

ANGOLA

Follow-up - Jurisprudence Action by Treaty Bodies

CCPR A/56/40, vol I (2001)

Chapter IV. Follow-up Activities under the Optional Protocol

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180. The Committee's previous annual report (A/55/40, vol. I, chap. VI) contained a detailed country-by-country survey on follow-up replies received or requested and outstanding as of 30 June 2000. The list that follows updates that survey, indicating those cases in which replies are outstanding, but does not take into account the Committee's Views adopted during the seventy-second session, for which follow-up replies are not yet due. In many cases there has been no change since the previous report.

Angola:

Views in one case finding violations of the Covenant:

711/1996 - Dias (A/55/40); no follow-up reply. On 21 January 2001 the author visited OHCHR and informed that the State party had not implemented the Committee's recommendations.

CCPR A/57/40, vol. I (2002)

Chapter VI. Follow-up activities under the optional protocol

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228. The previous annual report of the Committee (A/56/40, vol. I, chap. VI) contained a detailed country-by-country survey of follow-up replies received or requested and outstanding as of 30 June 2001. The list that follows updates that survey, indicating those cases in which replies are outstanding, but does not include responses concerning the Committee's Views adopted during the seventy-fourth and seventy-fifth sessions, for which follow-up replies are not yet due. In many cases there has been no change since the previous report.

Angola: Views in one case with findings of violations:

711/1996 - Dias (A/55/40); no follow-up reply. On 21 January 2001 the author visited OHCHR and informed that the State party had not implemented the Committee's recommendations. See paragraph [231] below.

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229. For further information on the status of all the Views in which follow-up information remains outstanding or in respect of which follow-up consultations have been or will be scheduled, reference is made to the follow-up progress report prepared for the seventy-fourth session of the Committee (CCPR/C/74/R.7/Rev.1, dated 28 March 2002), discussed in public session at the Committee's 2009th meeting on 4 April 2002 (CCPR/C/SR.2009). Reference is also made to the Committee's previous reports, in particular A/56/40, paragraphs 182 to 200.

Overview of follow-up replies received during the reporting period, Special Rapporteur's follow-up consultations and other developments

230. The Committee welcomes the follow-up replies that have been received during the reporting period and expresses its appreciation for all the measures taken or envisaged to provide victims of violations of the Covenant with an effective remedy. It encourages all States parties which have addressed preliminary follow-up replies to the Special Rapporteur to conclude their investigations in as expeditious a manner as possible and to inform the Special Rapporteur of their results. The follow-up replies received during the period under review and other developments are summarized below.

231. Angola: With regard to case No. 711/1996, Dias (A/55/40), the Special Rapporteur met with representatives of the State party at the Committee's seventy-fourth session in March 2002, the delegation informed the Special Rapporteur that information would be supplied. To date this has not been received.

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CCPR A/58/40, vol. I (2003)

CHAPTER VI. Follow-up activities under the Optional Protocol

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223. The previous annual report of the Committee¹ contained a detailed country-by-country survey of follow-up replies received or requested and outstanding as of 30 June 2002. The list that follows updates that survey, indicating those cases in which replies are outstanding, but does not include responses concerning the Committee's Views adopted during the seventy-seventh and seventy-eighth sessions, for which follow-up replies are not yet due in the majority of cases. In many cases there has been no change since the previous report.*

Angola: Views in one case with findings of violations:

711/1996 - *Dias* (A/55/40); no follow-up reply. See also A/57/40, paragraphs 228 and 231.

Notes

1. [*Official Records of the General Assembly*], *Fifty-seventh Session, Supplement No. 40(A/57/40)*, vol. I, chap. VI.

* The document symbol A/[Session No.]/40 refers to the *Official Record of the General Assembly* in which the case appears; annex VI refers to the present report, vol. II.

