of Representatives into drug trading in New Bilibid Prison and Senator de Lima's

Case PHL08

Philippines: Parliament affiliated to the IPU

Victim: Female opposition member of parliament

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

Submission of complaint: September 2016

Recent IPU decision: [October 2017](#)

Recent IPU Mission: [May 2017](#)

Recent Committee hearings: Hearing with the Cambodia delegation to the 136th IPU Assembly (April 2017)

Recent follow up

- Communication from the authorities: Letter from the President of the Senate (January 2017)
- Communication from the complainant: March 2018
- Communication from the IPU: Letter addressed to the President of the Senate (February 2018)
- Communication from the IPU to the complainant: March 2018

IPU technical assistance: No

Last report update: 8 March 2018 ■

responsibility in that regard when she was Secretary of Justice. The House inquiry was launched one week after she initiated her inquiry in the Senate into the extrajudicial killings.

Senator de Lima has still not been arraigned in any of the three cases, which have now been lodged with Branch 205 of RTC-Muntinlupa City. A petition to the Supreme Court that it reconsider its earlier decision accepting the legality of Senator de Lima's arrest is pending.

Although Senator de Lima remains very politically active from detention and receives newspapers, journals and books, she has no access to internet, computer, TV or radio nor to an air-conditioning unit, despite a doctor's order. Senator de Lima has written a letter to the chief of the Philippine National Police in this regard.

Requests from her defence counsel to the courts that she be granted legislative furlough have remained unanswered. Senators in the minority in the Senate have thus far filed three resolutions urging that she be allowed occasional legislative furlough.

Turkey



Demonstrators hold pictures of Figen Yüksekdağ during the trial Figen Yüksekdağ © Adem Altan/AFP

- | | |
|-------------------------------------|---------------------------------|
| TK69 - GÜLSER YILDIRIM (Ms.) | TK99 - ALTAN TAN |
| TK70 - SELMA IRMAK (Ms.) | TK100 - AYHAN BILGEN |
| TK71 - FAYSAL SARIYILDIZ | TK101 - BEHÇET YILDIRIM |
| TK72 - İBRAHİM AYHAN | TK102 - BERDAN ÖZTÜRK |
| TK/73 - KEMAL AKTAS | TK103 - DENGİR MİR MEHMET FIRAT |
| TK75 - BEDIA ÖZGÖKÇE ERTAN (Ms.) | TK104 - ERDAL ATAŞ |
| TK76 - BESİME KONÇA (Ms.) | TK105 - EROL DORA |
| TK77 - BURCU ÇELİK ÖZKAN (Ms.) | TK106 - ERTUĞRUL KÜRKCÜ |
| TK78 - ÇAĞLAR DEMİREL (Ms.) | TK107 - FERHAT ENCÜ |
| TK79 - DİLEK ÖCALAN (Ms.) | TK108 - HIŞYAR ÖZSOY |
| TK80 - DILAN DIRAYET TAŞDEMİR (Ms.) | TK109 - İDRİS BALUKEN |
| TK81 - FELEKNAS UCA (Ms.) | TK110 - İMAM TAŞÇIER |
| TK82 - FIGEN YÜKSEKDAĞ (Ms.) | TK111 - KADRI YILDIRIM |
| TK83 - FILİZ KERESTECİOĞLU (Ms.) | TK112 - LEZGİN BOTAN |
| TK84 - HÜDA KAYA (Ms.) | TK113 - MEHMET ALİ ASLAN |
| TK85 - LEYLA BİRLİK (Ms.) | TK114 - MEHMET EMİN ADIYAMAN |
| TK86 - LEYLA ZANA (Ms.) | TK115 - NADİR YILDIRIM |
| TK87 - MERAL DANIŞ BEŞTAŞ (Ms.) | TK116 - NİHAT AKDOĞAN |
| TK88 - MIZGIN İRGAT (Ms.) | TK117 - NİMETULLAH ERDOĞMUŞ |
| TK89 - NURSEL AYDOĞAN (Ms.) | TK118 - OSMAN BAYDEMİR |
| TK90 - PERVİN BULDAN (Ms.) | TK119 - SELAHATTİN DEMİRTAŞ |
| TK91 - SAADET BECERİKLİ (Ms.) | TK120 - SİRRI SÜREYYA ÖNDER |
| TK92 - SİBEL YIĞITALP (Ms.) | TK121 - ZİYA PİR |
| TK93 - TUĞBA HEZER ÖZTÜRK (Ms.) | TK122 - MİTHAT SANCAR |
| TK94 - ABDULLAH ZEYDAN | TK123 - MAHMUT TOĞRUL |
| TK95 - ADEM GEVERİ | TK124 - AYCAN İRMEZ (Ms.) |
| TK96 - AHMET YILDIRIM | TK125 - AYŞE ACAR BAŞARAN (Ms.) |
| TK97 - ALİ ATALAN | TK126 - GARO PAYLAN |
| TK98 - ALICAN ÖNLÜ | |

