Appendix

Amendments to rules of procedure

Rule 60
Inability of a member to take part in the examination of a communication

1. A member of the Committee shall not take part in the examination of a communication if:

   (a) The member has a personal interest in the case;

   (b) The member has participated in the making of any decision on the case covered by the communication in any capacity other than under the procedures applicable to this Optional Protocol;

   (c) The member is a national of the State party concerned.

2. Any question that may arise under paragraph 1 above shall be decided by the Committee without the participation of the member concerned.

Rule 63
Interim measures

1. At any time after the receipt of a communication and before a determination on the merits has been reached, the Committee may transmit to the State party concerned, for its urgent consideration, a request that it take such interim measures as the Committee considers necessary to avoid irreparable damage to the victim or victims of the alleged violation.

2. A working group may also request the State party concerned to take such interim measures as the working group considers necessary to avoid irreparable damage to the victim or victims of the alleged violation.

3. When a request for interim measures is made by a working group under the present rule, the working group shall forthwith thereafter inform the Committee members of the nature of the request and the communication to which the request relates.

4. Where the Committee or a working group requests interim measures under this rule, the request shall state that it does not imply a determination of the merits of the communication.

Rule 64
Method of dealing with communications

1. The Committee shall, by a simple majority and in accordance with the following rules, decide whether the communication is admissible or inadmissible under the Optional Protocol.

2. A working group may also declare that a communication is admissible under the Optional Protocol, provided that all members eligible to participate so decide.

Rule 69
Procedures with regard to communications received

1. As soon as possible after the communication has been received, and provided that the individual or group of individuals consent to the disclosure of their identity to the State party concerned, the Committee, working group or rapporteur shall bring the communication confidentially to the attention of the State party and shall request that State party to submit a written reply to the communication.

2. Any request made in accordance with paragraph 1 of the present rule shall include a statement indicating that such a request does not imply that any decision has been reached on the question of admissibility of the communication.

3. Within six months after receipt of the Committee’s request under the present rule, the State party shall submit to the Committee written explanations or
statements that relate to the admissibility of the communication and its merits, as well as to any remedy that may have been provided in the matter.

4. The Committee, working group or rapporteur may request written explanations or statements that relate only to the admissibility of a communication but, in such cases, the State party may nonetheless submit written explanations or statements that relate to both the admissibility and the merits of a communication, provided that such written explanations or statements are submitted within six months of the Committee’s request.

5. A State party that has received a request for a written reply in accordance with paragraph 1 of the present rule may submit a request in writing that the communication be rejected as inadmissible, setting out the grounds for such inadmissibility, provided that such a request is submitted to the Committee within two months of the request made under paragraph 1.

6. If the State party concerned disputes the contention of the author or authors, in accordance with article 4, paragraph 1, of the Optional Protocol, that all available domestic remedies have been exhausted, the State party shall give details of the remedies available to the alleged victim or victims in the particular circumstances of the case.

7. Submission by the State party of a request in accordance with paragraph 5 of the present rule shall not affect the period of six months given to the State party to submit its written explanations or statements unless the Committee, working group or rapporteur decides to extend the time for submission for such a period as the Committee considers appropriate.

8. The Committee, working group or rapporteur may request the State party or the author of the communication to submit, within fixed time limits, additional written explanations or statements relevant to the issues of the admissibility or merits of a communication.

9. The Committee, working group or rapporteur shall transmit to each party the submissions made by the other party pursuant to the present rule and shall afford each party an opportunity to comment on those submissions within fixed time limits.