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COMMISSION ON HUMAN RIGHTS
Sub-Commission on Prevention of
Discrimination and Protection
of Minorities
Forty-seventh session
Agenda item 23

DRAFT REPORT OF THE SUB-COMMISSION ON PREVENTION
OF DISCRIMINATION AND PROTECTION OF MINORITIES
ON ITS FORTY-SEVENTH SESSION

Rapporteur: Mr. José Bengoa

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* E/CN.4/Sub.2/1995/L.10 and addenda contain the draft chapters of the report relating to the organization of the session and the various items on the agenda. Resolutions and decisions adopted by the Sub-Commission, as well as draft resolutions and decisions for action by, and other matters of concern to, the Commission on Human Rights, will be contained in documents E/CN.4/Sub.2/1995/L.11 and addenda.

XI. THE ADMINISTRATION OF JUSTICE AND THE HUMAN RIGHTS OF DETAINEES

- (a) Question of human rights and states of emergency
- (b) Individualization of prosecution and penalties, and repercussions of violations of human rights on families
- (c) Application of international standards concerning the human rights of detained juveniles
- (d) Independence and impartiality of the judiciary, jurors and assessors and the independence of lawyers

1. The Sub-Commission considered item 10 at its 25th, 28th and 29th meetings, on 17 and 21 August 1995.

2. The Sub-Commission had before it the following documents in connection with its consideration of the item:

Report of the sessional working group on the administration of justice and the question of compensation (E/CN.4/Sub.2/1995/16);

Report of the Secretary-General prepared pursuant to Sub-Commission resolution 1994/33 (E/CN.4/Sub.2/1995/17, Add.1 and 2));

Progress report on the question of the impunity of perpetrators of violations of human rights (civil and political rights), prepared by Mr. Joinet pursuant to Sub-Commission resolution 1994/34 (E/CN.4/Sub.2/1995/18);

Interim report on opposition to the impunity of perpetrators of human rights violations (economic, social and cultural rights), prepared by Mr. El-Hajjé Guissé, pursuant to Sub-Commission resolution 1994/34 (E/CN.4/Sub.2/1995/19);

Eighth annual report and list of States which, since 1 January 1985, have proclaimed, extended or terminated a state of emergency, presented by Mr. Leandro Despouy, Special Rapporteur appointed pursuant to Economic and Social Council resolution 1985/37 (E/CN.4/Sub.2/1995/20 and Corr.1); Note by the Secretary-General (E/CN.4/Sub.2/1995/21);

Letter dated 3 May 1995 from the Permanent Observer for Palestine to the United Nations Office in Geneva addressed to the Assistant Secretary-General for Human Rights (E/CN.4/1996/5-E/CN.4/Sub.2/1995/36);

Written statement submitted by the International Federation of ACAT (Action of Christians for the Abolition of Torture), a non-governmental organization on the Roster (E/CN.4/Sub.2/1995/NGO/4);

Written statement submitted by the International Commission of Jurists, a non-governmental organization in consultative status (category II) (E/CN.4/Sub.2/1995/NGO/8);

Written statement submitted by Pax Romana, a non-governmental organization in consultative status (category II) (E/CN.4/Sub.2/1995/NGO/24);

Written statement submitted by the Centre Europe-Tiers Monde, a non-governmental organization on the Roster (E/CN.4/Sub.2/1995/NGO/37);

Expert group meeting on children and juveniles in detention: application of human rights standards: report of the Secretary-General pursuant to Commission on Human Rights resolution 1993/80 (E/CN.4/1995/100);

Progress report on the question of the impunity of perpetrators of human rights violations, prepared by Mr. Guissé and Mr. Joinet pursuant to Sub-Commission resolution 1992/23 (E/CN.4/Sub.2/1993/6).

3. At the 25th meeting, on 17 August 1995, Mr. Joinet introduced the progress report on the impunity of perpetrators of violations of human rights (E/CN.4/Sub.2/1995/18).
4. At the 29th meeting, on 21 August 1995, Mr. Joinet introduced the report of the sessional working group on administration of justice and the question of compensation (E/CN.4/Sub.2/1995/16 and Corr.1).
5. At the 25th meeting, on 17 August 1995, Mr. Guissé introduced the interim report on opposition to the impunity of perpetrators of human rights violations (E/CN.4/Sub.2/1995/19).
6. At the 25th meeting, on 17 August 1995, Mr. Despuoy, Special Rapporteur, introduced the eighth annual report and list of States which, since 1 January 1985, have proclaimed, extended or terminated a state of emergency (E/CN.4/Sub.2/1995/20).
7. In the general debate on the item, statements 1/ were made by the following members of the Sub-Commission: Ms. Chavez (28th), Mr. Eide (28th), Mr. Fan Guoxiang (25th), Mr. Joinet (29th), Mr. Yimer (28th).
8. Statements were made by the observers for: Albania (29th), Colombia (25th), Haiti (29th), Pakistan (29th), Peru (29th), the Philippines (29th), The former Yugoslav Republic of Macedonia (28th).
9. A statement was made by the representative of the United Nations Crime Prevention and Criminal Justice Branch (25th).

10. The Sub-Commission also heard statements by the representatives of the following non-governmental organizations: Afro-Asian Peoples' Solidarity Organization (28th), All Pakistan Women's Association (25th), American Association of Jurists (25th), Andean Commission of Jurists (28th), Centre Europe-Tiers Monde (28th), France-Libertés: Fondation Danielle Mitterrand (25th), Freedom House (28th), Habitat International Coalition (28th), International Association Against Torture (28th), International Association of Educators for World Peace (28th), International Commission of Jurists (25th), International Educational Development, Inc. (28th), International Federation of Human Rights (25th), International Federation of University Women (28th), International Fellowship of Reconciliation (28th), International Institute for Non-Aligned Studies (28th), International League for Human Rights (28th), International League for the Rights and Liberation of Peoples (28th), International Movement Against All Forms of Discrimination and Racism (28th), International Movement ATD Fourth World (28th), International Prison Watch (25th), Latin American Federation of Associations of Relatives of Disappeared Detainees (28th), Liberation (25th), Movement Against Racism for Friendship Among Peoples (25th), Muslim World League (25th), Pax Christi (28th), Pax Romana (25th), World Organization Against Torture (28th), World Society of Victimology (28th), World University Service (28th).

11. Statements equivalent to a right of reply were made by the observers for: Bahrain (29th), Bangladesh (29th), China (28th), Cuba (29th), Greece (29th), Democratic People's Republic of Korea (29th), Mexico (29th), Republic of Korea (29th), Sudan (29th), Turkey (29th), Viet Nam (29th).

12. At the 29th meeting, on 21 August 1995, Mr. Despouy made his concluding remarks.

13. At the same meeting, Mr. Guissé made his concluding remarks.

14. Also at the same meeting, Mr. Joinet made his concluding remarks.
