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ON CIVIL AND
POLITICAL RIGHTS**



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HUMAN RIGHTS COMMITTEE

Sixth session

SUMMARY RECORD OF THE 123rd MEETING

Held at Headquarters, New York,
on Monday, 9 April 1979, at 10.30 a.m.

Temporary Chairman: Mr. MAZAUD (Assistant Director,
Division of Human Rights)

Chairman: Mr. MAVROMMATIS

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The meeting was called to order at 11.10 a.m.

OPENING OF THE SESSION BY THE REPRESENTATIVE OF THE SECRETARY-GENERAL

1. The TEMPORARY CHAIRMAN, speaking in his capacity as representative of the Secretary-General, declared open the sixth session of the Human Rights Committee. He welcomed all the members of the Committee, in particular the four new members elected by the States parties in September 1978: Mr. Nejib Bouziri of Tunisia, Mr. Abdoulaye Dieye of Senegal, Mr. Dejan Janca of Yugoslavia and Mr. Waleed Sadi of Jordan. He also congratulated the five members of the Committee whose terms of office had expired at the end of 1978 and who had been re-elected.
2. Two years previously, when the Committee had held its first session, the entry into force of the Covenants the year before had been seen as the promising conclusion to the international community's strenuous and unremitting efforts to provide the human rights recognized in the Universal Declaration with the legal basis and implementation procedures which they had lacked until then. Everyone had awaited with curiosity and hope the beginning of the work of the Human Rights Committee, whose task it was to ensure that States parties to the Covenant on Civil and Political Rights scrupulously fulfilled the obligations which they had entered into freely, and that the implementation of that instrument achieved positive results at the national and international levels by ensuring greater respect for and more effective protection of human rights and fundamental freedoms.
3. Twenty new States had gradually joined the 35 States originally parties to the Covenant. Doubtless much remained to be done before the Covenant became universally applicable, as was desired, but he noted with satisfaction that the number of ratifications and accessions was increasing steadily and that, if the current trend continued, the Covenant would be applicable to the majority of States Members of the United Nations in the not too distant future.
4. To judge by the comments which its work had elicited in the various international bodies and within the competent organs of the United Nations, it was clear that the Committee had lived up to the expectations placed in it. During the five sessions which it had held to date, in addition to defining and perfecting its methods and procedures the Committee had managed to embark fully on the performance of its main tasks, including both the consideration of reports submitted by States parties and the consideration of individual communications submitted under the Optional Protocol. The recent entry into force of article 41 of the Covenant would open up an additional field of action for the Committee.
5. The statements made in the General Assembly when the Committee's two annual reports had been considered showed clearly that there was a general awareness of the Committee's nature and importance. At its thirty-third session, the General Assembly had adopted resolution 33/51, in which it expressly recognized the important role of the Committee and expressed satisfaction at the serious manner in which the Committee was continuing to undertake its functions. In the same resolution, after expressing its appreciation to States parties which had extended their

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(The Temporary Chairman)

co-operation to the Human Rights Committee, the General Assembly had urged States parties which had not yet done so to submit their reports to the Committee as speedily as possible, and those States which had been requested by the Human Rights Committee to provide additional information to comply with that request by providing such information. The Commission on Human Rights had recently adopted a resolution to the same end.

6. Furthermore, during the debates in the General Assembly and in the Commission on Human Rights it had been emphasized that the constructive dialogue which had been established between the Committee and representatives of States parties during the consideration of reports automatically helped to promote civil and political rights throughout the world, with the spirit of co-operation and emulation which the Covenant aroused. At the same time, it had been reaffirmed during the debates that the various organs working in the area of human rights should not function in isolation but should keep informed about each other's activities in order to ensure proper co-ordination and maximum efficiency.

7. With regard to the assistance which the Committee required from the Secretariat in order to perform its functions effectively given its increasing workload, the General Assembly had, in response to the concern expressed by the Committee in its latest report, emphasized the duty of the Secretary-General under the International Covenant on Civil and Political Rights to provide the necessary staff and facilities for the effective performance of the Committee. In that connexion, and being informed by the Director of the Division of Human Rights of the shortage of staff and resources of the Division, the Assembly had requested the Secretary-General to make appropriate suggestions in the proposed budget for the biennium 1980-1981 with regard to adequate staff and resources needed. He hoped that the specific suggestions which had already been formulated would be received favourably in the competent administrative and budgetary organs, notwithstanding the current austerity measures affecting the United Nations. In any event, he assured the Committee that the Secretariat would spare no effort to meet the Committee's needs as best it could within the limits of available resources.

SOLEMN DECLARATIONS BY THE NEWLY ELECTED MEMBERS OF THE COMMITTEE IN ACCORDANCE WITH ARTICLE 38 OF THE COVENANT

8. At the invitation of the TEMPORARY CHAIRMAN, Mr. BOUZIRI, Mr. DIEYE, Mr. JANCA and Mr. SADI, the newly elected members of the Committee, solemnly declared that they would perform their functions in accordance with article 38 of the Covenant.