CCPR CCPR/C/80/FU/1 (2004)

Follow-Up Progress Report submitted by The Special Rapporteur for Follow-Up on Views

Follow-up progress report

1. The current report updates the previous Follow-up Progress Report, (CCPR/C/71/R.13) [*Ed. Note: CCPR/C/71/R.13 is not publicly available*] which focused on cases in which, by the end of February 2001, no or only incomplete follow-up information had been received from States parties, or where follow-up information challenged the findings and recommendations of the Committee. In an effort to reduce the size of the follow-up report, this current report only reflects cases in which information was received from either the author or the State party from 1 March 2001 to 2 April 2004. It is the intention of the Special Rapporteur to update this report on an annual basis.

Angola:

Dias, Carlos v. Angola, Case no. 711/1996, Views adopted on 18 April 2000

Violation found: Article 9, paragraph 1

Issues of case: Failure to investigate crimes committed by persons in authority; harassment of the author and impossibility to return to Angola.

Remedy recommended: Adequate measures to protect the author's personal security from threats of any kind.

Deadline for State party follow-up information: 17 July 2000

Follow-up information from State Party: None

Follow-up information received from author: See previous follow-up report (CCPR/C/71/R.13) or the Committees Annual Report (A/57/40, Vol.1, Chapter VI).

Consultations with State party: In March 2002, during the 74th session, the Special Rapporteur met with representatives of the State party, who informed the Special Rapporteur that information would be supplied. None has been received.

Special Rapporteur's recommendations: Further reminder to be addressed to State party.

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CHAPTER VI. FOLLOW-UP ACTIVITIES UNDER THE OPTIONAL PROTOCOL

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230. The previous annual report of the Committee¹ contained a detailed country-by-country survey of follow-up replies received or requested and outstanding as of 30 June 2003. The list that follows updates that survey, indicating those cases in which replies are outstanding, but does not include responses concerning the Committee's Views adopted during the eightieth and eighty-first sessions, for which follow-up replies are not yet due in the majority of cases. In many cases there has been no change since the previous report.*

Angola:

Views in one case with findings of violations:

711/1996 - *Dias* (A/55/40); no follow-up reply received despite consultations with the Special Rapporteur during the seventy-fourth session. See also A/57/40, paragraphs 228 and 231. In the follow-up report (CCPR/C/80/FU1), adopted by the Committee during its eightieth session, the Special Rapporteur recommended that a further reminder for information on follow-up be sent to the State party.

Notes

1/. Ibid., *Fifty-eighth Session, Supplement No. 40* (A/58/40), vol. I, chap. VI.

* The document symbol A/[session No.]/40 refers to the *Official Records of the General Assembly* in which the case appears; annex IX refers to the present report, volume II.

CCPR, A/60/40 vol. I (2005)

CHAPTER VI. FOLLOW-UP ACTIVITIES UNDER THE OPTIONAL PROTOCOL

224. In July 1990, the Committee established a procedure for the monitoring of follow-up to its Views under article 5, paragraph 4, of the Optional Protocol, and created the mandate of the Special Rapporteur for the follow-up on Views to this effect. Mr. Ando has been the Special Rapporteur since March 2001 (seventy-first session).

225. In 1991, the Special Rapporteur began to request follow-up information from States parties. Such information has been systematically requested in respect of all Views with a finding of a violation of Covenant rights. A total of 391 Views out of the 503 Views adopted since 1979 concluded that there had been a violation of the Covenant.

228. In many cases, the Secretariat has also received information from complainants to the effect that the Committee's Views have not been implemented. Conversely, in rare instances, the petitioner has informed the Committee that the State party has in fact given effect to the Committee's recommendations, even though the State party did not itself provide that information.

229. The present annual report adopts a different format for the presentation of follow-up information compared to previous annual reports. The table below displays a complete picture of follow-up replies from States parties received as of 28 July 2005, in relation to Views in which the Committee found violations of the Covenant. Wherever possible, it indicates whether follow-up replies are or have been considered as satisfactory or unsatisfactory, in terms of complying with the Committee's Views, or whether the dialogue between the State party and the Special Rapporteur for follow-up on Views continues. The notes following a number of case entries convey an idea of the difficulties in categorizing follow-up replies.

230. Follow-up information provided by States parties and by petitioners or their representatives since the last annual report is set out in a new annex VII, contained in Volume II of the present annual report. This, more detailed, follow-up information also indicates action still outstanding in those cases that remain under review.

