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**Summary record of the 2464th meeting**

Topic:  
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mentary as it stood or in any case to request the Special Rapporteur to verify whether Mr. Bennouna's proposal is acceptable under criminal law.

81. Mr. ROSENSTOCK and Mr. THIAM (Special Rapporteur) concurred.

82. The CHAIRMAN said that, if he heard no objections, he would take it that the Commission wished to adopt paragraph (3), on the understanding that the words "and trial" would be inserted in the fourth sentence.

*Paragraph (3) was adopted on that understanding.*

Paragraphs (4) to (9)

*Paragraphs (4) to (9) were adopted.*

*The commentary to article 9, as amended, was adopted.*

*Commentary to article 10 (Extradition of alleged offenders)*

Paragraph (1)

*Paragraph (1) was adopted.*

Paragraph (2)

83. Mr. CALERO RODRIGUES suggested that, in the interests of greater clarity, the words "for extradition" should be inserted between the words "a request" and "and thereby fulfil" in the fourth sentence.

*Paragraph (2), as amended, was adopted.*

Paragraphs (3) and (4)

*Paragraphs (3) and (4) were adopted.*

*The commentary to article 10, as amended, was adopted.*

*Commentary to article 11 (Judicial guarantees) (A/CN.4/L.527/Add.5)*

Paragraphs (1) to (15)

*Paragraphs (1) to (15) were adopted.*

Paragraph (16)

84. Mr. BOWETT suggested that the words "to defend against the charges", in the first sentence, should be replaced by "to defend himself against the charges" or "to offer defence against the charges".

*Paragraph (16), as amended, was adopted.*

Paragraphs (17) to (21)

*Paragraphs (17) to (21) were adopted.*

*The commentary to article 11, as amended, was adopted.*

*Commentary to article 12 (Non bis in idem)*

Paragraphs (1) and (2)

*Paragraphs (1) and (2) were adopted.*

Paragraph (3)

85. Mr. ROSENSTOCK proposed that the word "committed", in the first sentence, should be replaced by "been accused of", that the words "by a given State" should be inserted before "for the same crime" in the second sentence, that the word "lightly" should be inserted between the words "not" and "be required" in the third sentence. Lastly, the phrase "and would violate the general principle of proportionality" at the end of the paragraph should be deleted.

*Paragraph (3), as amended, was adopted.*

Paragraph (4)

86. Mr. ROSENSTOCK proposed that the words "As a compromise," at the beginning of the paragraph should be deleted and that the words "has attempted to strike", in the third sentence, should be replaced by "has struck". In line with the observations he had made at the previous meeting, he also proposed the words "Some members of", at the beginning of the second sentence should be omitted.

87. The CHAIRMAN suggested that the Special Rapporteur should be requested to review the wording of the second sentence.

*Paragraph (4) was adopted on that understanding.*

Paragraphs (5) to (13)

*Paragraphs (5) to (13) were adopted.*

*The commentary to article 12, as amended, was adopted.*

*The meeting rose at 6 p.m.*

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## 2464th MEETING

*Thursday, 18 July 1996, at 10.05 a.m.*

*Chairman: Mr. Ahmed MAHIYOU*

*Present: Mr. Al-Baharna, Mr. Arangio-Ruiz, Mr. Barboza, Mr. Bennouna, Mr. Bowett, Mr. Calero Rodrigues, Mr. Crawford, Mr. de Saram, Mr. Eiriksson, Mr. Fomba, Mr. Güney, Mr. He, Mr. Kabatsi, Mr. Kusuma-Atmadja, Mr. Lukashuk, Mr. Mikulka, Mr. Pellet, Mr. Robinson, Mr. Rosenstock, Mr. Szekely, Mr. Thiam, Mr. Vargas Carreño, Mr. Villagrán Kramer.*

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### Visit by a member of the United Nations Administrative Tribunal

1. The CHAIRMAN welcomed Mr. Balanda, a member of the United Nations Administrative Tribunal and a former member of the Commission.

