



## International Covenant on Civil and Political Rights

Distr.: General  
29 January 2013  
English  
Original: French

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### Human Rights Committee

#### 106th session

#### Summary record of the second part (public)\* of the 2946th meeting

Held at the Palais Wilson, Geneva, on Wednesday, 31 October 2012, at 3 p.m.

*Chairperson:* Ms. Majodina

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Follow-up to Views under the Optional Protocol

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\* No summary record was prepared for the first part (closed) of the meeting.

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*The second part (public) of the meeting was called to order at 5.35 p.m.*

**Follow-up to Views under the Optional Protocol**

1. **The Chairperson** invited Mr. Thelin, Special Rapporteur for follow-up on Views, to present his interim report.
2. **Mr. Thelin** (Special Rapporteur for follow-up on Views) said that, for budgetary reasons, he had not been able to produce a written report on the main developments since the previous session and would therefore give an overview in an oral presentation.
3. In respect of the case *L.N.P. v. Argentina* (communication No. 1610/2007), in which the Committee had found a violation of articles 7 and 14 of the Covenant and requested full implementation of the redress agreed amicably between the author and the State party, the secretariat had received information indicating that the victims had received a lump sum of US\$ 53,000 and a monthly allowance for life.
4. In the case of communication No. 1611/2007, *Bonilla Lerma v. Colombia*, in which the Committee had found a violation of article 14, the State party had indicated that a law had been adopted recognizing the binding nature of decisions of international bodies, including the Human Rights Committee, and the measure had also had an effect on 14 other cases under consideration by the Committee.
5. The Special Rapporteur had also met with representatives of Ukraine to discuss the *Aliev* case (communication No. 781/1997) in respect of a violation of articles 7 and 14 of the Covenant, in which the Committee had called for the early release of the author. Although the State party did not alter its position, the representatives listened attentively to the arguments put forward by the Special Rapporteur; it was therefore important to continue the dialogue. In the *Butovenko* (communication No. 1412/2005) and *Shchetka* (communication No. 1535/2006) cases, also in respect of violations of articles 7 and 14 of the Covenant, Ukraine had not so far submitted any response. The authors had reported that they had appealed to the Supreme Court of Ukraine for a review of their conviction and that the Court, basing its decision solely on article 400-12 of the Code of Criminal Procedure, had considered that the decisions of the Human Rights Committee were not binding. However, the discussions with the Ukrainian representatives on the need to amend the relevant provision had proved encouraging.
6. In respect of the *Fardon* (communication No. 1629/2007) and *Tillman* (communication No. 1635/2007) cases, in which the Committee had asked for a termination of the authors' detention under the Crimes (Serious Sex Offenders) Act, Australia continued to challenge the Committee's legal reasoning, so that any progress seemed very unlikely. In the *Nystrom et consorts v. Australia* case (communication No. 1557/2007), the State party agreed with the individual dissenting opinions to the Committee's Views; there thus seemed no need to continue the dialogue.
7. **The Chairperson** thanked Mr. Thelin for his presentation and, noting that his term of office was due to expire at the end of the session, applauded his contribution to the work of the Committee.

*The meeting rose at 6 p.m.*