FOLLOW-UP RECEIVED TO DATE FOR ALL CASES OF VIOLATIONS OF THE COVENANT

State party and number of cases with violation	Communication number, author and location ^a	Follow-up response received from State party and location	Satisfactory response	Unsatisfactory response	No follow-up response	Follow-up dialogue ongoing
Angola (2)	711/1996, <i>Dias</i> A/55/40				X	X
	1128/2002, <i>Marques</i> A/60/40				X	X
...						

^a The location refers to the document symbol of the *Official Records of the General Assembly, Supplement No. 40*, which is the annual report of the Committee to the respective sessions of the Assembly.

CCPR, A/60/40 vol. II (2005)

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Annex VII

FOLLOW-UP OF THE HUMAN RIGHTS COMMITTEE ON INDIVIDUAL COMMUNICATIONS UNDER THE OPTIONAL PROTOCOL TO THE INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS

This report sets out all information provided by States parties and authors or their counsel since the last Annual Report (A/59/40).

State party	ANGOLA
Case	Carlos Diaz, 711/1996
Views adopted on	20 March 2000
Issues and violations found	No serious investigation of crimes committed by person in high position, harassment of the author and witnesses so that they cannot return to Angola, loss of property - article 9, paragraph 1.
Remedy recommended	An effective remedy and to take adequate measures to protect his personal security from threats of any kind.
Due date for State party response	17 July 2000
State party response	None
Further action taken/required	During the eighty-second session, on 1 November 2004, the Special Rapporteur met with a representative of the State party. The representative argued that the author had not exhausted domestic remedies and that the alleged incident had taken place before the Optional Protocol came into force. Thus, in his view, the Committee should have considered the case inadmissible. The Special Rapporteur explained the follow-up procedure, the issue of “continuing effects” under which the Committee had considered it within its competence to consider the case and the failure of the State party to respond to requests for information prior to and following the Committee’s Views. The representative stated that he would relay the outcome of this meeting to his capital and request a written response to the Committee’s Views. No information was received.

A further meeting with the same representative of the State party took place during the eighty-fourth session. The representative reiterated his view that the author had not exhausted domestic remedies and that the Committee should not have declared the case admissible. Furthermore, it was not true that the Angolan authorities were unable to guarantee the author's security should he return to Angola and file a claim.

State party	ANGOLA
Case	Rafael Marques de Morais 1128/2002
Views adopted on	29 March 2005
Issues and violations found	The author's arrest and detention were neither reasonable nor necessary but, at least in part, of a punitive character and thus arbitrary; he was not informed of the reasons for his arrest; he was brought before a judge only 40 days after his arrest and remained incommunicado for 10 days. The severity of the sanctions imposed on the author cannot be considered as a proportionate measure to protect public order or the honour and the reputation of the President and, therefore, there had been a violation of article 19. The author's prevention from leaving the country and confiscation of his passport were in violation of article 12.
Remedy recommended	An effective remedy, including compensation.
Due date for State party response	1 July 2005
State party response	None
Further action	During the eighty-fourth session the Special Rapporteur met with a representative of the State party, who indicated that the State had limited capacity to deal with all human rights issues before it. That was the reason for not replying to the cases under consideration by the Committee. He stated that he would relay the outcome of this meeting to his capital and request a written response to the Committee's Views.

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CHAPTER VI FOLLOW-UP ACTIVITIES UNDER THE OPTIONAL PROTOCOL

227. In July 1990, the Committee established a procedure for the monitoring of follow-up to its Views under article 5, paragraph 4, of the Optional Protocol, and created the mandate of the Special Rapporteur for follow-up to Views to this effect. Mr. Ando has been the Special Rapporteur since March 2001 (seventy-first session).

228. In 1991, the Special Rapporteur began to request follow-up information from States parties. Such information has been systematically requested in respect of all Views with a finding of a violation of Covenant rights; 429 Views out of the 547 Views adopted since 1979 concluded that there had been a violation of the Covenant.