#### Draft report of the Commission on the work of its forty-eighth session (*continued*)

CHAPTER II. *Draft Code of Crimes against the Peace and Security of Mankind* (*continued*) (A/CN.4/L.527 and Add.1 and Add.1/Corr.1, Add.2-5, Add.6/Rev.1, Add.7-9, Add.10 and Corr.1 and Add.11)

D. Articles of the draft Code of Crimes against the Peace and Security of Mankind (*continued*) (A/CN.4/L.527/Add.2-5, Add.6/Rev.1, Add.7-9, Add.10 and Corr.1 and Add.11)

2. The CHAIRMAN invited the members of the Commission to continue their consideration of the commentaries to the articles of the draft Code of Crimes Against the Peace and Security of Mankind, starting with article 13.

*Commentary to article 13* (Non-retroactivity) (A/CN.4/L.527/Add.5)

Paragraph (1)

*Paragraph (1) was adopted.*

Paragraph (2)

3. Mr. ROSENSTOCK said that, in accordance with the principle that had been adopted for all of the commentaries to the articles, paragraph (2) should be deleted.

*Paragraph (2) was deleted.*

Paragraph (3)

4. Mr. LUKASHUK (Rapporteur), said that the last sentence stated an obvious fact and could therefore be deleted.

*Paragraph (3), as amended, was adopted.*

Paragraph (4)

5. Mr. LUKASHUK (Rapporteur) referring to the fourth sentence, said that an individual might be tried and punished for the crime of genocide under national law as well because, in some countries, the Convention on the Prevention and Punishment of the Crime of Genocide was directly applicable or had been incorporated into national law. The fourth sentence should perhaps say so.

6. The CHAIRMAN said that the secretariat would make the necessary addition.

7. Mr. ROBINSON recalled that, when article 13 itself had been considered, the Commission's attention had been drawn to what had appeared to be a gap, namely, that there was no reference to the principle of non-retroactivity in respect of heavier penalties. That omis-

sion might be corrected by adding the following sentence at the end of paragraph (4):

“The principle of non-retroactivity as outlined in this article applies also to the imposing of a penalty which is heavier than the one that was applicable at the time when the criminal offence was committed.”

8. Mr. THIAM (Special Rapporteur) said that he had no objection to that sentence.

9. Mr. ROSENSTOCK said that that sentence was unnecessary and might therefore give rise to problems, but he would not object to it.

*Paragraph (4), as amended, was adopted.*

Paragraph (5)

*Paragraph (5) was adopted.*

Paragraph (6)

10. Mr. LUKASHUK said that, in his opinion, there was no general principle of the supremacy of international law. The last two sentences should therefore be deleted.

11. Mr. ROBINSON said he had intended to propose an amendment to paragraph (6) along the lines of Mr. Lukashuk's suggestion. The first sentence would end after the words “national law”, the second sentence would be deleted and the third sentence would begin with the word “However,”, with the rest of the sentence being unchanged.

12. Mr. ARANGIO-RUIZ said that the second sentence was perhaps clumsy, but the existence of a hierarchy between national law and international law had to be recognized and it was, moreover, provided for in the constitutions of many States. National law was, of course, sovereign at the national level, but, at the international level, States were all subject to international law and could not invoke the provisions of their national law to justify a violation of international law.

13. The CHAIRMAN said that scholarly debates should be avoided and that Mr. Robinson's proposal, which was quite specific, would take care of the problem.

14. Mr. ROSENSTOCK said that he fully agreed with the comments by Mr. Arangio-Ruiz and considered that the second sentence could be left as it stood. The amendment proposed by Mr. Robinson was, however, not at all incompatible with the opinion expressed by Mr. Arangio-Ruiz.

15. Mr. PELLET said that, although he also belonged to the dualist school, he did not agree with Mr. Arangio-Ruiz. It was not accurate to refer to the supremacy of international law. At most, reference could be made to the superiority of that law, and only from the point of view of international law.

