

DOMINICAN REPUBLIC

Follow-up - Jurisprudence Action by Treaty Bodies

CCPR A/51/40, vol. I (1996)

VIII. FOLLOW-UP ACTIVITIES UNDER THE OPTIONAL PROTOCOL

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429. A country-by-country breakdown of follow-up replies received or requested and outstanding as at 26 July 1996 provides the following picture:

...

Dominican Republic: Three views finding violations; one satisfactory follow-up reply, no replies in two cases. Follow-up consultations with the Permanent Mission of the Dominican Republic conducted during the fifty-seventh session.

...

Concern over instances of non-cooperation under the follow-up mandate

463. In spite of the progress in collecting follow-up information since the adoption of the last annual report, the Committee and the Special Rapporteur note with concern that a number of countries did not provide any follow-up information within the deadlines established by the Committee or have not replied to reminders or requests for information from the Special Rapporteur. The States that have not replied to requests for follow-up information are the following:

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Dominican Republic (no reply in respect of two cases);

...

464. The Special Rapporteur urges these States parties to reply to his requests for follow-up information within the imparted deadlines

VIII. FOLLOW-UP ACTIVITIES UNDER THE OPTIONAL PROTOCOL

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524. A country-by-country breakdown of follow-up replies received or requested and outstanding as of 30 June 1997 provides the following picture (Views in which the deadline for receipt of follow-up information had not yet expired have not been included):

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Dominican Republic: Three Views finding violations: 188/1984 -Portorreal (Selected decisions, vol. 2);^{13/} for State party's follow-up reply, see 1990 Report,^{14/} vol. II, annex XII; 193/1985 - Giry (1990 Report); 449/1991 - Mójica (1994 Report);^{9/} State party's follow-up reply in the latter two cases has been received but is incomplete in respect of case No. 193/1985. Follow-up consultations with the Permanent Mission of the Dominican Republic were conducted during the fifty-seventh and fifty-ninth sessions (see para. 538 below).

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

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538. Dominican Republic: On 3 April 1997, the Special Rapporteur met with the Acting Permanent Representative of the Dominican Republic to the United Nations to discuss the State party's failure to implement the Committee's recommendations on the Views in cases No. 193/1985 (Pierre Giry), adopted on 20 July 1990, and No. 449/1991 (B. Mójica), adopted on 15 July 1994. The State party representative suggested that the Attorney-General's Office was currently preparing a follow-up report on both cases, which would be submitted to the Committee by August 1997; those replies would be forwarded directly from the Attorney-General's office. The Special Rapporteur indicated that the Committee's priority was the follow-up on the recommendations in case No. 449/1991, in which the Committee had specifically requested the State party to investigate the author's disappearance and to grant compensation to his family; he urged the State party to submit its replies in time for the Committee's sixtieth session. The State party's reply, dated 30 July 1997 and relating

^{13/} [International Covenant on Civil and Political Rights. Human Rights Committee. Selected Decisions under the Optional Protocol] (CCPR/C/OP/2) (United Nations publication, Sales No. 89.XIV.1), vol. 2.

^{14/} Official Records of the General Assembly, Forty-fifth Session, Supplement No. 40 (A/45/40).

^{9/} Official Records of the General Assembly, Forty-ninth Session, Supplement No. 40 (A/49/40).

only to case No. 193/1985, gives no relevant follow-up information. In a voluminous submission dated 15 August 1997 relating to case No. 449/1991, the State party observes that the victim's disappearance was investigated "exhaustively", but that in spite of autopsies of the corpses of some disappeared individuals ordered by the authorities, no proof of the victim's disappearance could be established. The State party adds that the investigations in the case have not been closed and continue.

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486. The Committee's previous report (A/52/40) contained a detailed country-by-country breakdown of follow-up replies received or requested and outstanding as of 30 June 1997. The list that follows shows the additional cases in respect of which follow-up information has been requested from States (Views in which the deadline for receipt of follow-up information had not yet expired have not been included). It also indicates those cases in which replies are outstanding. In many of these cases there has been no change since the previous report. This is because the resources available for the Committee's work were considerably reduced in the current year, preventing it from undertaking a comprehensive systematic follow-up programme.

