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HUMAN RIGHTS COMMITTEE

Ninth session

SUMMARY RECORD OF THE SECOND PART (PUBLIC) */
OF THE 219th MEETING

held at the Palais des Nations, Geneva, on
Thursday, 3 April 1980, at 10.30 a.m.

Chairman: Mr. MAVROMIATIS

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*/ The summary record of the first part (closed) of the meeting appears as document CCPR/C/SR.219.

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The public meeting was called to order at 11.35 a.m.

ORGANIZATIONAL AND OTHER MATTERS (agenda item 2) (continued)

1. The CHAIRMAN drew attention to the fact that the Committee had to take a decision on the programme of work for its next session. He noted that, for lack of time, it had not been possible to consider at the current session the question of methods of work relating to the consideration of reports submitted by States parties under article 40 of the Covenant, or the procedure to be followed in formulating general comments on those reports. He hoped that the Committee would be able to consider those questions at its next session.
2. Mr. OPSAHL said that it would be regrettable if the Committee's annual report had to indicate that no progress had been made in working out a procedure which would enable the Committee to make general comments on the reports it had already considered.
3. The CHAIRMAN said that he wondered whether, to facilitate the Committee's task, the Rapporteur could consider the question immediately and, in an informal document which he would submit at the summer session, make suggestions on the follow-up action to be taken on reports which had been considered in accordance with article 40 of the Covenant. In his view, the Rapporteur might also make suggestions for the adoption of a new procedure for the consideration of reports which would enable the Committee to devote no more than two or two and a half meetings to the presentation and actual consideration of each report.
4. Mr. LALLAH said that he did not think that he could prepare a really complete document by the next session on the subject of the general comments which the Committee might make on the reports which it had already considered. In order to prepare such a document, he would need to know the views of members of the Committee on the question; he did not know them, because, owing to lack of time, it had not been possible to consider that question during the current session. Nevertheless, in order to facilitate the Committee's task and enable it to make progress at the next session, he was quite willing to prepare a very brief draft of general comments. It would indeed be unsatisfactory if the Committee made no progress in that field, for it could be accused of not fully meeting its obligations under article 40, paragraph 4, of the Covenant.
5. Mr. OPSAHL said that he fully supported Mr. Lallah's constructive suggestion; he suggested that all members of the Committee who had specific suggestions to make on the subject should get in touch with Mr. Lallah.
6. Mr. TARNOPOLSKY said that, with regard to methods of work relating to the consideration of reports, the Committee should consider the possibility of dividing the reports to be considered among its members and requesting, say, three or four members to consider a particular report in more detail and to put the appropriate questions to the representatives of the States parties who introduced the reports. Naturally, other members of the Committee who had questions to ask or comments to make would be able to speak afterwards. In his opinion, that method would make it possible to save a great deal of time.

7. Mr. MOVCHAN said that he wished to make two comments, one about the follow-up action to be taken on the reports of States parties considered under article 40 of the Covenant and the other about the procedure for considering those reports. With regard to the follow-up action to be taken on reports which the Committee had already considered, he found it regrettable that the Committee, which now had all the necessary experience, had not been able to embark on a discussion of that question at the current session and he fully understood the reasons which had led the Chairman to suggest that Mr. Lallah should be requested to draft a preparatory text on the subject. He could not, however, support that suggestion. Since Mr. Lallah did not know the views of the various members of the Committee, the text which he would prepare could only reflect his own point of view and not that of the Committee. Moreover, that procedure was totally abnormal. He therefore proposed that the Committee should wait until it had had an exchange of views on the question before asking Mr. Lallah to prepare any kind of document. With regard to the Committee's methods of work in the consideration of reports submitted by States parties under article 40 of the Covenant, he supported Mr. Tarnopolsky's suggestion and invited the members of the Committee to consider ways in which the procedure for considering reports could be improved. In his view, it was not necessary to ask a large number of questions. In many cases, a few questions together with general comments would be sufficient.

8. Mr. KOULISHEV said that he agreed with Mr. Movchan that before preparing a text on a subject as delicate as the follow-up action to be taken on reports which had already been considered, it was essential to hold an exchange of views. Furthermore, he fully supported Mr. Tarnopolsky's suggestion on the procedure for the consideration of reports.

9. Mr. DIEYE said that the Committee could no longer confine itself to considering the reports submitted by States parties; it must draw the necessary conclusions from that consideration and, on the basis of a procedure which it must work out, make general comments on the various reports submitted to it. All too many States parties considered that, once they had submitted a report to the Committee and replied to the questions it asked, they no longer needed to make any effort in the field of human rights. It was therefore essential that the Committee should make comments on the reports of States parties so that the latter would know exactly what the Committee thought of the human rights situation in their territories and the way in which they were fulfilling their obligations under the Covenant.

10. Mr. TOMUSCHAT said that, when supplementary reports were submitted to the Committee, it was natural that the Committee should consider them and appraise the information available to it. In most cases, it was necessary to determine whether the information was sufficiently complete to make it possible to take a decision. In other cases, the reports might provide very valuable elements of information which merited closer consideration. At all events, it was the duty of the Committee to consider the information submitted to it by all countries and to determine whether it was adequate.

11. Sir Vincent EVANS said that he had not participated in the informal consultations referred to by some members of the Committee. He had listened with interest to the observations made by Mr. Tarnopolsky and he would revert to them at the next session.