Alleged human rights violations:

- ✓ **Failure to respect parliamentary immunity (2.4.3)**
- ✓ **Lack of due process at the investigation stage (1.8.1)**
- ✓ **Lack of fair trial proceedings (1.8.2)**
- ✓ **Violation of freedom of opinion and expression (2.1)**
- ✓ **Violation of freedom of assembly and association (2.2)**
- ✓ **Arbitrary arrest and detention (1.6)¹**
- ✓ **Ill-treatment (1.4)²**
- ✓ **Violation of freedom of movement (2.3)**
- ✓ **Revocation of the parliamentary mandate (2.4)**

Summary:

Over 600 criminal and terrorism charges have been brought against the HDP members of parliament since 15 December 2015, when the Constitution was amended to authorize the wholesale lifting of parliamentary immunity. Hundreds of trial proceedings are ongoing against the HDP parliamentarians throughout Turkey. Some of the parliamentarians also continue to face older charges in relation to the KCK first-instance trial that has been ongoing for seven years, while others face more recent charges. In these cases, their parliamentary immunity has allegedly not been lifted.

Most HDP members of parliament have been repeatedly arrested and forcefully brought to court for questioning since November 2016. Some MPs have been placed in pre-trial detention, while most were granted release by the trial courts pending completion of the criminal proceedings. At least 14 HDP MPs have received prison sentences of one year or more. A number of acquittals have also been handed down

(including in the three cases that have been finalized against Mr. Selahattin Demirtaş so far). Nine MPs had their mandates revoked (including five women MPs): three for their prolonged absence from Parliament and six following final convictions (apparently partially related to older charges not covered by the blanket amnesty law and for which parliamentary immunity was therefore not lifted, according to the complainant). Two of the MPs may also be deprived of their citizenship. According to the complainant, one MP – Ms. Figen Yüksekdağ, HDP Co-Chair – was further deprived of her HDP membership and executive position and banned from exercising any political activities, pursuant to a final court conviction.

Ms. Yüksekdağ remains subject to other criminal proceedings: an IPU trial observer was mandated to attend the hearings in her case on 18 September and 6 December 2017 (as well as the hearing of 7 December 2017 in the case of Mr. Demirtaş). The trial observer was denied access to the courtrooms during her December mission but regained access (and accreditation for future hearings) at the 20 February 2018 hearing in Ms. Yüksekdağ's case. The trial observer has suggested that her mandate be renewed to attend the next hearing on 17 May 2018 before her report is shared with the authorities and the Governing Council. The observer's preliminary conclusions are that "Placed against the current political background in Turkey, the proceedings in both cases and the hearings in question bear the hallmarks of a politically motivated show trial and disregard well-established norms of national and international human rights law. I am deeply concerned that the ability of the co-presidents to have a fair trial is remote. In my view, however, it is important for the IPU, as a guardian of parliamentary democracy, to continue following the proceedings as closely as possible even if their outcome may already have been determined."

Case TUR-Coll.1

Turkey: Parliament affiliated to the IPU

Victim: 57 individuals (47 parliamentarians and 10 former MPs, all members of the HDP opposition party (34 men and 23 women)

Complainant: Section I (1)(c) of the [Committee Procedure](#) (Annex 1)

Submission of complaint: June 2016

Recent IPU decision: [October 2017](#)

Recent IPU Mission: [February 2014](#)

Recent Committee hearings: - - -

Recent follow up

- Communication from the authorities: Letters from the President of the Turkish IPU Group (January 2018)
- Communication from the complainant: March 2018
- Communication from the IPU: Letter to the President of the National Assembly (March 2018)
- Communication from the IPU to the complainant: March 2018

IPU technical assistance: No

Last report update: 16 March 2018 ■

¹ Concerns only the members of parliament placed in detention, as listed in the case report (section on detention).

