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COMMISSION ON HUMAN RIGHTS

SUB-COMMISSION ON PREVENTION OF DISCRIMINATION AND
PROTECTION OF MINORITIES

Fortieth session

SUMMARY RECORD OF THE 2nd MEETING

Held at the Palais des Nations, Geneva,
on Tuesday, 9 August 1988, at 10 a.m.

Chairman: Mr. BHANDARE

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The meeting was called to order at 10.15 a.m.

ORGANIZATION OF WORK

1. The CHAIRMAN informed the Sub-Commission of the Bureau's recommendations concerning the organization of work at the fortieth session. He drew the attention of members to the draft provisional timetable drawn up by the Bureau, which had no symbol, and announced the composition of the Working Group on Detention on the Grounds of Mental Illness and of the Working Group on Detention, on which all members of the Sub-Commission could, of course, participate as observers. He urged all members to be present at the scheduled meeting times. He proposed to announce in good time the closure of the list of speakers on each agenda item. In accordance with the established procedure, when there were no more speakers on an agenda item, members would be invited to proceed to the next item.
2. The Bureau proposed that members of the Sub-Commission should limit their statements to from 10 to 15 minutes and that statements by the representatives of non-governmental organizations should be limited to 10 minutes on the first occasion and to six minutes on the second. Observers from Member States could exercise their right to reply twice, for five and three minutes respectively. The order of speakers would be: first, members of the Sub-Commission, then representatives of non-governmental organizations, and then observers for Member States. Rapporteurs would have 20 minutes to introduce their reports and 20 minutes to present conclusions, and the Bureau particularly recommended that the Rapporteurs on items 9, 10, 15 (a) and 16 (e) - namely Mr. Bossuyt, Mr. Singhvi, Mr. Mazilu and Mr. Mubanga-Chipoya respectively - should be urged to be present when their reports were considered.
3. It was recommended that draft resolutions should be put to the vote; they should therefore be submitted by the deadline to be specified in each case, and particularly in good time when they had financial implications. The Bureau had also decided to draw the Sub-Commission's attention to paragraphs 4, 5, 10 and 18 of Commission on Human Rights resolution 1988/43, as well as to paragraph 20, in which the Chairman of the Sub-Commission was requested to report to the Commission on the implementation of the guidelines formulated in that resolution. Furthermore, on the occasion of the seventieth birthday of Nelson Mandela, the Arab Lawyers' Union had sent a telegram to the Sub-Commission requesting it to take all the necessary steps to consider Nelson Mandela's case during its fortieth session. The Bureau considered that the matter could be considered under agenda item 5.
4. He invited members of the Sub-Commission to comment on the draft provisional timetable, which had been drawn up in the light of the documents available and of Rapporteurs' real possibilities of being able to present their reports.
5. Mr. ALFONSO MARTINEZ said that he had no real objections to make concerning the proposed timetable. He was, however, surprised that, in view of the importance of the issues which it had to consider, the Working Group on Detention had, under the timetable, been allotted only four working hours spread over four days. He wondered whether it could not be given a few extra hours.

6. He was glad to note that Mr. Khalifa's report on agenda item 5 was ready (E/CN.4/Sub.2/1988/6 and Add.1), but he wished to have some clarification as to the status of Mr. Eide's report, which related to the same agenda item.
7. The CHAIRMAN said that Mr. Eide had not yet submitted his report and that he would give an account of the results of his work orally.
8. Mrs. WARZAZI said that she was willing to approve the provisional timetable proposed by the Bureau. Nevertheless, the consideration of communications was scheduled to begin on a Friday morning. In her opinion, it would be wiser to give members time to study the relevant documents over the weekend, and she therefore suggested that the order provided for in the provisional timetable should be inverted, so that communications would be considered on Monday 29 August - after, instead of before, items 4 and 13.
9. The CHAIRMAN said that the Bureau would take account of that suggestion, in the light of the availability of the documents on communications.
10. Mr. KHALIFA said that he was surprised to see that, for the first time for many years, the "Question of the violation of human rights and fundamental freedoms ..." (agenda item 6) had been relegated to the third week of the session, whereas it was usually considered in the second week. The same applied to item 8 on communications. He asked why those two items of crucial importance were not to be considered in the first part of the session. Furthermore, in the case of item 5, it was not stated whether the Sub-Commission would begin with item 5 (a) or item 5 (b).
11. The CHAIRMAN said that consideration of item 6 had been put back to the third week of the session solely because one of the Special Rapporteurs, Mr. Singhvi, would not be free, and Mr. Despouy would not have completed his report before the end of the second week.
12. Mr. SADI asked why items 5 and 6, which were closely interrelated, were not to be considered during the same week. He agreed with Mr. Khalifa, that if communications were not considered until the final days of the session, the impression might be given that the item did not rank very high in the Sub-Commission's order of priorities. He would therefore like item 8 to be considered during the second or third week of the session, and items 5 and 6 not to be separated.
13. Mrs. BAUTISTA supported the suggestion that items 6 and 8 should be considered, if possible, during the second week, since they dealt with priority issues. Furthermore, if they were considered only at the end of the session, the representatives of non-governmental organizations would be denied the opportunity of expressing their views on them, since many of them could not stay long in Geneva.
14. The CHAIRMAN said that the Bureau would try to take account of the suggestions made, with a view to drawing up a timetable which better reflected the urgent nature of certain issues.
15. Mr. CAREY agreed with those experts who wanted items 6 and 8 to be considered earlier. He supported Mr. Alfonso Martínez's request concerning the Working Group on Detention; in that connection it would be better to wait until the Working Group had concluded its work before taking up agenda item 9,