229. All attempts to categorize follow-up replies by States parties are inherently imprecise and subjective: it accordingly is not possible to provide a neat statistical breakdown of follow-up replies. Many follow-up replies received may be considered satisfactory, in that they display the willingness of the State party to implement the Committee's recommendations or to offer the complainant an appropriate remedy. Other replies cannot be considered satisfactory because they either do not address the Committee's Views at all or only relate to certain aspects of them. Some replies simply note that the victim has filed a claim for compensation outside statutory deadlines and that no compensation can therefore be paid. Still other replies indicate that there is no legal obligation on the State party to provide a remedy, but that a remedy will be afforded to the complainant on an *ex gratia* basis.

230. The remaining follow-up replies challenge the Committee's Views and findings on factual or legal grounds, constitute much-belated submissions on the merits of the complaint, promise an investigation of the matter considered by the Committee or indicate that the State party will not, for one reason or another, give effect to the Committee's Views.

231. In many cases, the Secretariat has also received information from complainants to the effect that the Committee's Views have not been implemented. Conversely, in rare instances, the petitioner has informed the Committee that the State party had in fact given effect to the Committee's recommendations, even though the State party had not itself provided that information.

232. The present annual report adopts the same format for the presentation of follow-up information as the last annual report. The table below displays a complete picture of follow-up replies from States parties received up to 7 July 2006, in relation to Views in which the Committee found violations of the Covenant. Wherever possible, it indicates whether follow-up replies are or have been considered as satisfactory or unsatisfactory, in terms of their compliance with the Committee's Views, or whether the dialogue between the State party and the Special Rapporteur for follow-up to Views continues. The Notes following a number of case entries convey an idea of the difficulties in categorizing follow-up replies.

233. Follow-up information provided by States parties and by petitioners or their representatives subsequent to the last annual report (A/60/40, vol. I, chap. VI) is set out in annex VII to volume II of the present annual report.

FOLLOW-UP RECEIVED TO DATE FOR ALL CASES OF VIOLATIONS OF THE COVENANT

State party and number of cases with violation	Communication number, author and location	Follow-up response received from State party and location	Satisfactory response	Unsatisfactory response	No follow-up response received	Follow-up dialogue ongoing
...						
Angola (2)	711/1996, <i>Dias</i> A/55/40	X A/61/40		X A/61/40		X
	1128/2002, <i>Marques</i> A/60/40	X A/61/40		X A/61/40		X
...						

CCPR, A/61/40 vol. II (2006)

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Annex VII

FOLLOW-UP OF THE HUMAN RIGHTS COMMITTEE ON INDIVIDUAL COMMUNICATIONS UNDER THE OPTIONAL PROTOCOL TO THE INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS

This report sets out all information provided by States parties and authors or their counsel since the last Annual Report (A/60/40).

State party	ANGOLA
Case	Carlos Diaz, 711/1996
Views adopted on	20 March 2000
Issues and violations found	No serious investigation of crimes committed by person in high position, harassment of the author and witnesses so that they cannot return to Angola, loss of property - Article 9, paragraph 1.
Remedy recommended	An effective remedy and to take adequate measures to protect his personal security from threats of any kind.
Due date for State party response	17 July 2000
Date of State party's response	12 January 2006
State party response	<p>The Committee will recall that the State party provided no information to the Committee prior to consideration of this case.</p> <p>The State party submits that the Optional Protocol came into force on 10 April 1992 rather than 9 February 1992 as stated in the communication. It provides detailed <i>ratione temporis</i> arguments on the inadmissibility of the claim relating to the murder of Ms. Carolina de Fátima da Silva Francisco. The Committee will recall that this claim was found to be inadmissible.</p> <p>As to the claim on the basis of which the Committee found a violation of article 9, the State party submits that the author did not exhaust domestic remedies and that therefore this claim should have been considered</p>

inadmissible. It submits that it is not clear from the author who is alleged to have threatened him – the government of Angola or the perpetrators of the crime - and if the author, when faced with said threats or fear, requested the protection of the competent government authorities and personal safety pursuant to legal requirements.