² Concerns only three male members of parliament (Mr. Adiyaman - TK/114; Mr. Behçet Yıldırım - TK/101; Mr. Mahmut Togrul - TK/123) and three women members of parliament (Ms. Feleknaş Uca - TK/81, Ms. Besime Konca - TK76 and Ms. Sibel Yigitalp - TK92).

Nine members of parliament continued to be held in detention as at mid-March 2018. They were no longer in solitary confinement but were still held in remote high-security prisons under restrictive conditions applicable to terrorism suspects (video surveillance, seizure of books, letters, restricted visits, etc.) that prevent them from exercising their parliamentary mandate.

The other MPs are free but have had their freedom of movement restricted, since they have been placed under judicial control and banned from travelling abroad (three MPs have sought refuge abroad). This, together with the multitude of ongoing trials against them throughout Turkey, has restricted their ability to devote themselves meaningfully to the exercise of their parliamentary mandate. A few HDP MPs have also been subjected to physical attacks, including inside Parliament, and to disciplinary sanctions after expressing their opinion in the parliamentary debate.

The complainant alleges that, through the ongoing proceedings, the ruling party intends to exclude the Kurds, and other marginalized peoples represented by HDP, from the Parliament of Turkey. According to the complainant, the charges against the HDP members of parliament are groundless and violate their rights to freedom of expression, 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 their political party programme. Such activities include mediating between the PKK and the Turkish Government as part of the peace process between 2013 and 2015, advocating publicly in favour of political autonomy, and criticizing the policies of President Erdoğan in relation to the current conflict in south-eastern Turkey and at the border with Syria (including denouncing the crimes committed by the Turkish security forces in that context). The complainant alleges that such statements, rallies and activities did not constitute any offence, and that they fall under the clear scope and protection of the fundamental rights of members of parliament. The complainant also alleges that proper standards of due process are being disregarded. The complainant does not believe that the judicial process is being administered in a fair, independent and impartial manner. The complainant has submitted extensive and detailed information in support of its claims, including excerpts of indictments and court decisions and the exact words of the incriminating speeches made by the parliamentarians that are being used as evidence of terrorism activities. Concerns also exist in relation to restrictive conditions of detention and to the denial of prison visits to foreign observers. Many of these claims are the subject of a petition to the European Court of Human Rights, which is pending. The IPU has made a submission to the Court as a third party intervener.

The Turkish authorities deny all these allegations. They have invoked the independence of the judiciary and the need to respond to security/terrorism threats and legislation adopted under the state of emergency to justify the legality of the measures taken. Some detailed information on the charges and ongoing prosecutions was provided by the authorities, but it is purely legal and does not provide any information on the facts and evidence underlying the charges despite repeated requests to that end. The Turkish authorities have rejected in two instances the Committee's request to conduct a mission to Turkey on the grounds that it "could negatively affect the judicial process" and was not considered "appropriate".

Venezuela



María G. Hernández, Nora Bracho, Stalin González and Delsa Solórzano at the National Assembly, March 2018 © D. Solórzano

- VEN13 - Richard Blanco
- VEN16 - Julio Borges
- VEN19 - Nora Bracho (Ms.)
- VEN20 - Ismael Garcia
- VEN22 - William Dávila
- VEN24 - Nirma Guarulla (Ms.)
- VEN25 - Julio Ygarza
- VEN26 - Romel Guzamana
- VEN27 - Rosmit Mantilla
- VEN28 - Enzo Prieto
- VEN29 - Gilberto Sojo
- VEN30 - Gilber Caro
- VEN31 - Luis Florido
- VEN32 - Eudoro González
- VEN33 - Jorge Millán
- VEN34 - Armando Armas
- VEN35 - Américo De Grazia
- VEN36 - Luis Padilla
- VEN37 - José Regnault
- VEN38 - Dennis Fernández (Ms.)
- VEN39 - Olivia Lozano (Ms.)
- VEN40 - Delsa Solórzano (Ms.)
- VEN41 - Robert Alcalá
- VEN42 - Gaby Arellano (Ms.)
- VEN43 - Carlos Bastardo
- VEN44 - Marialbert Barrios (Ms.)
- VEN45 - Amelia Belisario (Ms.)
- VEN46 - Marco Bozo
- VEN47 - José Brito
- VEN48 - Yanet Fermin (Ms.)
- VEN49 - Dinorah Figuera (Ms.)
- VEN50 - Winston Flores
- VEN51 - Omar González
- VEN52 - Stalin González
- VEN53 - Juan Guaidó
- VEN54 - Tomás Guanipa
- VEN55 - José Guerra
- VEN56 - Freddy Guevara
- VEN57 - Rafael Guzmán
- VEN58 - María G. Hernández (Ms.)
- VEN59 - Piero Maroun
- VEN60 - Juan A. Mejía
- VEN61 - Julio Montoya
- VEN62 - José M. Olivares
- VEN63 - Carlos Papanoni
- VEN64 - Miguel Pizarro
- VEN65 - Henry Ramos Allup
- VEN66 - Juan Requesens
- VEN67 - Luis E. Rondón
- VEN68 - Bolivia Suárez (Ms.)
- VEN69 - Carlos Valero
- VEN70 - Milagro Valero (Ms.)
- VEN71 - German Ferrer
- VEN72 - Adriana d'Elia (Ms.)
- VEN73 - Luis Lippa
- VEN74 - Carlos Berrizbeitia
- VEN75 - Manuela Bolivar (Ms.)

