



# International Covenant on Civil and Political Rights

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## HUMAN RIGHTS COMMITTEE

Eighty-seventh session

### SUMMARY RECORD OF THE 2393rd MEETING

Held at the Palais Wilson, Geneva,  
on Wednesday, 26 July 2006, at 3 p.m.

Chairperson: Ms CHANET

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### CONSIDERATION OF THE ANNUAL REPORT AT THE GENERAL ASSEMBLY

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*The meeting was called to order at 3.05 p.m.*

ADOPTION OF THE ANNUAL REPORT AT THE GENERAL ASSEMBLY  
(item 10 on the agenda)

Draft Annual Report of the Human Rights Committee (CCPR/C/87/CRP.1 and Add.5 to 7)

1. The CHAIRPERSON invited the Committee to consider the Draft Annual Report chapter by chapter.

Summary

2. The CHAIRPERSON expressed the wish that more prominence be given to the Committee's decision, mentioned in the last sentence of the fourth paragraph, to make public its deliberations on its monitoring of the concluding observations. In the first paragraph, the number of States parties to the Covenant should be corrected, for Montenegro, which had become independent, was henceforth a party to the Covenant.

3. In reply to a question from Mr. WIERUSZEWSKY, the CHAIRPERSON said that UNMIK's report should be regarded as supplementary to Serbia and Montenegro's report.

4. Mr. KÄLIN specified that UNMIK had not submitted its report in accordance with article 40, for the latter concerned only States parties, and he proposed that the report should be called "Report on Kosovo (Republic of Serbia) submitted by UNMIK". In the fifth paragraph, for the sake of clarity, the total number of decisions taken by the Committee under the Optional Protocol should be indicated and listed, in order to clearly distinguish between decisions as to admissibility and findings.

5. *The summary, thus amended, was adopted.*

Chapter I (CCPR/C/87/CRP.1)

6. *Paragraphs 1 to 21 were adopted subject to editorial amendments.*

7. *Paragraph 22 was adopted subject to its being duly supplemented.*

Paragraph 23

8. After an exchange of views between Mr. SHEARER (Rapporteur), Mr. O'FLAHERTY, Mr. AMOR, Ms. WEDGWOOD, Mr. KHALIL and herself, the CHAIRPERSON said that the first sentence of paragraph 23 would be deleted, and that the second sentence would be supplemented to read as follows: "During the eighty-seventh session, the Committee took note of the discussion paper on the High Commissioner's proposal to set up a unified standing treaty body (HRI/MC/2006/2) and started to deliberate upon it".

9. *Paragraph 23, thus amended, was adopted.*

10. *Paragraphs 24 and 25 were adopted subject to editorial amendments.*

Paragraph 26

11. On the proposal of Mr. SOLARI-YRIGOYEN, the second sentence was deleted.

12. *Paragraph 26, thus amended, was adopted.*

Paragraph 27

13. Mr. AMOR proposed that Paragraph 27 be deleted altogether, since the Committee had not taken part in the activities of the High Commissioner's Office that were mentioned in it, and had not even been informed of them.

14. The CHAIRPERSON supported this proposal and recalled that she had sent the High Commissioner's Office a letter asking for the Committee's members to be involved in activities of that type, to which they could make a very useful contribution. The Committee had not received any reports on the workshops organised in Uganda, Rwanda and Zambia, although it was due to consider the reports of those States parties shortly.

15. Mr. O'FLAHERTY said it would be better to keep the paragraph, but to remove from the first sentence the term "with satisfaction" and to add a reference to the letter sent to the High Commissioner's Office.

16. Mr. SOLARI-YRIGOYEN considered that the report should not make reference to activities of which the Committee had no knowledge.

17. Mr. WIERUSZEWSKI pointed out that the Committee had been informed of the existence of the workshops, if not of their content. It was in the Committee's interest that such activities should take place for, by strengthening States parties' capabilities, they encouraged implementation of its recommendations. Mr O'Flaherty's proposal had the merit of highlighting the Committee's interest.

18. The CHAIRPERSON suggested rewording the paragraph, indicating that the Committee had noted that a number of activities by the High Commissioner's Office had been organised for the benefit of civil society, to disseminate good practice with regard to monitoring and enforcement of the treaty bodies' recommendations, and that it had informed the High Commissioner's Office of its desire to be involved in this in future.

Paragraphs 28 to 31

19. On the proposal of Mr. KÄLIN, paragraphs 29 to 31 were deleted, and paragraph 28 was supplemented by a reference to the previous annual report, which contained general deliberations concerning derogations.

20. *Paragraph 27, thus amended, was adopted.*

21. *Paragraph 32 to 37 were adopted.*

Paragraph 38

22. Mr. SOLARI-YRIGOYEN, supported by Mr. RIVAS POSADA, considered that reference did not need to be made to approval of the ordinary budget for the 2006-2007 financial year, which had been approved for six months only, and even then with a great deal of difficulty. He therefore proposed to delete the second sentence.

