



Resolution 1443 (2005)¹

Challenge of credentials of individual members of a national delegation to the Parliamentary Assembly on substantive grounds

Parliamentary Assembly

1. In the Parliamentary Assembly sitting of 26 April 2004, Mr Jakic challenged the credentials of the Serbia and Montenegro delegation on substantial grounds in accordance with Rule 8 of the Rules of Procedure. Mr Jakic based his concerns on the fact that two parties represented in the delegation were led by persons being tried for war crimes and genocide at the International Criminal Tribunal for the former Yugoslavia (ICTY) based in The Hague.

2. Following the report of the Political Affairs Committee ([Doc. 10155](#)) and the oral opinion of the Committee on Rules of Procedure and Immunities, the Assembly adopted [Resolution 1370 \(2004\)](#) by which it ratified the credentials of the parliamentary delegation of Serbia and Montenegro. It was considered inappropriate not to ratify the credentials of the whole delegation because of individual members of this delegation. Such a decision would penalise all members and parties in the delegation. However, in [Resolution 1370](#), the Assembly also regretted that, in their current wording, Rules 8 and 9 of the Rules of Procedure do not allow for challenging the credentials of individual members of national delegations on substantial grounds, such as a serious violation of the basic principles of the Council of Europe, by one or more members of a delegation.

3. In [Resolution 1370](#) the Assembly resolved to adapt its Rules of Procedure as quickly as possible in order to allow the credentials of individual members to be contested on substantial grounds so that democratic forces in a given delegation do not suffer from restrictions on credentials.

4. As a consequence of [Resolution 1370](#) the present report was prepared which examined how this problem was dealt with by other Council of Europe bodies and European institutions. It discussed the pros and cons of introducing a possibility to ban individual members of national parliaments having expressly identified themselves with the activities and programmes of parties opposing the Council of Europe's values from becoming Parliamentary Assembly Representatives and Substitutes.

5. In point of fact, there already exist a number of safeguards preventing the Parliamentary Assembly from becoming the forum of activities conflicting with the values of the Council of Europe. Moreover, the exclusion of individual members of national parliaments opposing the values of the Council of Europe and who are appointed to the Assembly should only be the last resort.

6. In the light of the report, the Assembly considers that if new Rules of Procedure were introduced allowing to compose the national delegations in another way than on the basis of a fair representation as provided in Rule 6.2, or to challenge credentials of individual members of national parliaments who are accused of activities or statements persistently violating the basic principles of the Council of Europe, there would be a danger of abuse. The Assembly cannot have an interest in becoming the forum for political infighting. In addition, such a modification of rules may lead to difficulties of interpretation and, in particular, of proof.

1. Text adopted by the Standing Committee acting on behalf of the Assembly on 6 June 2005 (see [Doc. 10494](#), report of the Committee on Rules of Procedure and Immunities, rapporteur: Mr Van Overmeire).



7. The Assembly resolves to consider inserting a provision in the Rules of Procedure stating that the credentials of members of a national delegation can only be accepted upon the making or signing of a solemn statement by the individual members affirming to subscribe to the aims and the basic principles of the Council of Europe, mentioned in Article 3 of and the Preamble to the Statute of the Council of Europe. The undertaking shall not make any reference to membership of any political party. This kind of modification of the Rules of Procedure would by-pass a number of almost unsolvable problems. At the same time, it would indeed send out a strong political message.

8. The Assembly instructs the Committee on Rules of Procedure and Immunities to elaborate the practical modalities and to report within a year after the adoption of the present resolution.