Alleged human rights violations:

- ✓ **Torture, ill-treatment and other acts of violence (1.4)**
- ✓ **Threats, intimidation (1.5)**
- ✓ **Arbitrary arrest and detention (1.6)**
- ✓ **Lack of due process in proceedings against parliamentarians (1.8)**
- ✓ **Violation of the right to freedom of opinion and expression (2.1)**
- ✓ **Violation of freedom of assembly and association (2.2)**
- ✓ **Violation of freedom of movement (2.3)**
- ✓ **Failure to respect parliamentary immunity (2.4.3)**
- ✓ **Other acts obstructing the exercise of the parliamentary mandate (2.4.5).**

Summary of the case:

The case concerns credible and serious allegations of human rights violations affecting 42 current parliamentarians from the coalition of the 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 and to usurp its powers. The MUD opposes President Maduro's Government and obtained a majority of seats in the National Assembly following the parliamentary elections of 6 December 2015.

Soon after the elections, on 30 December 2015, the Electoral Chamber of the Supreme Court ordered the suspension of four MPs, three of them from the MUD, following allegations of fraud. The National Assembly first decided to disregard the ruling, considering the allegations to be baseless, which led the Supreme Court to declare all the Assembly's decisions null and void. No effort appears to have been made to examine the alleged fraud and the MPs remain suspended.

Since March 2017, close to 40 parliamentarians have been attacked with impunity by law enforcement officers and pro-government supporters during demonstrations. These protests intensified after President Maduro announced the convening of a Constituent Assembly, which was subsequently elected on 30 July 2017, to rewrite the Constitution.

Mr. Gilber Caro was arrested and detained on 11 January 2017. There are serious concerns about his conditions of detention and the legal proceedings brought against him. On 18 August 2017, shortly after he started accusing the Government, the Constituent Assembly lifted the parliamentary immunity of Mr. German Ferrer, even though he is not a member of the Constituent Assembly, accusing him of involvement in a widespread extortion ring. Mr. Ferrer and his wife fled to Colombia the same day. Mr. Rosmit Mantilla, Mr. Enzo Prieto and Mr. Gilberto Sojo, alternate members of parliament, were deprived of their liberty in 2014 in connection with ongoing legal proceedings, for political reasons according to the complainant. Mr. Mantilla and Mr. Sojo were released at the end of 2016. The legal case against them continues. However, Mr. Prieto remains in detention,

In 2017, at least eight MPs had their passports confiscated or were subjected to other acts of intimidation at Caracas airport in connection with their international parliamentary work. Two other MPs were disbarred from holding public office, allegedly in the absence of a legal basis.

The Government has not provided any funding to the National Assembly since August 2016. In its decision of 18 August 2017, the Constituent Assembly invested itself with legislative powers. The Constituent Assembly has taken over many of the premises of the National Assembly. Even the limited space used by the National Assembly has been invaded and occupied, with several MPs

Case VEN-Coll.1

Venezuela: Parliament affiliated to the IPU

Victims: 57 opposition members of parliament (42 men and 15 women)

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

Submission of complaint: March 2017

Recent IPU decision: January 2018

Recent IPU Mission: - - -

Recent Committee hearings: - -

Recent follow up

- Communication from the authorities: Meeting between the IPU Secretary General and the Permanent Representative of Venezuela to the United Nations and other International Organizations in Geneva (June 2017)
- Communication from the complainant: March 2018
- Communication from the IPU: Letter to the Speaker of the National Assembly (February 2018)
- Communication from the IPU to the complainant: March 2018

IPU technical assistance: No

Last report update: 19 March 2018

being taken hostage and beaten up by government supporters, with impunity, most notably on 5 July and 27 June 2017.