12. As Mr. Movchan had observed, it would have been premature so far for the Committee to make general comments on the reports submitted to it; the Committee would first have to acquire a certain amount of experience in considering reports and gain a clearer idea of the exact situation with regard to human rights in various countries. Nevertheless, it seemed that the time had come to try to make some comments which could, appear for example, in the Committee's next annual report. It was not necessary to establish formal procedures. It was enough for the members of the Committee, and in particular the Rapporteur, to consider what should be included in the report in that respect.

13. Mr. BOUZIRI said that the method of work used by the Committee over the past three years in considering reports submitted by States parties under article 40 of the Covenant was appropriate. Nevertheless, the omissions in some of the reports and the inadequacy of the replies given by some delegations to the Committee's questions gave cause for some dissatisfaction. It would therefore seem that that stage of the Committee's work left a little to be desired.

14. There was no doubt that the Committee should consider the supplementary reports submitted by States parties. It should also determine to what extent the countries concerned had really replied to the questions asked by members of the Committee and provided the additional information or explanations requested. Once it had done that, the Committee could make the general comments envisaged under article 40 of the Covenant. The members of the Committee should therefore begin to reflect upon that question, which could be discussed frankly in a closed meeting at the tenth session.

15. The CHAIRMAN said that the Committee could consider that question at a closed meeting at the next session, although it already had a very heavy agenda. Moreover, any members of the Committee who wished to submit working papers on the subject at the next session would be welcome to do so.

16. It was so decided.

17. The CHAIRMAN said that, on the basis of the consultations he had had, the Committee's Working Group for the next session might consist of Mr. Koulishev, with Mr. Graefrath as an alternate member, Mr. Tarnopolsky, with Sir Vincent Evans as an alternate member, Mr. Pradó Vallejo and he himself, although he could not undertake to participate fully in the deliberations of the Working Group.

18. Furthermore, Mr. Tomuschat could be requested to take charge of a particularly complicated case, for which he would undertake work similar to that which Mr. Opsahl had undertaken in the case of another communication concerning the same country.

19. It was so decided.

20. Mr. TOMUSCHAT said that, in connexion with the reminders which the Committee had to send to the States parties which had not yet transmitted their reports, Iran had announced at New York in 1979 that it would submit a fresh report to the Committee. In view of the serious violations of human rights that were taking place in Iran at the moment, the Committee should be particularly insistent upon Iran transmitting its report.

21. Mr. OPSAHL said that Chile should also be reminded that it should send its new report.

22. The CHAIRMAN said that, if there were no objections, he would take it that the Committee decided to send reminders to all the countries which should already have submitted their reports, including the reports due in 1979, as also to Chile and Iran.

23. It was so decided.

24. The CHAIRMAN, summing up the situation with regard to the reports which were to be considered by the Committee, said that the reports of Kenya, Mali, Peru and Tanzania were inadequate. The Committee should therefore ascertain whether those countries planned to send additional information before proceeding to consider those reports.

25. The Governments of Barbados and Suriname had not informed the Committee whether they would send representatives to present their reports. At its next session, therefore, the Committee could consider the initial reports of Colombia and Costa Rica and the supplementary report of Hungary.

26. Mr. TARNOPOLSKY said that the Committee could perhaps consider two initial reports and two supplementary reports at its tenth session.

27. Sir Vincent EVANS said that the Committee usually considered four reports at each session. It lay with the Chairman of the Committee and the Secretariat to decide which reports would be considered, after consulting the Governments concerned. In principle, the reports should be considered in the order in which they were submitted to the Committee. Nevertheless, it would be particularly appropriate to study the report of Colombia in view of the human rights situation in that country.

28. The CHAIRMAN informed the Committee that he had received a telegram from Mr. Uribe Vargas in which the latter expressed regret that he had been unable to participate in the present session of the Committee owing to the situation in Colombia.

FUTURE MEETINGS OF THE COMMITTEE (item 6 of the agenda) (continued)

29. The CHAIRMAN said that the Committee would no longer be able to hold its October sessions in New York. One member of the Committee had suggested that, since in 1980 the Committee would hold several consecutive sessions at Geneva, it might consider holding the spring and summer sessions of 1981 in New York.

30. Mr. DIEYE, supported by Mr. OPSAHL, said that it would be better to abide by the system of alternate venues which the Committee had followed up to that year and hold the spring session in New York and the summer session at Geneva.

31. The CHAIRMAN said that the Committee's tenth session would be held at Geneva from 14 July to 1 August and its eleventh session also at Geneva from 20 to 31 October; in each case, the Working Group would meet one week beforehand. As far as the calendar of meetings for 1981 and 1982 was concerned, the twelfth session would be held in New York from 23 March to 10 April 1981, the thirteenth session at Geneva from 13 to 31 July 1981, the fourteenth session at Geneva from 12 to 30 October 1981, the fifteenth session in New York from 22 March to 9 April 1982, the sixteenth session at Geneva from 12 to 30 July 1982 and the seventeenth session at Geneva from 11 to 29 October 1982. In each case, the Working Group would meet one week beforehand.

32. It was so decided.

33. The CHAIRMAN declared the ninth session of the Human Rights Committee closed.

The meeting rose at 12.45 p.m.