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Dominican Republic: Three Views finding violations: 188/1984 - Portorreal (Selected decisions, vol. 2);^{3/} for State party's follow-up reply, see 1990 Report (A/45/40), vol. II, annex XII; 193/1985 - Giry (1990 Report); 449/1991 - Mójica (1994 Report (A/49/40)); State party's follow-up reply in the latter two cases has been received but is incomplete in respect of case No. 193/1985. Follow-up consultations with the Permanent Mission of the Dominican Republic were conducted during the fifty-seventh and fifty-ninth sessions (see 1997 Report (A/52/40), para. 538).

^{3/} [International Covenant on Civil and Political Rights. Human Rights Committee. Selected Decisions under the Optional Protocol] (CCPR/C/OP/2) (United Nations publication, Sales No. 89.XIV.1), vol. 2.

VII. FOLLOW-UP ACTIVITIES UNDER THE OPTIONAL PROTOCOL

461. The Committee's previous report (A/53/40) contained a detailed country-by-country breakdown of follow-up replies received or requested and outstanding as of 30 June 1998. The list that follows shows the additional cases in respect of which follow-up information has been requested from States (Views in which the deadline for receipt of follow-up information had not yet expired have not been included). It also indicates those cases in which replies are outstanding. In many of these cases there has been no change since the last report. This is because the resources available for the Committee's work have been considerably reduced preventing it from undertaking a comprehensive systematic follow-up programme.

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Dominican Republic: Three Views finding violations: 188/1984 - Portorreal (in Selected Decisions, vol. 2); for State party's follow-up reply, see A/45/40, vol. II, annex XII; 193/1985 - Giry (A/45/40), 449/1991 - Mójica (A/49/40); State party's follow-up reply in the latter two cases has been received but is incomplete in respect of Giry. Follow-up consultations with the Permanent Mission of the Dominican Republic to the United Nations were conducted during the fifty-seventh and fifty-ninth sessions (see A/52/40, para. 538).

CCPR A/55/40, vol. I (2000)

VI. FOLLOW-UP ACTIVITIES UNDER THE OPTIONAL PROTOCOL

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596. The Committee's previous report (A/54/40) contained a detailed country-by-country breakdown of follow-up replies received or requested and outstanding as of 30 June 1999. The list that follows shows the additional cases in respect of which follow-up information has been requested from States. (Views in which the deadline for receipt of follow-up information had not yet expired have not been included.) It also indicates those cases in which replies are outstanding. In many of these cases there has been no change since the last report. This is because the limited resources available for the Committee's work prevent it from undertaking a comprehensive or systematic follow-up programme.

...

Dominican Republic: Three Views finding violations: 188/1984 - Portorreal (in Selected Decisions, vol. 2); for State party's follow-up reply, see A/45/40, vol. II, annex XII; 193/1985 - Giry (A/45/40); 449/1991 - Mójica (A/49/40). The State party's follow-up reply in the latter two cases has been received but is incomplete in respect of Giry. Follow-up consultations with the Permanent Mission of the Dominican Republic to the United Nations were conducted during the fifty-seventh and fifty-ninth sessions (see A/52/40, para. 538).

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.

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Dominican Republic: Three Views finding violations: 188/1984 - Portorreal (in Selected Decisions, vol. 2); for State party's follow-up reply, see A/45/40, vol. II, annex XII; 193/1985 - Giry (A/45/40); 449/1991 - Mojica (A/49/40); follow-up reply in the latter two cases has been received but is incomplete in respect of Giry. Follow-up consultations with the Permanent Mission of the Dominican Republic to the United Nations were conducted during the fifty-seventh and fifty-ninth sessions (see A/52/40, para. 538).

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.

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Dominican Republic: Views in three cases with findings of violations:

188/1984 - Portorreal (in Selected Decisions, vol. 2); for State party's follow-up reply, see A/45/40, vol. II, annex XII;

193/1985 - Giry (A/45/40);

449/1991 - Mojica (A/49/40); follow-up reply in the latter two cases has been received but is incomplete in respect of Giry. Follow-up consultations with the Permanent Mission of the Dominican Republic to the United Nations were conducted during the fifty-seventh and fifty-ninth sessions (see A/52/40, paragraph 538).