which dealt with the question of detention. In his opinion, it would also be preferable to consider item 4 on the date which, in the provisional timetable proposed by the Bureau, was currently allocated to the consideration of item 3.

16. Mr. VARELA QUIROS said that he did not understand why it had been arranged for agenda item 15 to be considered only at the end of the session. Among the matters which came under that item, the Sub-Commission ought to have before it the report which Mr. Mazilu had been requested to prepare on human rights and youth and which was not available. He would therefore like to know whether the Sub-Commission, when taking up item 15 (c), would consider the question of respect for human rights in the case of its own members.

17. Mr. van BOVEN said that he would like agenda item 3 entitled "Review of the work of the Sub-Commission" to be taken up earlier in the session. It ought to be the second substantive item to be dealt with, after agenda item 5 on the "Elimination of racial discrimination". As members were aware, the Commission on Human Rights had just given precise instructions to the Sub-Commission; it was therefore desirable that, in consequence, the Sub-Commission should organize its work more rationally from the beginning of its session. He also shared Mrs. Warzazi's opinion that more time should be allocated to communications (item 8); in that connection it would be advisable for the Chairman of the Working Group on Communications to inform the Sub-Commission of how much documentation there was to be considered. Finally, it would be better, as the Bureau had suggested, to allow a certain time for reflection before taking up item 6 on the "Question of the violation of human rights and fundamental freedoms ...".

18. Mr. KHALIFA said that he was surprised that the draft provisional timetable submitted by the Bureau allocated less time than the past to item 3 on the "Review of the work of the Sub-Commission", which was, however, a matter of priority. Furthermore, the Sub-Commission must of course take into account the availability of its Special Rapporteurs, but not to the point of allowing that to disrupt its work in general. It was also regrettable that the documentation on communications could not be ready before the third week of the session - on 26 August, according to what had been announced; such a delay might compromise the consideration of that item very seriously.

19. Mr. HATANO said that he would like two additional meetings to be allocated to the Working Group on Detention, preferably during the afternoons of 19 and 22 August.

20. Mr. EIDE announced that his study on the achievements of the Second Decade for Action to Combat Racism and Racial Discrimination could not be submitted at the current session, since he had to collect further information which was not yet available. He would therefore limit himself to making an oral report when agenda item 5 was taken up.

21. He would also like agenda item 3 entitled "Review of the work of the Sub-Commission" to be taken up promptly; the consideration of item 6 might also be brought forward.

22. Mr. ILKAHANAF, associating himself with a comment made by Mrs. PALLEY, considered it paradoxical that the Sub-Commission, after having entrusted its Bureau with the task of drawing up a timetable, should then busy itself with recasting it in a great many respects. Nevertheless, he agreed with

Mrs. Warzazi and Mr. van Boven that more time should be devoted to communications (item 8); he too, would like consideration of the "Question of the violation of human rights and fundamental freedoms ..." (item 6) to be brought forward.

23. The CHAIRMAN assured the Sub-Commission that the Bureau would try to improve the draft provisional timetable by taking into account the comments that had just been made. In particular, the Bureau had noted the very strong desire expressed for changes with regard to the consideration of items 6 and 8. It would also try to take into consideration, as far as possible, the wishes expressed regarding other items. Nevertheless, he must point out that the agenda was a heavy one and that it would be difficult to satisfy everyone; he hoped that the Sub-Commission would accept the recast draft timetable which the Bureau would submit as soon as possible.