Long-standing efforts since 2013 to send a delegation of the Committee on the Human Rights of Parliamentarians to Venezuela have failed in the absence of clear authorization from the Government to welcome and work with the delegation.

Since January 2018, there have been widespread demonstrations across Venezuela to protest against the dire economic situation and the electoral process related to the decision to hold presidential snap elections on 20 May 2018. In early 2018, the MUD was excluded by the judicial authorities from presenting a joint candidate and, of the individual parties belonging to the MUD, only *Acción Democrática* (Democratic Action, AD) and other minor opposition parties are now allowed to participate. The majority of popular leaders of the MUD and other members of the opposition are either in prison, disqualified from standing in the elections or in exile. In light of the deficiencies of the electoral process, the MUD has announced that it will boycott the elections. The UN High Commissioner for Human Rights, the European Union, the Organization of American States, the "Lima Group" comprising 15 countries of the Americas, and the United States of America have rejected the electoral process. Recent proposals by President Maduro and the President of the Constituent Assembly to bring the legislative elections forward to coincide with the presidential elections, even though the National Assembly's term is due to expire in January 2021, are not being implemented, although it is reportedly still foreseen to hold legislative elections early.

Since May 2016, mediation efforts, primarily by stakeholders in the region, have been under way to bring the Government and the opposition together. These efforts have not produced any concrete results. It appears that on 7 February 2018, the talks were suspended "indefinitely".

Zambia



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ZMB02 - Jack Mwiimbu
ZMB03 - Garry Nkombo
ZMB04 - Request Muntanga
ZMB06 - Moono Lubezhi (Ms.)
ZMB10 - Lt. Gen. Ronnie Shikapwasha
ZMB13 - Annie Munshya Chungu (Ms)

ZMB14 - Howard Kunda
ZMB15 - Michael Katambo
ZMB18 - Lucky Mulusa
ZMB19 - Patrick Mucheleka
ZMB20 - Eustacio Kazonga

Alleged human rights violations:

- ✓ Arbitrary arrest and detention (1.6)
- ✓ Lack of due process in proceedings against parliamentarians (1.8)
- ✓ Violation of freedom of opinion and expression (2.1)
- ✓ Violation of freedom of assembly and association (2.2)
- ✓ Torture, ill-treatment and other acts of violence (1.4)
- ✓ Arbitrary invalidation of the election of a parliamentarian (2.4.1)
- ✓ Abusive revocation or suspension of the parliamentary mandate (2.4.2)

Summary of the case:

According to the complainant, the 11 current and former parliamentarians belong to the present opposition and have allegedly been the victims of a campaign of score-settling immediately following the legislative and presidential elections in September 2011, which were won by the Patriotic Front. This has included abuse of provisions of the Public Order Act, some of which - according to the complainant - have long been ruled unconstitutional by the courts, disruption of opposition activities, and abuse of the “anti-corruption fight” to eliminate political competition. The parliamentary authorities have forwarded the official views, which present a different version of the facts, while acknowledging challenges in the proper implementation of the Public Order Act. It appears that the authorities have stated on several occasions that the Public Order Act would be reviewed. However, this review appears not yet to have taken place.

Case ZMB-Coll.1

Zambia: Parliament affiliated to the IPU

Victim: Opposition members of parliament (9 men and 2 women)

Complainant: Section I (1)(a) of the [Committee Procedure](#) (Annex 1)

Submission of complaint: March 2013

Recent IPU decision: [February 2017](#)

Recent IPU Mission: [September 2014](#)

Recent Committee hearings: Hearing with the Zambia delegation during the 132nd IPU Assembly (March-April 2015)

Recent follow up

- Communication from the authorities: Letter from the Speaker of the National Assembly (December 2016)
- Communication from the complainant: November 2016
- Communication from the IPU: Letter to the Speaker of the National Assembly (February 2018)
- Communication to the complainant: December 2017

IPU technical assistance: Yes

Last report update: 6 March 2018 ■