According to articles 20 and 22 of the Angolan Constitutional law, the personal and physical integrity of any citizen, including foreigners, is protected by law. The State party has structures in place to provide these services, make police available if it is considered appropriate, or place under police custody individuals who threaten or intimidate others.

As to the prohibition of the author to enter Angola, the State party submits that Mr. Dias like any other foreign citizen may present himself to any Consular representative of Angola, present the documents required by law and apply for an entry visa, which will then be considered within the requirements of the law. The State party requests the Committee to reconsider this case.

Author's response	The State party's response was forwarded on 1 March 2006 to the author for comment but was returned unopened.
Committee's Decision	<p>The Committee recalls that during the eighty-second and eighty-fourth sessions, the Special Rapporteur met with representatives of the State party, who provided the same arguments challenging the Committee's decisions as those above.</p> <p>The Committee regards the State party's response as unsatisfactory and considers the follow-up dialogue ongoing.</p>
Case	Rafael Marques de Morais 1128/2002
Views adopted on	29 March 2005
Issues and violations found	Arbitrary arrest and detention, travel constraints and restricted right to freedom of expression with respect to comments made against the President - Articles 9, paragraphs 1, 2, 3, 4, and articles 12, and 19.
Remedy recommended	In accordance with article 2, paragraph 3, of the Covenant, the author is entitled to an effective remedy, including compensation for his arbitrary arrest and detention, as well as for the violations of his rights under articles 12 and 19 of the Covenant. The State party is under an obligation to take measures to prevent similar violations in the future.
Due date for State party response	1 July 2005

Date of State party's response

20 January 2006

State party response

The State party refers only to the author's argument in paragraph 2.14 of the Views on the issue of the Amnesty Law 7/00, of 15 December 2000. The author had complained that regardless of this amnesty, he was summoned to the Provincial Court and ordered to pay compensation of Nkz. 30,000 to the President, which he refused to pay, and legal costs, for which he paid. The State party argues that the law does not cover civil liability resulting from amnestied crimes and that the author is thus obliged to pay compensation to the President as set out in the Supreme Court Appeal. According to the State party, "the basis of the case presented to the High Commissioner for Human Rights of the United Nations was therefore unfounded".

The State party also transcribes the judgement of the Supreme Court in this case and requests the Committee to revise its decision.

Author's response

On 1 May 2006, the author's counsel commented on to the State party's response. They submit that the State party essentially reproduces the decision of the Supreme Court (which was already included in the file considered by the Committee) and then summarily requests the Committee to consider the case inadmissible. In light of the fact that the State party failed to respond to any requests for information from the Committee prior to consideration of this case, such a request at this stage is considered disrespectful. The State party fails to address the Committee's conclusions and should be reminded of its obligations to cooperate with the Committee. They request the Committee to continue to request information from the State party and suggest the following possible remedies: the publication of an apology; quashing of his criminal conviction and legal effects; adequate monetary compensation; the adoption of a series of legislative and administrative measures to bring its law and practices relevant to freedom of expression and due process rights in line with the requirements of international law.

Committee's Decision

The State party has failed to address the violations found or even to acknowledge the Committee's findings. It merely refers to the author's obligation under domestic legislation without acknowledging that the Committee found, inter alia, a violation of article 19 in this case for the restriction of the author's freedom of expression with respect to his criticism of the President.

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CHAPTER VI. FOLLOW-UP ACTIVITIES UNDER THE OPTIONAL PROTOCOL

213. In July 1990, the Committee established a procedure for the monitoring of follow-up to its Views under article 5, paragraph 4, of the Optional Protocol, and created the mandate of the Special Rapporteur for follow-up to Views to this effect. Mr. Ando has been the Special Rapporteur since March 2001 (seventy-first session).

214. In 1991, the Special Rapporteur began to request follow-up information from States parties. Such information has been systematically requested in respect of all Views with a finding of a violation of Covenant rights; 452 Views out of the 570 Views adopted since 1979 concluded that there had been a violation of the Covenant.

