



International Covenant on Civil and Political Rights

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Human Rights Committee

Guidelines on making oral comments concerning communications*

1. Pursuant to rule 92 of the Committee's rules of procedure, each party to a communication may be afforded an opportunity to comment on submissions made by the other party.
2. At its 118th session, the Committee decided that it would consider, in appropriate cases raising complex issues of fact or domestic law or important questions of interpretation of the Covenant, inviting the parties to provide their comments orally before the Committee. Further to this, at its 124th session, the Committee adopted guidance on identifying cases for oral comments (see annex).
3. The guidelines on making oral comments during meetings convened for that purpose are as follows:
 - (a) The Committee may decide, if it deems it necessary, to invite the parties to provide additional information orally and to answer questions on the admissibility or merits of the communication. The invitation will specify a proposed time for the meeting, to be held during an upcoming session of the Committee;
 - (b) As a rule, the meeting will take place only if both parties accept the invitation and agree to make the arrangements necessary to participate in the meeting;
 - (c) The parties may participate in the meeting in person or through reliable means of telecommunication. The author may have legal or other representation during the meeting;
 - (d) The Committee may decide, before the meeting, to request the parties to address specific aspects of the communication in their oral comments. In that case, it will communicate to the parties a written list of questions formulated by the Committee at least 30 days prior to the date on which the meeting is scheduled to be held;
 - (e) The meeting at which the oral comments are to be presented will be closed. The Secretariat will keep a record of the meeting and that record will remain confidential. Participants must undertake to respect the confidentiality of the meeting and to refrain from recording it and from allowing any person other than the parties and their representatives access to it;
 - (f) The Chair of the Committee will lead the meeting and, if necessary, may extend the period of time allocated to the parties for their oral comments;

* Adopted by the Committee at its 120th session and amended at its 124th session (8 October–2 November 2018).



(g) Each party will be allocated 20 minutes in which to provide comments on the submissions of the other party and to respond to the written list of questions formulated by the Committee, where such a list exists;

(h) Members of the Committee may present follow-up questions and requests for further clarification to either party. Each party will have 15 minutes to respond to all of those questions and requests. The Chair of the Committee may allow members of the Committee to present another set of questions and requests and will allocate 10 minutes for each party to respond;

(i) The parties will be invited to make closing statements, for which they will each be allocated five minutes.

Annex

Guidance on identifying cases for oral comments

1. The Committee will decide whether to invite oral comments concerning a communication on the basis of the following three considerations:

(a) *Complexity*. Does the case involve particularly nuanced or technical legal problems that have to be understood against a rich background of domestic law, the history and culture of the country concerned, its institutional structures and the like? Does it involve complicated facts? Alternatively, does it raise particularly intricate or novel questions of interpretation of the Covenant?

(b) *Importance*. Does the case raise issues that are likely to have a significant influence on the Committee's jurisprudence? Does the case address matters involving systematic problems in the country in question?

(c) *Appropriateness for oral comments*. Are oral perspectives from the parties beyond their written submissions likely to considerably clarify the issues in the case and improve the ability of the Committee to come to an appropriate conclusion? (This includes consideration of the likely quality of oral submissions by the parties.) What are the implications of obtaining oral comments for prompt resolution of the case?

2. The Committee will select such cases according to the following procedure:

(a) The invitation for the parties to a communication to make oral comments will be extended pursuant to a decision of the Committee;

(b) A recommendation to this effect may be made to the Committee by the relevant working group on communications, the case rapporteur or any member of the Committee;

(c) The Committee can decide to extend such an invitation at any time during the proceedings.