23. *Paragraph 38, thus amended, was adopted.*

Paragraph 39

24. On the proposal of Mr. O'FLAHERTY, the last two sentences were deleted.

25. *Paragraph 39, thus amended, was adopted.*

Paragraph 40

26. On the proposal of Mr. O'FLAHERTY, the expression "would be happy about any increase in resources" was replaced by "reaffirmed the importance of an increase in resources".

27. *Paragraph 40, thus amended, was adopted.*

Paragraph 41

28. After an exchange of views between Mr. KÄLIN, Mr. AMOR, Mr. RIVAS POSADA, Mr. LALLAH, Ms. WEDGWOOD and Mr. SHEARER (Rapporteur), the CHAIRPERSON said that the point that needed emphasising was that the reduction of the Committee members' remuneration to the symbolic amount of US\$1 contravened article 35 of the Covenant, and that it was pointless to give any other information, apart from the date on which the reduction had taken effect, which would be added.

29. *Paragraph 41, thus amended, was adopted.*

30. *Paragraphs 42 and 43, thus amended, were adopted.*

Paragraph 44

31. After an exchange of views between Mr. O'FLAHERTY, Mr. RIVAS POSADA, the CHAIRPERSON, Mr. WIERUSZEWSKI, Mr. LALLAH, and Mr. AMOR concerning the relevance of the reference to the DVD produced by the High Commissioner's Office, it was decided not to mention the DVD.

32. *Paragraph 44, thus amended, was adopted.*

33. *Paragraphs 45 and 46, thus amended, were adopted.*

34. *Chapter I (CCPR/C/87/CRP.1) was adopted, subject to editorial amendments.*

Chapter II (CCPR/C/87/CRP.1)

35. *Chapter II (CCPR/C/87/CRP.1) was adopted, subject to editorial amendments.*

Chapter III (CCPR/C/87/CRP.1)

36. Mr. GILLIBERT (Committee Secretary) indicated that paragraph 74 (paragraph 63 in the English version) would be amended because Sudan had submitted its report.

37. *Chapter III (CCPR/C/87/CRP.1/Add.1) was adopted, subject to necessary amendments.*

*The meeting was suspended at 4.25 p.m. and resumed at 5 p.m.*

Chapter IV (CCPR/C/87/CRP.1)

38. *Chapter IV was adopted.*

Chapter V (CCPR/C/87/CRP.1/Add.5)

39. The CHAIRPERSON specified that the terms "Queries Groups" would be systematically replaced by "Queries Teams".

40. Mr. AMOR suggested that it should be pointed out, in the last sentence of paragraph 19, that the Committee's decisions should be available for consultation worldwide in the Committee's three working languages.

41. The CHAIRPERSON said that she regretted that it was not possible to consult on the website of the Office of the High Commissioner for Human Rights the Committee's jurisprudence broken down in accordance with the relevant provisions of the Covenant.

42. Mr. LALLAH proposed that the last sentence of paragraph 53 be amended such that, in the absence of any reply from the State party, all desired credence should be accorded to the author's allegations, insofar as they were adequately backed up.

43. Sir Nigel RODLEY noted that that paragraph was not in its place since it concerned the lack of cooperation of the States parties in relation not only to application of article 92 of the Committee's internal rules, but also to other issues concerning communications.

44. After an exchange of views involving Mr. LALLAH, Mr. ANDO, Mr. SHEARER (Rapporteur) and Mr. AMOR, the CHAIRPERSON entrusted to the Rapporteur the task of determining the appropriate place for paragraph 53.

45. Sir Nigel RODLEY proposed that it should be indicated in paragraph 54 that, in the case of *Faure v. Australia* (communication no. 1036/2001), the Committee had based itself on its jurisprudence in the case *Kazantsis v. Cyprus* (communication no. 972/2001).

46. *Chapter V (CCPR/C/87/CRP.1/Add.5), thus amended, was adopted, subject to editorial amendments.*

#### Chapter VI (CCPR/C/87/CRP.1/Add.6)

47. Mr. LALLAH pointed out that this part of the Committee's annual report was always of great interest, particularly among researchers and academics. He suggested that, for future annual reports, the Rapporteur might plan for an appendix in which the provisions of the Covenant cited would be indicated in relation to the communications under consideration.

48. Mr. ANDO said that Mr Lallah's concern was addressed in Chapter V, part E<sub>2</sub>) (basic issues considered by the Committee), as well as in the most recent volumes of the Selection of Committee Decisions Taken Under the Optional Protocol.

49. The CHAIRPERSON said that it might be useful in the future to draw up synoptic charts for the past five or ten years.

50. *Chapter VI (CCPR/C/87/CRP.1/Add.6) was adopted.*

#### Chapter VII (CCPR/C/87/CRP.1/Add.7)

51. Mr. SHEARER (Rapporteur) pointed out that the Philippines, Sri Lanka and Colombia should be removed from the list of States parties that had not communicated information within the time limits set.

52. *Chapter VII (CCPR/C/87/CRP.1/Add.7) was adopted.*

53. *The whole of the Committee's draft annual report, such as it had been amended orally and subject to editorial amendments that might be made by the Secretariat, was adopted.*

*The meeting rose at 5.40 p.m.*