215. All attempts to categorize follow-up replies by States parties are inherently imprecise and subjective: it accordingly is not possible to provide a neat statistical breakdown of follow-up replies. Many follow-up replies received may be considered satisfactory, in that they display the willingness of the State party to implement the Committee's recommendations or to offer the complainant an appropriate remedy. Other replies cannot be considered satisfactory because they either do not address the Committee's Views at all or only relate to certain aspects of them. Some replies simply note that the victim has filed a claim for compensation outside statutory deadlines and that no compensation can therefore be paid. Still other replies indicate that there is no legal obligation on the State party to provide a remedy, but that a remedy will be afforded to the complainant on an *ex gratia* basis.

216. The remaining follow-up replies challenge the Committee's Views and findings on factual or legal grounds, constitute much-belated submissions on the merits of the complaint, promise an investigation of the matter considered by the Committee or indicate that the State party will not, for one reason or another, give effect to the Committee's Views.

217. In many cases, the Committee secretariat has also received information from complainants to the effect that the Committee's Views have not been implemented. Conversely, in rare instances, the petitioner has informed the Committee that the State party had in fact given effect to the Committee's recommendations, even though the State party had not itself provided that information.

218. The present annual report adopts the same format for the presentation of follow-up information as the last annual report. The table below displays a complete picture of follow-up replies from States parties received up to 7 July 2007, in relation to Views in which the Committee found violations of the Covenant. Wherever possible, it indicates whether follow-up replies are or have been considered as satisfactory or unsatisfactory, in terms of their compliance with the Committee's Views, or whether the dialogue between the State party and the Special Rapporteur for follow-up to Views continues. The Notes following a number of case entries convey an idea of the difficulties in categorizing follow-up replies.

219. Follow-up information provided by States parties and by petitioners or their representatives subsequent to the last annual report (A/61/40, vol. I, chap. VI) is set out in annex VII to volume II of the present annual report.

FOLLOW-UP RECEIVED TO DATE FOR ALL CASES OF VIOLATIONS OF THE COVENANT

State party and number of cases with violation	Communication number, author and location	Follow-up response received from State party and location	Satisfactory response	Unsatisfactory response	No follow-up response received	Follow-up dialogue ongoing
...						
Angola (2)	711/1996, <i>Dias</i> A/55/40	X A/61/40		X A/61/40		X
	1128/2002, <i>Marques</i> A/60/40	X A/61/40		X A/61/40		X
...						

VI. FOLLOW-UP ACTIVITIES UNDER THE OPTIONAL PROTOCOL

187. In July 1990, the Committee established a procedure for the monitoring of follow-up to its Views under article 5, paragraph 4, of the Optional Protocol, and created the mandate of the Special Rapporteur for follow-up to Views to this effect. Mr. Ando has been the Special Rapporteur since March 2001 (seventy-first session).

188. In 1991, the Special Rapporteur began to request follow-up information from States parties. Such information had been systematically requested in respect of all Views with a finding of a violation of Covenant rights; 429 Views out of the 547 Views adopted since 1979 concluded that there had been a violation of the Covenant.

189. All attempts to categorize follow-up replies by States parties are inherently imprecise and subjective: it accordingly is not possible to provide a neat statistical breakdown of follow-up replies. Many follow-up replies received may be considered satisfactory, in that they display the willingness of the State party to implement the Committee's recommendations or to offer the complainant an appropriate remedy. Other replies cannot be considered satisfactory because they either do not address the Committee's Views at all or relate only to certain aspects of them. Some replies simply note that the victim has filed a claim for compensation outside statutory deadlines and that no compensation can therefore be paid. Still other replies indicate that there is no legal obligation on the State party to provide a remedy, but that a remedy will be afforded to the complainant on an *ex gratia* basis.

190. The remaining follow-up replies challenge the Committee's Views and findings on factual or legal grounds, constitute much-belated submissions on the merits of the complaint, promise an investigation of the matter considered by the Committee or indicate that the State party will not, for one reason or another, give effect to the Committee's recommendations.

191. In many cases, the Secretariat has also received information from complainants to the effect that the Committee's Views have not been implemented. Conversely, in rare instances, the petitioner has informed the Committee that the State party had in fact given effect to the Committee's recommendations, even though the State party had not itself provided that information.

