

**INTERNATIONAL  
COVENANT  
ON CIVIL AND  
POLITICAL RIGHTS**



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HUMAN RIGHTS COMMITTEE

First session

SUMMARY RECORD OF THE 14th MEETING

Held at Headquarters, New York,  
on Wednesday, 30 March 1977, at 11 a.m.

Chairman: Mr. MAVROMMATIS

Later: Mr. OPSAHL

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of the Covenant (continued)

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The meeting was called to order at 11.45 a.m.

ADOPTION OF THE RULES OF PROCEDURE OF THE COMMITTEE IN ACCORDANCE WITH ARTICLE 39 OF THE COVENANT (CCPR/C/L.2 and Add.1 and 2) (continued)

1. The CHAIRMAN invited Mr. Lallah, co-ordinator of the Working Group which had been given the task of determining in what form it was appropriate to express the desire of the Committee to carry out its work in a spirit of consensus, to inform the Committee of the results of the Working Group's deliberations.
2. Mr. LALLAH said that at the outset there had been four main schools of thought. Some members felt that rule 51 of the rules of procedure should be modified to incorporate the notion of consensus, without prejudice to the provisions of article 39 of the Covenant which stipulated that decisions should be made by a majority. In the view of other members, the principle of consensus should be mentioned in the report. Others were of the opinion that it should not be mentioned either in the rules of procedure or in the report but should be apparent from the summary records of the meetings. Lastly, some members had proposed the inclusion in the report or in the summary records of a text stating that the members - as distinct from the Committee itself - had recognized that it was desirable to reach a consensus before taking a decision.
3. During a fruitful exchange of views, there had been some reconciliation between those four main schools of thought. It appeared that the members of the Committee agreed that the Committee should endeavour to work towards an agreement, without prejudice to the provisions of article 39 of the Covenant. He himself felt that it might be possible to include a foot-note to rule 51 of the rules of procedure referring to the summary records covering the discussions which had taken place on the matter. The Committee should allow itself time for reflection before taking a decision on that point.
4. Mr. Opsahl took the Chair.
5. The CHAIRMAN said that the Committee still had to adopt the rules of procedure which had been left outstanding.

Rule 9

6. Mr. GRAEFERATH proposed that the word "add" after the phrase "as appropriate" in the first sentence should be deleted.
7. Mr. TOMUSCHAT supported the amendment proposed by Mr. Graefrath but said he felt that, in order to avoid repetition, the phrase "during the session" in the second sentence should also be deleted.
8. Mr. LALLAH and Sir Vincent EVANS endorsed the proposals of Mr. Graefrath and Mr. Tomuschat.

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9. Mr. PRADO VALLEJO also supported the changes proposed by Mr. Graefrath and Mr. Tomuschat and pointed out that in the Spanish text the phrase "durante un período de sesiones" at the beginning of rule 9 should be replaced by "durante el período de sesiones".

10. Mr. HANGA, supported by Sir Vincent EVANS, proposed that the two sentences should be linked by a comma. Rule 9 would then read:

"During a session, the Committee may revise the agenda and may, as appropriate, defer or delete items; only urgent and important items may be added to the agenda."

11. Rule 9, as amended, was adopted.

#### Rule 30

12. Mr. MOVCHAN pointed out that rule 30 had already been adopted in principle with the reservation that the Committee would subsequently revert to consideration of the phrase "any person".

13. Mr. GRAEFRATH proposed that the first two sentences should be replaced by the following sentence: "A speaker using a language other than the official languages shall himself provide for interpretation into one of the working languages".

14. Mr. LALLAH said he was afraid that, in applying that rule literally, the Committee might deprive petitioners who were unable to provide for interpretation of an opportunity to be heard. The Committee should consider that aspect of the question thoroughly.

15. Sir Vincent EVANS shared the view expressed by Mr. Lallah. In order to simplify matters, however, the Committee might adopt rule 30, as amended by Mr. Graefrath, on the understanding that it should show great circumspection in applying that rule.

16. Mr. ESPERSEN suggested that, in order to leave itself some flexibility the Committee should adopt Mr. Graefrath's amendment with the addition of the phrase "as a general rule" after the word "himself".

17. Mr. LALLAH suggested that the summary record should indicate that the Committee had taken note of the fact that it might have to assist petitioners in providing for interpretation. He further said, supported by Mr. KOULISHEV, that he would prefer the word "normally" rather than the phrase "as a general rule".

18. Mr. LALLAH said that he would like to retain the phrase "appearing before the Committee".

19. Mr. TOMUSCHAT observed that that phrase would then have to be linked to the following phrase by the word "and".

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20. Mr. GRAEFRATH accepted the suggestions made by Mr. Lallah and Mr. Tomuschat.