16. Mr. CALERO RODRIGUES said that, quite apart from the scholarly debate on the hierarchy between national law and international law, the second sentence

should be deleted for the simple reason that it had absolutely no bearing on the text of article 13.

17. Mr. BARBOZA said that the second sentence could be left as it stood, but the third sentence should be deleted because it reflected an idea already expressed in the first sentence.

18. Mr. FOMBA said that he could agree to Mr. Robinson's proposal if it could help to solve the problem that some members had in agreeing that there was a general principle of the supremacy of international law. Saying that national law had to be consistent with international law nevertheless implied that there was some kind of hierarchy.

19. Mr. EIRIKSSON said the problem was that the Commission was trying to add a condition to the commentary that was not contained in article 13, paragraph 2, which referred to national law without any further qualification. The problem might be solved by indicating in the commentary that paragraph 2 did not allow the trial and conviction of an individual under provisions of national law that were not consistent with international law.

20. Mr. AL-BAHARNA said that he agreed with Mr. Calero Rodrigues that the second sentence should be deleted.

21. Mr. BENNOUNA, supported by Mr. THIAM (Special Rapporteur) and speaking on a point of order, requested the Chairman to stop the theoretical discussion so that the Commission could continue its consideration of the commentaries to the articles.

22. The CHAIRMAN said that the Special Rapporteur would amend paragraph (6) to take account of the comments that had been made.

*Paragraph (6) was adopted on that understanding.*

*The commentary to article 13, as amended, was adopted.*

23. The CHAIRMAN invited the members of the Commission to refer to the working paper, dated 17 July 1996, which had been distributed to them and which contained a revised version of the commentaries to articles 14, 15, 17, 18 and 19.

24. Mr. ROSENSTOCK said that there had generally been no need to shorten the commentaries under consideration. The Commission had decided otherwise, but he personally preferred the earlier version.

*Commentary to article 14 (Defences) (A/CN.4/L.527/Add.6/Rev.1)*

25. Mr. ROBINSON said that the commentary to article 14 did not explain that provision. The applicable general principles of law should have been stated by reference to the decisions of international and national courts. It would have been useful for the competent court to have a statement of the general principles of law that could guide it in its assessment of the existence of defences.

26. Mr. LUKASHUK (Rapporteur) said that he was all the more in agreement with Mr. Robinson in that some commentaries seemed to deal not with defences, but with extenuating circumstances.

Paragraph (1)

*Paragraph (1) was adopted.*

27. After an exchange of views in which Messrs. de SARAM, CRAWFORD, ROBINSON, ROSENSTOCK, THIAM (Special Rapporteur), CALERO RODRIGUES and EIRIKSSON took part, the CHAIRMAN suggested that the Commission should come back later to the commentary to article 14, as well as to the commentaries to articles 15 and 16.

*It was so decided.*

*Commentary to article 17 (Crime of genocide)*

Paragraphs (1) and (2)

28. Mr. PELLET said that he was generally dissatisfied with the commentary to article 17. It did not give enough examples, although national and international jurisprudence did exist. That point of view was to be contrasted with the commentary to article 19 on crimes against United Nations and associated personnel, which was nevertheless an entirely new example.

29. The CHAIRMAN said he understood Mr. Pellet's concern that there should be more frequent references to jurisprudence and doctrine, particularly as ICJ had just handed down an advisory opinion on the crime of genocide.

*Paragraphs (1) and (2) were adopted.*

Paragraph (3)

30. Mr. LUKASHUK (Rapporteur) said that the fourth sentence was too wordy. It should be shortened and combined with the fifth sentence, to read: "Article II of the Convention provides a definition of the crime of genocide in terms of the necessary intent and the prohibited acts."

31. Mr. MIKULKA and Mr. ROSENSTOCK said that the paragraph should be retained as it stood because, otherwise, its various parts would not make sense.