192. The present annual report adopts the same format for the presentation of follow-up information as the last annual report. The table below displays a complete picture of follow-up replies from States parties received up to 7 July 2008, in relation to Views in which the Committee found violations of the Covenant. Wherever possible, it indicates whether follow-up replies are or have been considered as satisfactory or unsatisfactory, in terms of their compliance with the Committee's Views, or whether the dialogue between the State party and the Special Rapporteur for follow-up to Views continues. The notes following a number of case entries convey an idea of the difficulties in categorizing follow-up replies.

193. Follow-up information provided by States parties and by petitioners or their representatives

subsequent to the last annual report (A/62/40) is set out in annex VII to volume II of the present annual report.

State party and number of cases with violation	Communication number, author and relevant Committee report	Follow-up response received from State party	Satisfactory response	Unsatisfactory response	No response	Follow-up dialogue ongoing
...						
Angola (2)	711/1996, <i>Dias</i> A/55/40	X A/61/40		X A/61/40		X
	1128/2002, <i>Marques</i> A/60/40	X A/61/40		X A/61/40		X
...						

VI. FOLLOW UP ACTIVITIES UNDER THE OPTIONAL PROTOCOL

230. In July 1990, the Committee established a procedure for the monitoring of follow-up to its Views under article 5, paragraph 4, of the Optional Protocol, and created the mandate of the Special Rapporteur for follow-up on Views to this effect. Ms. Ruth Wedgwood has been the Special Rapporteur since July 2009 (ninety-sixth session).

231. In 1991, the Special Rapporteur began to request follow-up information from States parties. Such information had been systematically requested in respect of all Views with a finding of a violation of Covenant rights; 543 Views out of the 681 Views adopted since 1979 concluded that there had been a violation of the Covenant.

232. All attempts to categorize follow-up replies by States parties are inherently imprecise and subjective: it accordingly is not possible to provide a neat statistical breakdown of follow-up replies. Many follow-up replies received may be considered satisfactory, in that they display the willingness of the State party to implement the Committee's recommendations or to offer the complainant an appropriate remedy. Other replies cannot be considered satisfactory because they either do not address the Committee's Views at all or relate only to certain aspects of them. Some replies simply note that the victim has filed a claim for compensation outside statutory deadlines and that no compensation can therefore be paid. Still other replies indicate that there is no legal obligation on the State party to provide a remedy, but that a remedy will be afforded to the complainant on an *ex gratia* basis.

233. The remaining follow-up replies challenge the Committee's Views and findings on factual or legal grounds, constitute much belated submissions on the merits of the complaint, promise an investigation of the matter considered by the Committee or indicate that the State party will not, for one reason or another, give effect to the Committee's recommendations.

234. In many cases, the Secretariat has also received information from complainants to the effect that the Committee's Views have not been implemented. Conversely, in rare instances, the petitioner has informed the Committee that the State party had in fact given effect to the Committee's recommendations, even though the State party had not itself provided that information.

235. The present annual report adopts the same format for the presentation of follow-up information as the last annual report. The table below displays a complete picture of follow-up replies from States parties received up to the ninety-sixth session (13-31 July 2009), in relation to Views in which the Committee found violations of the Covenant. Wherever possible, it indicates whether follow-up replies are or have been considered as satisfactory or unsatisfactory, in terms of their compliance with the Committee's Views, or whether the dialogue between the State party and the Special Rapporteur for follow-up on Views continues. The notes following a number of case entries convey an idea of the difficulties in categorizing follow-up replies.

236. Follow-up information provided by States parties and by petitioners or their representatives

subsequent to the last annual report (A/63/40) is set out in annex IX to volume II of the present annual report.

State party and number of cases with violation	Communication number, author and relevant Committee report	Follow-up response received from State party	Satisfactory response	Unsatisfactory response	No response	Follow-up dialogue ongoing
...						
Angola (2)	711/1996, <i>Dias</i> A/55/40	X A/61/40		X A/61/40		X
	1128/2002, <i>Marques</i> A/60/40	X A/61/40		X A/61/40		X
...						