ELECTION OF THE CHAIRMAN AND OTHER OFFICERS OF THE COMMITTEE

9. The TEMPORARY CHAIRMAN said that, in accordance with article 39, paragraph 1, of the Covenant and rules 17 and 18 of the provisional rules of procedure, the Committee would elect a Chairman, three Vice-Chairmen and a Rapporteur for a two-year term. He invited the members of the Committee to nominate candidates for those offices.

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10. Mr. SADI nominated Mr. Mavrommatis for the office of Chairman.
11. Mr. KELANI seconded the nomination.
12. Mr. Mavrommatis was elected Chairman.
13. Mr. Mavrommatis took the Chair.
14. The CHAIRMAN thanked the members of the Committee for electing him. He saw his re-election as a vote of confidence in the way in which he had directed the Committee's work, and as an endorsement of the procedure of working by consensus. He wished to emphasize the need for the members of the Committee to attend meetings regularly and punctually and invited them to nominate candidates for the offices of the other members of the Bureau.
15. Mr. OPSAHL nominated Sir Vincent Evans for the office of a Vice-Chairman.
16. Mr. GRAEFRATH nominated Mr. Prado Vallejo for the office of a Vice-Chairman of the Committee.
17. Mr. MOVCHAN nominated Mr. Koulishev for the office of a Vice-Chairman.
18. Sir Vincent Evans, Mr. Prado Vallejo and Mr. Koulishev were elected Vice-Chairmen.
19. Mr. DIEYE nominated Mr. Lallah for the office of Rapporteur of the Committee.
20. Mr. Lallah was elected Rapporteur.

ADOPTION OF THE AGENDA (CCPR/C/7)

21. The CHAIRMAN indicated that the inclusion of item 6 in the agenda would require that an as yet unspecified number of meetings be held. That would create a time problem for the Committee.
22. Mr. LALLAH, Rapporteur, said in that connexion that the Secretariat should supply the members of the Committee with a copy of the declarations made by the 10 States parties to the International Covenant on Civil and Political Rights under article 41 of the Covenant so that they could study them before going on to draft additional rules of procedure.
23. Mr. OPSAHL recalled that the Committee had considered the initial report of Iran at its fourth session in July 1978; the representative of the Government of Iran had stated on that occasion that he would provide additional information at a later stage. In view of the recent events in that country, he urged the Committee, in accordance with the power given it by article 40, paragraph 1, subparagraph (b), of the Covenant on Civil and Political Rights, to send a request or a reminder to the new Government.

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24. The Committee could examine the question in connexion with agenda items 5 or 7 or under a new item; in any event, it was important that it do so at its current session.
25. Mr. SADI said that the situation in Iran was highly unstable. No one could foresee the final outcome and, consequently, no one was in a position to supply a formal reply to the Committee's questions. Consideration of the case of Iran should be deferred until the situation became stable.
26. Mr. TOMUSCHAT felt that agenda item 5 also included measures designed to give publicity to the work of the Committee. With regard to the suggestion of Mr. Opsahl, he felt that the Committee should not remain silent during the grave developments which were occurring in Iran. Although it would be premature to make a definitive appraisal of the situation, the Committee should carefully consider the possibility of requesting that the current Government submit a new report.
27. Sir Vincent EVANS said that the agenda should be formulated in such a way as to enable the Committee to consider the steps it should take with respect to the submission of reports by Iran, to which end there were two possibilities: to delete the words "Status of" from agenda item 7 or to include in the current and future agendas a new item entitled, for example, "Other matters", which would make it possible to consider matters such as the one at hand without giving rise to procedural difficulties.
28. The CHAIRMAN said that the expression "other matters", contained in item 5, covered the second alternative suggested by Sir Vincent Evans.
29. Mr. LALLAH supported the first solution which Sir Vincent Evans had proposed.
30. Mr. BOUZIRI observed that the question was a delicate one and that the situation with respect to the Government and legislation of Iran was as yet unclear. The Committee should consider the situation, but not as a matter of priority. If there was time for such consideration, the second possibility suggested by Sir Vincent Evans would be the most appropriate.
31. The CHAIRMAN said that the Committee should determine whether a new report was required in the light of current circumstances, not consider the situation in Iran.
32. Mr. PRADO VALLEJO concurred with the Chairman. The Committee would not judge Iran; rather, it would simply request a new report from that country. The agenda should be flexible, so as to allow for the inclusion of questions such as the one proposed.
33. Mr. TARNOPOLSKY said that the Bureau should study how to resolve the situation which arose when reports submitted by States completely lost their currency; in that regard, he supported the proposal to amend item 7 of the provisional agenda.
34. He also noted that the Bureau, in drawing up the schedule of work for the session, should give particular attention to the date on which the Committee would

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(Mr. Tarnopolsky)

begin its consideration of the report of Chile, since there had been so little time since the issue of the report of the Ad Hoc Working Group established under resolution 8 (XXXI) of the Commission on Human Rights to inquire into the situation of human rights in Chile (E/CN.4/1310).

