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COMMISSION ON HUMAN RIGHTS

SUB-COMMISSION ON PREVENTION OF DISCRIMINATION AND PROTECTION OF MINORITIES

Forty-first session

SUMMARY RECORD OF THE THIRD PART (CLOSED) */ OF THE 40th MEETING **/

Held at the Palais de Nations, Geneva,
on Friday, 1 September 1989, at 8.25 p.m.

Chairman: Mr. YIMER (Ethiopia)

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*/ The summary records of the first, second and fourth parts of the meeting appear as documents E/CN.4/Sub.2/1989/SR.40, SR.40/Add.1 and SR/40/Add.3, respectively.

**/ All persons handling this document are requested to respect and observe its confidential nature.

This record is subject to correction. Participants wishing to submit corrections during the session of the Sub-Commission are asked to hand them, in typewritten form, to the Secretary of the Sub-Commission. A consolidated corrigendum to the summary records covering the closed meetings of the Sub-Commission will be issued shortly after the session.

The closed meeting was called to order at 8.25 p.m.

COMMUNICATIONS CONCERNING HUMAN RIGHTS: REPORT OF THE WORKING GROUP ON COMMUNICATIONS ESTABLISHED UNDER SUB-COMMISSION RESOLUTION 2 (XXIV) PURSUANT TO ECONOMIC AND SOCIAL COUNCIL RESOLUTION 1503 (XLVIII) (agenda item 8)
(continued)

Draft confidential report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities to the Commission on Human Rights on its consideration of item 8 of its agenda at its forty-first session (E/CN.4/Sub.2/1989/R.3)

1. Mr. van BOVEN said that, while some communications were referred to the Commission on Human Rights, others were left pending and the only information in the confidential report on such communications was the final vote. Other votes that had led up to the final vote also constituted relevant information and he hoped that the Sub-Commission would decide to reflect the total voting pattern for communications.
2. The CHAIRMAN said that, if he heard no objection, he would take it that the members of the Sub-Commission decided that all votes would be recorded in the confidential report.
3. It was so decided.
4. Mrs. PALLEY, referring to the ninth line of paragraph 9, proposed that the word "a" should be replaced by the words "its first". She also proposed that the paragraph should be amended to read: "The question had been left open whether, exceptionally, the communication could be transmitted to the Commission on Human Rights in order to keep it apprised of the latest information in a case in which an earlier communication was pending before the Commission, but a reply from the Government concerned had not been received and the period of five months had elapsed."
5. According to her understanding, the position had been left open, but no decision had been taken on that issue.
6. Mr. DIACONU said that Mrs. Palley's first amendment covered the situation where the same communication was involved. In the case of two communications concerning the same State, that State would be deprived of the right to submit a reply within five months if the communications had been transmitted to the Commission on Human Rights. The Sub-Commission would therefore infringe its own decision.
7. Mr. JOINET said that paragraph 9 was the only part of the report which required discussion. In his view, however, the Sub-Commission had not had enough time to become properly informed on the subject.
8. Mr. SADI proposed that the debate should be closed.
9. The proposal that the debate should be closed under rule 50 of the rules of procedure was adopted by 15 votes to 2.

10. Mr. ALFONSO MARTINEZ, speaking in explanation of vote, said that the Sub-Commission was taking decisions which violated the rights of its own members. He himself had been unable to propose an amendment to the draft confidential report because the debate had been closed. If there was not enough time for discussion, matters should be left pending.
11. Mr. DESPOUY, speaking in explanation of vote said that he had abstained in the vote because most of the members of the Sub-Commission had not wanted to continue considering the matter. If communications relating to countries under scrutiny in the Commission on Human Rights were not brought before the Commission or the Sub-Commission, the Sub-Commission would be violating the spirit and letter of Economic and Social Council resolution 1503 (XLVIII).
12. Mr. JOINET said he had not known that a communication reaching the Centre for Human Rights at the end of the year was likely not to be considered admissible in August because of pressure of work. If the rules created absurd situations, they should be changed.
13. Mr. HATANO (Rapporteur) said that the results of the votes on the two procedural decisions, namely, the suspension of rule 59 to allow for voting by secret ballot and the five-month rule, should not be reflected in the public record.
14. The CHAIRMAN said that, since the results had already been made public, they should be included in the public record.
15. If he heard no objection, he would take it that the Sub-Commission decided to adopt the draft confidential report contained in document E/CN.4/Sub.2/1989/R.3.
16. It was so decided.

The closed meeting rose at 8.45 p.m.

The summary record of the fourth part (public) of the meeting appears as document E/CN.4/Sub.2/1989/SR.40/Add.3.