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HUMAN RIGHTS COMMITTEE

Fourth session

SUMMARY RECORD OF THE 105th MEETING

Held at Headquarters, New York,  
on Wednesday, 2 August 1978, at 10.30 a.m.

Chairman: Mr. MAVROMMATIS

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The meeting was called to order at 11.15 a.m.

ORGANIZATIONAL AND OTHER MATTERS (continued)

1. The CHAIRMAN said there seemed to be agreement that the provisional agenda for the Committee's fifth session should consist of the following items: adoption of the agenda; organizational and other matters; consideration of reports submitted by States parties under article 40 of the Covenant; consideration of communications; and future sessions of the Committee. With regard to communications, the Chairman/Rapporteur of the Working Group would arrive in Geneva a few days before the session began and would select the urgent communications to be dealt with during the one or two meetings to be devoted to that item. As for the consideration of reports, the Committee would be able to consider a maximum of five. It was his understanding that the Committee wished to take them up in the following order: first, the initial reports of the USSR and Mauritius, both of which had been postponed; then the initial report of the Byelorussian SSR; and finally the additional report of Ecuador. If time permitted, it could also examine the report of another State party that had submitted additional information. While it would not be easy to consider all five reports, it would be preferable to have them all on the agenda in case a request was made for postponement in respect of one of them.
2. Sir Vincent EVANS considered that the proposed programme of work for the fifth session was well balanced and quite satisfactory. As to the report of Chile, which had been postponed twice, he recalled that the Committee had intended to take it up at the fifth session, but it now appeared that the report of the Ad Hoc Working Group on the Situation of Human Rights in Chile was unlikely to be ready in time for that session. Since, in his view, it would be important for members to have before them the Ad Hoc Working Group's report before the report of Chile was taken up, the right decision would be to defer the latter report until the sixth session.
3. He also suggested that, in view of the expected workload at the fifth session, it would be prudent to allow for one or two night meetings.
4. The CHAIRMAN recalled that it had been the general feeling of the Committee that it would be advisable to take up the report of Chile after the report of the Ad Hoc Working Group had become available. There might even be an additional report to consider, depending on the outcome of the discussion of the Ad Hoc Working Group's report in the Third Committee of the General Assembly at its thirty-third session. He therefore agreed that it would be better to take up the report of Chile at the Committee's sixth session.
5. As to the question of night meetings, the secretariat had taken note of the request and would allow for that possibility.

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6. Mr. GRAEFRATH said he agreed with the Chairman's proposals for the agenda of the fifth session, which seemed to be well balanced. However, he accepted the possibility of night meetings only with reluctance. Perhaps the need for them could be avoided if the secretariat could make available prior to the session those parts of the annual report which were already in preparation, so that the members of the Committee could do some of their work in advance.

7. The CHAIRMAN said he understood from the secretariat that that would be possible. It would, however, be necessary for the Rapporteur to make those parts of the report available to the secretariat in sufficient time.

8. Mr. OPSAHL said he agreed to the suggestions made and supported the reason given for not taking up the report of Chile. The fact that certain United Nations bodies were concerned with human rights in a given country raised questions of principle which he did not propose to discuss at the current stage. It was a matter for debate whether any distinction could be drawn between the terms of reference of bodies which were inquiring into allegations of human rights violations and the terms of reference of the Human Rights Committee. In his view the latter was not debarred from inquiring into such allegations. Unlike certain political bodies of the United Nations, the Human Rights Committee was an independent body of experts functioning in accordance with a clear procedure laid down by the Covenant. As a rule it would be unfortunate if the Committee suspended its procedures as soon as a United Nations body considered allegations of human rights violations in a given country.

9. Mr. MORA ROJAS also emphasized the independence of the Committee, which flowed from its mandate under the Covenant. There would be many other cases like that of the report of Chile in which a United Nations body would be considering a similar question. It was very regrettable that the report of Chile had had to be postponed; the report was a particularly important one which should be examined without delay. There was, however, no alternative but to postpone its consideration, since the report of the Ad Hoc Working Group would not be ready in time for the Committee's fifth session. It was only for strictly practical reasons that the Committee wished to have before it the report of the Ad Hoc Working Group; that was not the same as having to await the decisions of other organs of the United Nations.

10. Mr. GRAEFRATH supported that view.

11. Mr. TOMUSCHAT observed that it was normal to take up reports chronologically. A departure from that "rule of thumb" was justified in the case of the report of Chile, because the Committee would be relying on material that would not be available in time for its fifth session. However, the Committee would thereby be setting a precedent which involved the question of co-operation with the specialized agencies and the United Nations. If the Committee could rely on material gathered by a United Nations body, it could do likewise with material gathered by the specialized agencies. That was a precedent on which the Committee could rely in the future.

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12. Mr. MOVCHAN said he thought that the Committee had reached a general understanding on which reports to consider at its fifth session, and that the Committee had agreed not to consider matters of substance at the current meeting. He therefore wished to reserve his position with regard to the report of Chile.

13. Mr. MORA ROJAS suggested that it would be useful to devote one meeting at the fifth session to consideration of the procedures to be followed in respect of additional reports of States parties.

14. Mr. TARNOPOLSKY, referring to the question of the report of Chile, said it was his understanding that the Committee would have taken up all the postponed reports at the fifth session but had been informed that the report of the Ad Hoc Working Group was unlikely to be completed in time, and there had therefore been a consensus not to consider the report of Chile at that session. Instead, it had been agreed that, in addition to the two other postponed reports, the Committee would take up the next initial report in chronological order. That pattern of work should apply to future sessions.

15. The CHAIRMAN noted that there was general agreement with regard to the agenda for the fifth session.

#### CLOSURE OF THE SESSION

16. After an exchange of courtesies, the CHAIRMAN declared the session closed.

The meeting rose at 11.45 a.m.