21. Mr. BEN-FADHEL felt that another word should be found in place of the word "appearing", which compared the speaker to an accused person.

22. Mr. ESPERSEN thought that the word in question could be replaced in English by the word "addressing".

23. Mr. LALLAH suggested that the phrase "toute personne prenant la parole" could be used in the French text.

24. Mr. BEN-FADHEL agreed to Mr. Lallah's suggestion.

25. The CHAIRMAN said he would take it that the Committee decided to adopt the sentence proposed by Mr. Graefrath, as successively amended in place of the first two sentences of rule 30.

26. It was so decided.

27. Rule 30, as amended, was adopted.

#### Rule 35

28. Mr. GRAEFRATH recalled that he had suggested replacing the words "to any others participating", in the second sentence, by "to the representatives of States".

29. Mr. ESPERSEN pointed out that the sole purpose of rule 35 was to ensure that all those participating, according to the established rules, in the meetings of the Committee had an opportunity to see the summary records of the meetings and thus make the corrections they considered necessary, so that the summary records faithfully reflected their statements. As drafted, the rule was quite adequate for that purpose. It had not yet been decided who would actually be participating in the meetings.

30. Mr. LALLAH said he entirely agreed with the comments made by Mr. Espersen. He, too, thought it better to keep the rule as broad in scope as possible.

31. Sir Vincent EVANS was also in favour of adopting the second sentence of rule 35 as it stood.

32. Rule 35 also touched on an extremely important question, namely the system for the production of summary records. If it was applied, the summary records would be issued in provisional form to the participants in the meetings who could send in their corrections. They would subsequently be issued in final form once those corrections had been incorporated in the summary records. However, according to the practice recently adopted for United Nations bodies, summary records were issued only once, without corrections, which would be consolidated in a single corrigendum to be issued after the end of the session. Obviously that latter method entailed serious inconveniences for the Committee. Despite the

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(Sir Vincent Evans)

competent and careful way in which the Secretariat staff did its work, errors could occur, especially as the summary records were prepared in English and French, and thus in a language that was not necessarily that used in the statements, and were subsequently translated into the working languages by persons who had not been present at the meetings. Since subsequent corrections were not incorporated in the summary records but issued separately, the reader might be confronted with records that did not always accurately reflect the discussions covered.

33. In his opinion, therefore, the Committee should follow the example of the Committee on the Elimination of Racial Discrimination (CERD), which had asked to revert to the old system, of producing summary records in two stages, which was the system provided for in rule 35 of the rules of procedure of the Human Rights Committee.

34. Mr. MAZAUD (Division of Human Rights) said that if the Committee decided to apply rule 35 of the rules of procedure, its Chairman would have to inform the Chairman of the Committee on Conferences, who would have to give an opinion.

35. Mr. MOVCHAN pointed out that the practice recently adopted by the General Assembly regarding the preparation of summary records had been prompted by financial considerations. In his view, it would not be appropriate to revert to a method that would entail extra expenditure, particularly as the current practice allowed for the submission of corrections, as necessary, to the summary records.

36. Sir Vincent EVANS thought that rule 35 should be adopted as it stood, and that measures should be taken to apply the procedure in question.

37. Mr. MOVCHAN said that, in that event, he would like to know the financial implications of applying rule 35.

38. Mr. MAZAUD (Division of Human Rights) said that he would have to seek information on that point from the Director of the competent department. He could say, however, that a distinction should be made between actual practice and rules of procedure. United Nations bodies had adopted the procedure whereby summary records were immediately issued in final form, without changing the relevant provisions of their rules of procedure. Whatever arrangements the Committee made in that regard in its rules of procedure, it would have to adhere to the practice currently followed by United Nations bodies, unless it specifically asked to depart from them and its request was approved.

39. Mr. MOVCHAN said that, in view of the explanations provided by the representative of the Secretary-General, he was ready to accept rule 35 as it stood.

40. Mr. TOMUSCHAT pointed out that, besides CERD, the International Law Commission had also provided for the possibility of receiving its summary records in provisional form first. The Committee, which, was similar in nature to those bodies, and whose legal work dealt with specific items, might also wish to opt for that solution.

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41. Mr. MAZAUD said that although the Human Rights Committee had features in common with CERD it could not be compared with the International Law Commission, whose summary records were published in the form of a printed Yearbook.

42. The CHAIRMAN proposed that the Committee should adopt rule 35, on the understanding that the customary practice regarding summary records would be followed unless the Committee subsequently asked to depart from it.

43. It was so decided.

44. Rule 35 was adopted.

Rule 36

45. Mr. GRAEFRATH recalled that he had proposed the addition of the words "unless the Committee decides otherwise" at the end of paragraph 1.

46. Mr. LALLAH proposed that the meeting should be adjourned.

The meeting rose at 1 p.m.