24. Mr. NYAMEKYE (Deputy Director, United Nations Centre for Human Rights), having noted Mr. Khalifa's comment concerning the delay in submitting the documentation on communications (item 8), pointed out that the documentation on that item was more voluminous than in 1987 - almost 2,000 pages. The Working Group on Communications had concluded its session only on 5 August; currently, a period of from 10 to 12 days must be reckoned on for the relevant documentation to be made available in all languages. Consequently, the documentation in question could not be ready before 24 August; that was why the Bureau had proposed to place the consideration of item 8 in the third week of the session. Moreover, the item on communications had also been considered in the third week in previous years.

25. Mrs. WARZAZI and Mr. SADI announced that the Arabic-speaking members of the Sub-Commission would not insist on having Arabic texts of the documents on item 8. That should make it possible for the item to be taken up earlier.

26. The CHAIRMAN expressed his appreciation of the gesture made by the Arabic-speaking members of the Sub-Commission. That would reduce the volume of translation needed; the Secretariat would now be able to indicate a new date for the availability of the documentation.

27. The Sub-Commission must be in a position to know whether Mr. Mazilu, its Special Rapporteur on Human Rights and Youth, would be available. The situation in that respect had already been explained by the outgoing Chairman at the first meeting of the fortieth session. He considered that the Sub-Commission should send a telegram to Mr. Mazilu and wait, for two or three days perhaps, for a reply.

28. Mr. JOINET said that the telegram must be sent immediately. If there was no reply, consideration could be given to the possibility of sending a member of the Sub-Commission to Mr. Mazilu in Romania. He himself was willing to undertake such a journey. He pointed out that the discussion on the situation which had already been held at the previous session was reflected in summary record E/CN.4/Sub.2/1987/SR.5 and also that Mr. Mazilu had sent, to several members of the Sub-Commission, including himself, a letter dated 19 April 1988 which he could read out to the Sub-Commission.

29. Mr. DIACONU objected that the Sub-Commission was departing from its consideration of the organization of its work.

30. Mr. DESPOUY said that he, too, had received the letter which Mr. Joinet had just mentioned. In fact, the letter had been addressed to him as Chairman of the Sub-Commission at its previous session, with a request that he should communicate its contents to certain members. Among those members Mr. Joinet was still a member of the Sub-Commission at the present session; that was why he had just mentioned the letter.

31. Mr. ALFONSO MARTINEZ said that, although he was not opposed to Mr. Mazilu's letter being read out, he wondered whether reading it out would help the Sub-Commission to attain its objective, which was to ensure that the report on human rights and youth could be submitted.

32. Mrs. WARZAZI said that it would be better to await the reply to the telegram which it had just been proposed to send. If within two days there was no reply, members of the Sub-Commission should discuss Mr. Mazilu's situation, but preferably in private.

33. Mr. EIDE stressed that the Sub-Commission must know exactly why Mr. Mazilu was prevented from coming to submit his report, and it must know soon whether it would have that report or not. The situation should not necessarily be discussed in private; on the contrary, a public discussion, in the presence of the various participants in the session, was preferable.

34. Miss ATTAH said that the best course would be for the Sub-Commission to decide promptly to send a telegram: it should then wait for a reply - for example, until Friday, 12 August. In the meantime, the text of the letter mentioned by Mr. Joinet could be communicated to those members of the Sub-Commission who were not acquainted with it.

35. Mr. van BOVEN, while recognizing the weight of Mr. Eide's argument, proposed that for the moment the approach recommended by Miss Attah should be followed.

36. Mrs. DAES added that it would be necessary to request the observer for Romania, who was present at the session, to contact his Government so that an explanation could be obtained from that quarter.

37. Mr. JOINET explained that he had merely wished to speed up the measures which the Sub-Commission had to take in order to clarify the situation regarding the study on human rights and youth.

38. After a discussion on the foregoing proposals in which Mr. CAREY, Mr. SADI, Mr. CHERNICHENKO, Mr. TIAN JIN, and Mr. ALFONSO MARTINEZ took part, the CHAIRMAN proposed that the Sub-Commission should immediately send a telegram to Mr. Mazilu to ask him whether he would be able to come to submit his study on human rights and youth and that the Sub-Commission should wait until the end of the week, until 12 August, for a reply to the telegram. In the meantime, the letter mentioned by Mr. Joinet would be brought to the knowledge of all members. Subsequently, if necessary, the Sub-Commission could consider sending one of its members to Mr. Mazilu, as had been suggested.

39. It was so decided.

The meeting rose at 12.15 p.m.