

VIETNAM

Special Decisions or Action Taken Re: Reporting, Including Urgent Action Procedure

CCPR/C/SR.1866 (2000)

Human Rights Committee

SUMMARY RECORD OF THE FIRST PART (PUBLIC)* OF THE 1866th MEETING

Thursday, 27 July 2000, at 3 p.m.

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Appeal by an indigenous group in Viet Nam

25. The CHAIRPERSON said that she and Mr. Bhagwati had had a meeting that morning with representatives of a certain indigenous group in Viet Nam. The representatives had said that their people were being persecuted by the Viet Nam authorities and had appealed for the Committee's help.

26. Mr. SCHEININ suggested that the Committee might either send a reminder asking for Viet Nam's second, third and fourth periodic reports (due in 1991, 1993 and 1998, respectively), or request a special report on the situation of the indigenous group in question.

27. Mr. KLEIN said that it would be strange to give the State party a choice between submitting its periodic report, which it was obliged to do under the Covenant anyway, and preparing a special report.

28. Mr. BHAGWATI said that the situation of the group in question appeared to warrant a special report.

29. Mr. AMOR asked whether there was any legal basis for requesting a special report.

30. Mr. SOLARI YRIGOYEN said he favoured an ordinary report from Viet Nam, in view of the time which had elapsed since the previous one. He would like the Chairperson to request such a report from the State party on the Committee's behalf.

31. The CHAIRPERSON said support had been expressed for a number of alternatives: a written request for a regular report, an oral request for a regular report made during a visit or a meeting with a Vietnamese delegation, a special report, or a special report combined with an ordinary report.

32. Ms. CHANET said that the case of Nigeria might provide a useful precedent. On receiving information about executions of members of the Ogoni ethnic group, the Committee had urgently requested the State party's long-overdue initial report, placing particular emphasis on information relating to specific articles of the Covenant. The Committee could adopt the same course of action in the current situation. Article 27 of the Covenant on indigenous populations would certainly apply, and members would doubtless think of others on examining the case further.

33. Ms. EVATT supported that idea. The best approach would be to inform the State party, through a personal meeting with representatives if time permitted, that the Committee wished to receive a report which addressed specific concerns relating to the information the Committee had been given.

34. The CHAIRPERSON said she would follow such a procedure if the Committee so decided.

35. Mr. KRETZMER said he supported that approach.

36. Mr. AMOR said it would not be appropriate to focus on a single aspect of the situation in Viet Nam simply because one particular group had had the good fortune to approach the Committee in person. The proper course of action would be to request the State party to submit a regular report as soon as possible, addressing the Committee's many concerns in relation to the Covenant. The people in question were not alone: others had suffered in silence for over two decades.

37. Ms. GAITAN DE POMBO said the Nigerian precedent was helpful. She supported Mr. Kretzmer's proposal immediately to set a date for submission of the State party's report, and did not consider that should in any way prevent a meeting between the Chairperson and representatives of the State party in October.

38. Mr. BHAGWATI said that the suffering of other indigenous groups all over the world was of lesser relevance in the present case. The fact was that the Committee had been presented with direct evidence of the gradual extermination of an indigenous people, including mass sterilization of women. The Committee had a duty to do what it could as soon as possible, without standing on procedure, before it was too late.

39. Mr. LALLAH said he fully supported those comments, and did not see why any other group should not also approach the Committee in similar fashion. On a general note, he suggested that, at its October session, the Committee should list the States parties whose reports were overdue, and assign to individual members the task of contacting State party representatives to express the Committee's concern in person. Finally, he would like to know if the group under discussion had attempted to avail itself of the confidential procedure established by Economic and Social Council resolution 1503 (XLVIII).

40. The CHAIRPERSON said the group had stated that it had made an approach to the United Nations.

41. Mr. AMOR asked how the information had been brought to the Committee's attention.

42. The CHAIRPERSON said she and Mr. Bhagwati had met the group in person that morning and had promised to consider their appeal for help, assuring them that full confidentiality would be maintained. She proposed that she should meet representatives of the Vietnamese mission in October, and that a letter should be sent immediately to the State party requesting a report that placed emphasis on at least articles 6 and 27; other articles could be added in the light of further consideration by the Committee in the very near future. The State party would be made aware that the Committee wished to examine its report during the October session.

43. Ms. CHANET said she endorsed Mr. Bhagwati's comments. With regard to some of the concerns expressed about the best procedure to adopt with Viet Nam, she said that the discussion that the Committee was about to have on the report of the working group dealing with procedural matters was likely to prove helpful.

44. Mr. KRETZMER said it was vital for the Committee to set a specific date for submission of Viet Nam's report.

45. The CHAIRPERSON said that would be done.

46. The Committee approved the procedure outlined by the Chairperson.

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