35. Mr. DIEYE observed that the provisional agenda was very long and that the session might not suffice to complete consideration of all the items; the Bureau should therefore take special care in drawing up the time-table for the consideration of reports by States parties.

36. With regard to the situation in Iran, he recalled that the function of the Committee was to ensure that States parties observed the provisions of the International Covenant on Civil and Political Rights. Without passing judgement on the situation in that country, developments which were a matter of common knowledge required that the Committee request an additional report from the authorities. The exceptional character of the internal situation could not be invoked as an obstacle to that request. If Mr. Ganji were present, he might provide valuable assistance in helping the Committee to understand the situation in his country.

37. The CHAIRMAN said that the provisional agenda had been prepared on the basis of past experience, which suggested that it was difficult to consider more than six reports at one session. The entry into force of article 41 of the Covenant made it necessary to complete the Committee's provisional rules of procedure which would take up some of the time available. One State whose report the Committee was to consider at the current session had requested that its consideration be postponed; if that request was granted, the time could be used for consideration of further rules of procedure or of communications received (items 6 and 9 of the provisional agenda).

38. With regard to the absence of Mr. Ganji he (the Chairman), with the Secretariat, had taken an interest in his situation; it appeared that Mr. Ganji had not received the communications dispatched to invite him to the session. Perhaps the members of the Committee should hold informal consultations concerning the situation of Mr. Ganji and, more generally, the situation with regard to the absence of Committee members.

39. Mr. SADI agreed that the agenda should be flexible but felt that it should be decided which items covered the questions that had been raised. The expression "other matters" contained in item 5, seemed intended to cover questions related to the Committee's work rather than matters such as a request for an additional report from a State. With regard to Sir Vincent Evans' proposal to add a new item entitled "Other matters", he recalled that that device was used in order to deal with matters of lesser importance; so long as it was not given that interpretation, it might be the most suitable solution.

40. Mr. GRAEFRATH recalled that Mr. Opsahl had referred to the lack of currency of the report of Iran. It had not been proposed that the structure of the provisional agenda should be changed or that specific consideration should be given to the

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(Mr. Graefrath)

situation prevailing in Iran. He did not favour the addition of a new agenda item and felt that it would be sufficient for the Bureau to look into the best way of applying the agenda as it stood.

41. Mr. MOVCHAN said that a careful reading of the provisional agenda led to the conclusion that there was no need to change it. Item 5 was quite clear and there was no reason to add another item entitled "Other matters". Item 6 was equally clear. With respect to item 7, he recalled that article 40 of the Covenant contained several provisions. At previous sessions the Committee had considered a variety of questions under that item and, in his view, there was no need to change its wording. Item 8 was also broadly worded, covering both requests for reports and additional information and consideration thereof. Accordingly, he proposed that the provisional agenda be adopted as set forth on page 2 of document CCPR/C/7.

42. Organization, a task which fell to the Bureau, was the most important factor in the success of the Committee's work. In that regard, he supported the comment by Mr. Tarnopolsky concerning the practical difficulties of immediate consideration of the report of Chile. The report of the Ad Hoc Working Group (E/CN.4/1310), a voluminous document, had just been distributed and there would not be time to study it if consideration of the report of Chile began immediately. Moreover, it had not yet been issued in Russian. Consequently, the members of the Committee would not be duly prepared to consider the question, nor would they be on equal footing. He therefore requested that the Bureau, in setting a date to begin consideration of the report of Chile, should bear in mind that he could not be ready to do so on 10 April.

43. The CHAIRMAN said that the Bureau would take Mr. Movchan's comments into account.

44. Mr. OPSAHL expressed regret that his statement had led some members of the Committee to take positions with respect to the question of Iran. He had only wished, in accordance with rule 9 of the Committee's provisional rules of procedure, to ensure that the agenda would allow for the possibility of requesting an additional report from Iran. For his part, he would prefer the matter to be dealt with under agenda item 7, amended in the manner proposed by Sir Vincent Evans.

45. Sir Vincent EVANS said that he was only concerned to have an agenda sufficiently flexible to allow for consideration of the question raised by Mr. Opsahl. If all the members of the Committee agreed on a flexible interpretation of agenda items, he would have no objection to withdrawing his proposal for the addition of a new item entitled "Other matters".

46. The CHAIRMAN said that if there were no objections, he would take it that the Committee agreed to adopt the agenda with the amendment to item 7 proposed by Sir Vincent Evans.

47. It was so decided.

The meeting rose at 12.55 p.m.