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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.

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.*

...

Dominican
Republic:

Views in three cases with findings of violations:

188/1984 - *Portorreal* (in *Selected Decisions*, vol. 2); for State party's follow-up reply, see A/45/40, volume II, annex XII;

193/1985 - *Giry* (A/45/40);

449/1991 - *Mojica* (A/49/40); follow-up reply in the latter two cases has been received but is incomplete in respect of *Giry*. Follow-up consultations with the Permanent Mission of the Dominican Republic to the United Nations were conducted during the fifty-seventh and fifty-ninth sessions (see A/52/40, para. 538). No further reply has been received.

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.

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.*

...

Dominican
Republic:

Views in three cases with findings of violations:

188/1984 - *Portorreal* (in *Selected Decisions*, vol. 2); for State party's follow-up reply, see A/45/40, volume II, annex XII;

193/1985 - *Giry* (A/45/40);

449/1991 - *Mojica* (A/49/40); follow-up reply in the latter two cases has been received but is incomplete in respect of *Giry*. Follow-up consultations with the Permanent Mission of the Dominican Republic to the United Nations were conducted during the fifty-seventh and fifty-ninth sessions (see A/52/40, para. 538). No further reply has been received.

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.

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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 |
|--|--|---|-----------------------|-------------------------|-----------------------|----------------------------|
| ... | | | | | | |
| Dominican Republic (3) | 188/1984, <i>Portorreal</i> Thirty-first session Selected Decisions, vol. 2. | X A/45/40 | X A/45/40 | | | |
| | 193/1985, <i>Giry</i> A/45/40 | X A/52/40, A/59/40 | | X | | X |
| | 449/1991, <i>Mojica</i> A/49/40 | X A/52/40, A/59/40 | | 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.

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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 |
|---|--|--|------------------------------|--------------------------------|---------------------------------------|-----------------------------------|
| ... | | | | | | |
| Dominican Republic (3) | 188/1984, <i>Portorreal</i> Thirty-first session Selected Decisions, vol. 2 | X A/45/40 | X A/45/40 | | | |
| | 193/1985, <i>Giry</i> A/45/40 | X A/52/40, A/59/40 | | X | | X |
| | 449/1991, <i>Mojica</i> A/49/40 | X A/52/40, A/59/40 | | X | | X |
| ... | | | | | | |

...

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 |
|---|---|--|------------------------------|--------------------------------|---------------------------------------|-----------------------------------|
| ... | | | | | | |
| Dominican Republic (3) | 188/1984, <i>Portorreal</i> Thirty-first session Selected Decisions, vol. 2 | X A/45/40 | X A/45/40 | | | |
| | 193/1985, <i>Giry</i> A/45/40 | X A/52/40, A/59/40 | | X | | X |
| | 449/1991, <i>Mojica</i> A/49/40 | X A/52/40, A/59/40 | | X | | 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 |
|--|---|--|-----------------------|-------------------------|-------------|----------------------------|
| ... | | | | | | |
| Dominican Republic (3) | 188/1984, <i>Portorreal</i> Thirty-first session Selected Decisions, vol. 2 | X A/45/40 | X A/45/40 | | | |
| | 193/1985, <i>Giry</i> A/45/40 | X A/52/40, A/59/40 | | X | | X |
| | 449/1991, <i>Mojica</i> A/49/40 | X A/52/40, A/59/40 | | X | | 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 |
|--|---|--|-----------------------|-------------------------|-------------|----------------------------|
| ... | | | | | | |
| Dominican Republic (3) | 188/1984, <i>Portorreal</i> Thirty-first session Selected Decisions, vol. 2 | X A/45/40 | X A/45/40 | | | |
| | 193/1985, <i>Giry</i> A/45/40 | X A/52/40, A/59/40 | | X | | X |
| | 449/1991, <i>Mojica</i> A/49/40 | X A/52/40, A/59/40 | | X | | X |
| ... | | | | | | |