*Paragraph (3) was adopted.*

Paragraph (4)

*Paragraph (4) was adopted.*

Paragraph (5)

32. Mr. LUKASHUK (Rapporteur) said that the words "state of mind" should be deleted. It was enough to refer to "intent".

*Paragraph (5), as amended, was adopted.*

Paragraph (6)

33. Mr. LUKASHUK (Rapporteur) said that, in his opinion, paragraph (6) should be divided up because it was too long.

34. Mr. PELLET said that the words “from every corner of the globe” at the end of the tenth sentence were inappropriate. The words “throughout the world” or some similar expression would be better.

35. Mr. CRAWFORD, referring to the eleventh sentence, said he had doubts about the definition of the crime of genocide requiring the intention to destroy “at least a substantial part of a particular group”, since the word “substantial” was not contained in the Convention on the Prevention and Punishment of the Crime of Genocide itself. That objective implied that, if the crime of genocide was to exist, a proportion of a particular group had to be targeted. That shade of meaning was important because it was quite likely that some individuals would soon be tried for that crime and there must be no ambiguity. In his view, the eleventh sentence and the related footnote should be deleted.

36. Mr. ROSENSTOCK and Mr. THIAM (Special Rapporteur) said that the main constituent element of the crime of genocide was intent. The number of victims was not directly relevant.

37. Mr. KABATSI said that, if the number of victims was not relevant, the word “substantial” should be deleted, as Mr. Crawford had suggested.

38. Mr. PELLET, supported by Mr. ROBINSON, proposed that, in the eleventh sentence, the words “involves a multiplicity of victims which” should be deleted.

39. Mr. BARBOZA said that, if there must be intent in order for genocide to exist, intent must, according to the definition of that crime, involve “a multiplicity of victims”. He would, however, not object to the deletion of that term.

40. Mr. CRAWFORD proposed that the eleventh sentence should be amended to read:

“Nonetheless, the crime of genocide, by its very nature, involves the intention to destroy at least a substantial part of a particular group in circumstances which amount to an attack on the group as such.”

41. The CHAIRMAN suggested that, with the assistance of the secretariat, the Special Rapporteur should redraft the commentary in the light of the various opinions expressed during the discussions.

42. Mr. PELLET said he was not sure about the method of allowing the Special Rapporteur and the secretariat to prepare the final text. He asked when the Commission would have an opportunity to see the commentary in its final form.

43. The CHAIRMAN said that, if he heard no objections, he would take it that the Commission wished to adopt paragraph (6) on the understanding that it would be amended in the light of the comments which had been made.

*Paragraph (6) was adopted on that understanding.*

Paragraph (7)

*Paragraph (7) was adopted.*

Paragraph (8)

44. Mr. ROBINSON said that the end of the last sentence was unnecessary and suggested that the entire sentence should be amended to read:

“The Commission decided in favour of that solution because the present Code is a criminal Code and has to reflect the *nullum crimen sine lege* principle.”

45. The penultimate sentence stated that the list of acts prohibited in article 17 was exhaustive. Such a statement might give the impression that the same was true of all the lists of crimes contained in the Code, but, if his memory served him correctly, that was not the case, for example, of the list of war crimes. He therefore wondered whether the reference to the *nullum crimen sine lege* principle should not simply be deleted.

46. The CHAIRMAN said that that did give rise to a problem of consistency.

47. Mr. ROSENSTOCK said that reference in question had been maintained to keep the text close to the draft Code adopted by the Commission in 1954, but there was no reason why it could not be deleted. Moreover, if the last sentence as from the words “and the need” gave rise to problems because the words “not to stray too far from a text widely accepted” were not very felicitous, it could be drafted differently.

48. Mr. CRAWFORD suggested that the entire sentence should be amended to read: “The Commission decided in favour of that solution having regard to the need to conform with a text widely accepted by the international community”.

