



International Covenant on Civil and Political Rights

Human Rights Committee

Eighty-second session

Summary record of the 2249th meeting (closed)**

Held at the Palais Wilson, Geneva, on Wednesday, 3 November 2004, at 11 a.m.

Chairperson : Mr. Amor

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The meeting was called to order at 10.20 a.m.

Organizational and other matters (agenda item 3)

1. **The Chairperson**, speaking on behalf of the officers of the Committee, thanked Mr. Scheinin for his excellent work as Special Rapporteur on new communications. Since his mandate would expire on 31 December 2004, the officers proposed that Mr. Kälén should succeed him.

2. **Mr. Kälén** said he would be honoured to succeed Mr. Scheinin as Special Rapporteur on new communications, but he wished to point out that in his capacity as Representative of the Secretary-General on internally displaced persons, he would need to carry out several missions during which it would be difficult for him to participate. He suggested that the secretariat should ask the Chairperson of the Committee to take such measures as might be necessary in emergency situations, especially in cases involving capital punishment.

3. **The Chairperson** thanked Mr. Kälén and said that he would follow his suggestion.

Submission of reports by States parties under article 40 of the Covenant (agenda item 5) (continued)

4. **The Chairperson** said that the Committee had sent a letter dated 27 July 2004 to the Chief of the Permanent Mission of the United States of America to the United Nations in Geneva. In that letter, the Committee had recalled that the second periodic report of the United States, which was due before 7 September 1998, had not yet been received; it had asked the State party to submit a report (which would be the second and third periodic reports) by 31 December 2004, and it had said that the report should reply to several specific questions. If the State party submitted the requested report, the Committee should appoint a rapporteur for the country and set up a special group to draft the list of issues to be taken up. The Committee should also decide what to do if the State party did not submit a report by 31 December 2004 and whether it should consider the situation in the absence of a report at its eighty-third session, in the spring of 2005, as planned.

5. **Mr. Scheinin** pointed out that the report requested was actually what the Committee called a “supplementary report”. The situation in the case of the United States was very different from other cases in which a State party’s report was three years overdue; so far, those were the only cases in which the Committee had decided to consider the situation in the absence of a report. In any event, the Committee should decide in a plenary meeting how to proceed in the case of the United States. He was of the view that there was no need to resort to the procedure of considering the situation in the absence of a report.

6. **Mr. Wieruszewski** suggested that the secretariat should inform the Committee how the State party had replied to similar requests made to it by similar treaty bodies such as the Committee against Torture. In its letter, the Committee had not indicated that it would consider the situation of human rights in the State party in the absence of a report. The United States should be treated like any other State party, and the same procedure should be followed. At its eighty-third session, the Committee should draft a list of issues to be taken up and set a date for consideration of the report, which would probably not be possible before the eighty-fourth session.

7. **Mr. Solari-Yrigoyen** said that in keeping with the practice followed after the change in its working methods, the Committee should request the secretariat to send a reminder to the State party. As envisaged in the procedure, the secretariat might also contact the Permanent Mission of the State party, should it consider that advisable.

8.**Ms. Rueda Castañon** (Office of the United Nations High Commissioner for Human Rights (OHCHR)) said that in May 2004, the Committee against Torture, for which she served as secretary, had sent a letter to the United States of America similar to the one sent by the Human Rights Committee, asking the State party to submit a report by 1 October 2004. No report had been received, but the United States authorities had informed the Committee against Torture, by a letter dated 1 October 2004, that the requested report was being prepared and would be submitted at the next session, in November 2004.

9.**Mr. Shearer** said he agreed with Mr. Scheinin. The Committee should also take into account the possible repercussions of the recent presidential election in the United States, which could mark the beginning of a transition period during which high-level staffing changes were likely to delay preparation of the report. In all fairness, the Committee should plan to consider the report of the United States at its eighty-fourth session, in the summer of 2005.

10.**Mr. Lallah** said it was too early to decide because the Committee would need to have the report of the State party in order to draw up the list of issues. It would be better to wait, and if the Committee did not receive the report by 31 December 2004, it should decide at its eighty-third session what the next step should be.

11.**Ms. Chanet** recalled that at its eighty-first session, in July 2004, the Committee had set a deadline of 31 December 2004 for submission of the report of the United States, with a view to considering it at its eighty-third session. However, since it had not told the State party that the report would be considered at the eighty-third session, the Committee should drop the matter and simply decide at the eighty-third session what it should do, depending on whether or not it had received the report of the State party.

12.**Mr. Scheinin** said he agreed with Ms. Chanet and stressed that the Committee should avoid acting hastily, as that could create problems later on.

13.**The Chairperson** said that the Committee would consider what to do about the United States of America at its eighty-third session.

14.**Mr. Wieruszewski** recalled that in its concluding observations on the initial report of Serbia and Montenegro (CCPR/CO/81/SEMO), the Committee had invited the United Nations Interim Administration Mission in Kosovo (UNMIK) to submit a report on the human rights situation in Kosovo since June 1999. So far, the Committee had not received a written response from UNMIK, but the secretariat had had informal contacts with its representatives and had learned that UNMIK would probably not be able to submit a detailed report on the situation in Kosovo before another year. Considering that the concluding observations on the initial report of Serbia and Montenegro were somewhat incomplete, as the Committee was awaiting further information on the situation in Kosovo, he suggested that the Committee should decide how to proceed. The Committee could not let another year go by without acting, and it should request the head of UNMIK to acknowledge receipt of the request and confirm that it had been accepted, and then establish a deadline for submission of the report on the situation in Kosovo.

15.**The Chairperson** said he took it that the Committee agreed to the proposal. He would send a letter to UNMIK as suggested by Mr. Wieruszewski.

The resumed meeting rose at 10.50 a.m.