

SUDAN

Special Decisions or Action Taken Re: Reporting

CCPR A/48/40 (1993)

Annex VIII

Letters from the Chairman of the Committee concerning overdue reports

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B. Letter dated 12 May 1993 from the Chairman of the Committee to the Ministers of Foreign Affairs of El Salvador, the Sudan and Zaire, whose second or third periodic reports were overdue

"On behalf of the Human Rights Committee, which was established under the International Covenant on Civil and Political Rights, I have the honour to invite Your Excellency's attention to a matter to which the Committee attaches special importance.

"Under article 40 of the Covenant, each State party undertakes to submit reports on the measures it has adopted to give effect to the rights recognized therein. Paragraph 1 (a) of that article provides for the submission of an initial report within one year of entry into force of the Covenant for the State party concerned, whereas paragraph 1 (b) calls for the submission of subsequent reports 'whenever the Committee so requests'.

"At its thirteenth session held in July 1981, the Human Rights Committee decided that States parties should submit periodic reports concerning the implementation of the provisions of the Covenant every five years. The due date established for the submission of [Sudan]'s [second] periodic report was [17 June 1992]. Unfortunately, that report has not yet been received.

"The submission of such reports is indispensable for continuing the Committee's constructive dialogue with States parties in the field of human rights. The non-submission of [Sudan]'s [second] periodic report is therefore a matter of great concern to the Committee. In view of the importance of this matter and the special difficulties being encountered in the implementation of the Covenant in [Sudan], it is my most earnest hope that its [second] periodic report will be submitted in the near future. (...)

(Signed) Nisuke Ando
Chairman
Human Rights Committee"

CCPR, CCPR/C/SR.2280 (2005)

Human Rights Committee
Eighty-third session

Summary record of the 2280th meeting
Held at Headquarters, New York, on
Friday, 1 April 2005, at 10 a.m.

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Overdue periodic report of Sudan

20. **Mr. O'Flaherty** said that the Committee should take a decision right away on his proposal of 18 March 2005. The volatile situation in the country would make it difficult for the State party to submit a specific report. However, the complexity of the question could be addressed in the periodic report and the Committee could raise specific questions in the list of issues.

21. The Chairperson said that the Committee had specific procedures for dealing with particular cases or regular practice, which had to be observed. It could never act in a discriminatory manner.

22. **Mr. Kälin** said that the Committee could decide to follow the procedure it had employed in the case of the United States of America: to write to the Government of the Sudan, requesting it to submit its overdue report within a specific deadline.

23. **Mr. Amor** said that it would be best to adhere to the rules to avoid selectivity; many other countries were late in submitting their reports. However, if the Committee was inclined to request a special report, that question could be decided at the current meeting.

24. **Mr. Glele Ahanhanzo** said that the Committee should request a special report on the human rights situation in the Sudan.

25. **Mr. Shearer** said that he supported that request. The articles identified should be specific to the situation in southern Sudan and Darfur, and be limited in number or the special report might resemble a regular one. It was important to include articles 6, 7, 8, 9 and 26. Selectivity was not really an issue, as the reason for the request would be obvious to the State party. Furthermore, in July the Committee should consider requesting a similar report from the Democratic Republic of the Congo.

26. **Mr. Khalil** said that if the Committee was considering immediate action because of the situation in southern Sudan and Darfur, there was no reason for it to overlook the Democratic Republic of the Congo. If it were to scan the African continent, and farther afield, there were many other places equally deserving of action. It would be better just to send a reminder, which would show concern but avoid any notion of selectivity.

27. **Mr. Kälin** supported by **Mr. O'Flaherty**, said that it was difficult to discuss selectivity during the last hour of the session, and the Committee should take it up at a later date. They supported requesting a special report, respectively proposing the inclusion of articles 12 and 2.

28. **Mr. Amor** said that it was most important to avoid selectivity. He was loath to call for immediate action.

29. **The Chairperson** said that the Committee could not afford to put the decision off until July and thus be out of step with the international community. She suggested requesting a special report from the Government of the Sudan, identifying the articles proposed by Mr. Kälin, Mr. O'Flaherty and Mr. Shearer.

30. *It was so decided.*

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CHAPTER III. SUBMISSION OF REPORTS BY STATES PARTIES UNDER ARTICLE 40 OF THE COVENANT

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B. Overdue reports and non-compliance by States parties with their obligations under article 40

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77. On 1 April 2005, the Committee addressed a letter to the Government of the Sudan, noting that its third periodic report, which was due by 7 November 2001, had not been received and requesting a specific report by 31 December 2005 on the implementation of articles 6, 7, 8, 9, 12 and 16 of the Covenant, in accordance with paragraph 2 of article 66 of its rules of procedure.

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