



**International covenant  
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HUMAN RIGHTS COMMITTEE

Ninety-third session

SUMMARY RECORD OF THE 2568th MEETING

Held at the Palais Wilson, Geneva,  
on Friday, 25 July 2008, at 10 a.m.

Chairperson: Mr. RIVAS POSADA

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The meeting was called to order at 10.05 a.m.

#### NOMINATION OF A NEW HIGH COMMISSIONER FOR HUMAN RIGHTS

1. The CHAIRPERSON invited the secretariat to make an announcement.
2. Ms. MORALES (Secretariat), speaking on behalf of Mr. Ndiaye, Officer-in-Charge of the Office of the United Nations High Commissioner for Human Rights (OHCHR), announced that the Secretary-General had nominated Ms. Navanethem Pillay of South Africa as the new High Commissioner for Human Rights. The General Assembly would be convened on 28 July 2008 to endorse the nomination and Ms. Pillay would take up her duties as High Commissioner on 1 September 2008.

#### GENERAL COMMENTS OF THE COMMITTEE (continued)

3. Mr. SHEARER, referring to draft general comment No. 33 on States parties' obligations under the Optional Protocol to the Covenant, said that it was standard practice, on completion of the first reading of a draft general comment, to request comments and suggestions from States parties and the general public on the draft. He therefore proposed that draft general comment No. 33 should be circulated by the secretariat.
4. It was so decided.

#### POSSIBILITY OF ISSUING A PRESS RELEASE

5. Sir Nigel RODLEY said he had learned the previous day from Amnesty International that two days previously the President of Liberia had signed into law a bill that would restore the death penalty for certain crimes. Liberia had ratified the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty, on 16 September 2005. The Second Optional Protocol, like the Covenant itself, contained no provision for denunciation and article 1 stipulated that each State party should take all necessary measures to abolish the death penalty within its jurisdiction. Liberia's action therefore constituted a flagrant challenge to the integrity of the human rights treaty system.
6. Noting that Ms. Chanet, during her term as Chairperson, had issued a press release on behalf of the Committee when a State party had repeatedly ignored a request for interim measures, he proposed that the Chairperson, after officially verifying the accuracy of Amnesty International's report on Liberia, should issue a press release expressing the Committee's profound concern at such an unfortunate development.
7. Ms. CHANET said that the Chairperson had also issued a press release when the Democratic People's Republic of Korea had expressed its intention to denounce the Covenant. The State party had protested and the Committee had then adopted general comment No. 26 on the continuity of obligations. The Democratic People's Republic of Korea had subsequently reversed its position and submitted a report.

8. Mr. O'FLAHERTY, expressing support for the idea of issuing a press release, noted that OHCHR had an office in Liberia and suggested that the press release should be copied to the relevant officials.
9. Mr. AMOR said that, in his view, the Committee should defer a decision until its next session. It needed time to consider all aspects of the situation, particularly the legal implications, in order to agree on a common position.
10. Sir Nigel RODLEY said that while he respected Mr. Amor's cautious approach, the facts were plain and could easily be verified at an official level. It would be regrettable if the Committee discussed such a development at a public meeting but failed to take formal cognizance of it for several months.
11. The CHAIRPERSON said that there was no need to go into detail in a press release. He could simply express concern once the information had been verified.
12. Mr. SHEARER said that official confirmation could be obtained quite speedily from a number of sources. Any delay in the Committee's response would diminish its expression of concern.
13. Mr. O'FLAHERTY said that a simple telephone call to the OHCHR office in Liberia should be sufficient.
14. The CHAIRPERSON said he fully agreed that action should be taken as soon as possible.
15. Ms. CHANET said that if the report that a State party which had ratified the Second Optional Protocol had enacted legislation to restore the death penalty was confirmed, the Committee's prestige would be undermined if it failed to take immediate action.
16. Mr. SÁNCHEZ CERRO emphasized the importance of drafting a concise press release that would have the requisite impact on public opinion. It should not just express concern but condemn what amounted to a violation of the Second Optional Protocol.
17. Ms. WEDGWOOD, Mr. BHAGWATI and Ms. PALM expressed support for the proposal to issue a press release as soon as the facts had been verified.
18. Mr. SHEARER said that the Chairperson should issue a strong statement of concern even if the President of Liberia had merely expressed the intention to submit to Parliament a bill that would breach the State party's obligations. The Committee should not wait until the legislation was on the statute book.
19. Mr. KHALIL said that he supported the idea of issuing a press release. However, if the President had merely expressed an intention to take action, the wording should be toned down to take that fact into account.

20. The CHAIRPERSON said he took it that the Committee agreed to the publication of a Chairperson's press release once the facts had been incontrovertibly established.

21. It was so decided.

#### CLOSURE OF THE SESSION

22. After the customary exchange of courtesies, the CHAIRPERSON declared the ninety-third session of the Human Rights Committee closed.

The meeting rose at 10.35 a.m.