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and Protection of Human Rights
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Agenda item 7

DRAFT PROVISIONAL AGENDA AND ADOPTION OF THE REPORT:

ADOPTION OF THE REPORT ON THE FIFTY-FOURTH SESSION

**Draft report of the Sub-Commission on the Promotion
and Protection of Human Rights***

Rapporteur: Mr. Emmanuel DECAUX

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V. ADMINISTRATION OF JUSTICE, RULE OF LAW AND DEMOCRACY**

*E/CN.4/Sub.2/2002/L.10 and Addenda contain the draft chapters of the report relating to the organization of the session and the various items on the agenda. Resolutions and decisions adopted by the Sub-Commission as well as draft resolutions and decisions for action by, and other matters of concern to, the Commission on Human Rights will be contained in documents E/CN.4/Sub.2/2002/L.11 and Addenda.

**Pursuant to Commission on Human Rights resolution 2002/50, a gender perspective is integrated into all agenda items.

V. ADMINISTRATION OF JUSTICE, RULE OF LAW AND DEMOCRACY

1. The Sub-Commission considered agenda item 3 at its 6th to 9th meetings, on 2 to 6 August, 16th meeting, on 9 August, and 18th meeting, on 12 August 2002.
2. For the list of documents issued under agenda item 3, see annex VII to the present report.
3. At the 6th meeting, on 2 August 2002, Ms. Leïla Zerrougui, introduced her final working paper on discrimination in the criminal justice system (E/CN.4/Sub.2/2002/5). At the same meeting, Ms. Zerrougui made her concluding remarks.
4. At the 7th meeting, on 5 August 2002, Ms. Françoise Hampson introduced her working paper on the scope of the activities and the accountability of armed forces, United Nations civilian police, international civil servants and experts taking part in peace support operations (i.e. all operations of a peacekeeping or peace enforcement nature under a United Nations mandate) [E/CN.4/Sub.2/2002/6]. At the same meeting, Ms. Hampson made her concluding remarks.
5. At the 8th meeting, on the same day, Mr. Louis Joinet, introduced his interim report on the issue of the administration of justice through military tribunals (E/CN.4/Sub.2/2002/4). At the same meeting, Mr. Joinet made his concluding remarks.
6. At the 16th meeting, on 9 August 2002, Ms. Iulia-Antoanella Motoc, Chairperson-Rapporteur of the sessional working group on the administration of justice, presented the report of the working group (E/CN.4/Sub.2/2002/7).
7. In the general debate on agenda item 3, statements were made by members of the Sub-Commission and observers for Governments and non-governmental organizations. For a detailed list of speakers, see annex II.

Discrimination in the criminal justice system

8. At the 18th meeting, on 12 August 2002, Ms. Warzazi introduced draft resolution E/CN.4/Sub.2/2002/L.12, sponsored by Mr. Alfonso Martínez, Mr. Bengoa, Mr. Chen, Mr. Decaux, Mr. Dos Santos Alves, Mr. Eide, Ms. Hampson, Mr. Kartashkin, Ms. Koufa, Ms. Motoc, Ms. O'Connor, Mr. Ogurtsov, Mr. Park, Mr. Preware, Ms. Rakotoarisoa, Mr. Sattar, Mr. Sorabjee, Ms. Warzazi, Mr. Weissbrodt, Mr. Yimer and Mr. Yokota. Mr. Guissé subsequently joined the sponsors.
9. Mr. Weissbrodt orally amended the third and fourth preambular paragraphs.

10. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Sub-Commission was drawn to the estimated administrative and programme budget implication of the draft resolution.

11. The draft resolution was adopted without a vote. For the text of the resolution, see chapter II, section A, resolution 2002/3.

Issue of the administration of justice through military tribunals

12. At the same meeting, Ms. Zerrougui introduced draft decision E/CN.4/Sub.2/2002/L.13, sponsored by Mr. Alfonso Martínez, Mr. Bengoa, Ms. Betten, Mr. Chen, Mr. Dos Santos Alves, Mr. Eide, Mr. Guissé, Ms. Hampson, Mr. Kartashkin, Ms. Koufa, Ms. Motoc, Ms. O'Connor, Mr. Park, Mr. Preware, Ms. Rakotoarisoa, Mr. Sattar, Mr. Sorabjee, Ms. Warzazi, Mr. Weissbrodt, Mr. Yimer, Mr. Yokota and Ms. Zerrougui.

13. The draft decision was adopted without a vote. For the text of the decision, see chapter II, section B, decision 2002/103.

The accountability of armed forces, United Nations civilian police, international civil servants and experts taking part in peace support operations (i.e. all operations of a peacekeeping or peace enforcement nature under a United Nations mandate)

14. At the same meeting, Ms. Hampson introduced draft decision E/CN.4/Sub.2/2002/L.9, sponsored by Mr. Bengoa, Ms. Betten, Mr. Chen, Mr. Decaux, Mr. Dos Santos Alves, Mr. Eide, Ms. Hampson, Mr. Kartashkin, Ms. Koufa, Ms. O'Connor, Mr. Ogurtsov, Mr. Park, Mr. Preware, Ms. Rakotoarisoa, Mr. Sattar, Mr. Sorabjee, Ms. Warzazi and Mr. Yokota.

15. Statements in connection with the draft decision were made by Mr. Alfonso Martínez, Mr. Eide, Mr. Guissé and Mr. Preware.

16. The draft decision was adopted without a vote. For the text of the decision, see chapter II, section B, decision 2002/104.

Establishment of the International Criminal Court

17. At the same meeting, Mr. Decaux introduced a draft resolution E/CN.4/Sub.2/2002/L.14, sponsored by Mr. Bengoa, Ms. Betten, Mr. Decaux, Mr. Dos Santos Alves, Mr. Eide, Mr. Guissé, Ms. Hampson, Mr. Kartashkin, Ms. Koufa, Ms. Motoc, Ms. O'Connor, Mr. Park, Ms. Rakotoarisoa, Ms. Warzazi, Mr. Weissbrodt, Mr. Yokota and Ms. Zerrougui.

18. Mr. Decaux orally revised the second preambular paragraph and operative paragraphs 2, 3, 5 and 7. Mr. Decaux also deleted the third preambular paragraph, which stated:

“Convinced further that the implementation of the Rome Statute should encounter no limitations.”

19. Statements in relation to the draft resolution were made by Mr. Alfonso Martínez, Mr. Guissé, Ms. Hampson, Mr. Kartashkin, Mr. Park, Mr. Preware, Mr. Sattar and Ms. Warzazi.

20. Before the adoption of the draft resolution, Mr. Preware, Mr. Sattar and Mr. Sorabjee made statements in explanation of their position.

21. The draft resolution, as orally revised, was adopted without a vote. For the text of the resolution, see chapter II, section A, resolution 2002/4.