*It was so agreed.*

*Paragraph (8), as amended, was adopted.*

Paragraphs (9) to (17)

*Paragraphs (9) to (17) were adopted.*

*The commentary to article 17, as amended, was adopted.*

*Commentary to article 18 (Crimes against humanity)\**

49. Mr. ROSENSTOCK, commenting on the text of article 18, said that, among the crimes against humanity that were listed, the detention of some groups of persons in camps, as had unfortunately been the case in Yugoslavia, Rwanda and elsewhere, had apparently been forgotten. He therefore proposed that a new subparagraph entitled “imprisonment” should be added between subparagraphs (d) and (e). The draft Code would thus be

\* Article 18 was adopted as article 17 by the Commission at its 2445th meeting.

brought into line with other modern-day texts, such as the statute of the International Tribunal for Rwanda<sup>1</sup> and the statute of the International Tribunal for the Former Yugoslavia,<sup>2</sup> according to which "imprisonment" was a crime against humanity.

50. Mr. THIAM (Special Rapporteur) said that he had no objection to the inclusion of imprisonment in the list of crimes referred to in article 18, but that term should perhaps be qualified because "imprisonments" were not all unlawful and were not necessarily crimes against humanity.

51. Mr. BOWETT said that he agreed with the Special Rapporteur. It should perhaps be made clear that imprisonment without trial was what was meant, although that could be stated in the commentary.

52. Mr. de SARAM said that that explanation was not necessary. If the definition at the beginning of article 18 was read carefully, it was obvious that not just any kind of imprisonment was meant, but, rather, an act committed systematically or on a large scale. He therefore had no objection to the adoption of the amendment proposed by Mr. Rosenstock, for the addition of the word "imprisonment".

53. Mr. KABATSI said he agreed that the definition given at the beginning of article 18 did bring out the idea that acts such as imprisonment must be committed in a systematic manner or on a certain scale, but that did not mean that it must not also be specified that what were meant were unlawful imprisonments during which fundamental human rights were violated.

54. Mr. FOMBA said that the proposal gave rise to a number of questions, including whether it related to situations that took place in time of war or in time of peace. In view, moreover, of the criteria that the Commission had defined to justify the inclusion of some types of reprehensible conduct as crimes against the peace and security of mankind, it could be asked what the specific basis of such a proposal might be. The nature of imprisonment would also have to be defined and it would have to be decided whether it should be of a deliberately arbitrary nature.

55. He considered that the inclusion of such a provision might give rise to a number of problems that it would not be easy to solve. The Commission should therefore leave the text as it stood and rely on the practice of courts for the drafting of jurisprudence on article 18, particularly on the basis of subparagraphs (g) and (j).

56. Mr. PELLET said that the draft Code should reflect the most recent developments in the positive law relating to crimes against the peace and security of mankind and use the same term as the statute of the International Tribunal for the Former Yugoslavia and the statute of the International Tribunal for Rwanda, namely, "imprisonment".

57. The questions raised by Mr. Kabatsi and Mr. Fomba were not really problems at all because the intro-

ductory clause of article 18 indicated that crimes must have been committed in a systematic manner or on a large scale and paragraph (6) of the commentary made it clear that crimes against humanity were autonomous from war crimes.

58. Mr. VARGAS CARREÑO said that the Commission had to be very careful. Imprisonment was, of course, a serious violation of human rights, but it was not comparable to the other violations listed in article 18. Moreover, human rights conventions allowed arbitrary deprivation of freedom in some cases and a reference to imprisonment in article 18 might create problems for Governments when they came to analyse the Code. In order to take account of recent experience, the Commission might consider the question of imprisonment not by including it in the article as a new kind of crime against humanity, but by referring to it in the commentary as an example of discrimination on racial, religious or ethnic grounds under subparagraph (f).

59. Mr. LUKASHUK proposed the inclusion of the following new subparagraph (d), to read: "arbitrary imprisonment for the purposes indicated in subparagraphs (a), (b) and (c) above".

60. Mr. BENNOUNA said that he would have no objection if the Commission decided to take account of recent events, such as the detention of groups of persons in camps for long periods of time in a massive and systematic manner, an act whose seriousness would justify its characterization as a crime against humanity. The term "detention" would, in his view, be better than the term "imprisonment", which referred more to a lawful situation. In view of the entirely "arbitrary" nature of that crime, the problem might be dealt with by including the term "detention" at the beginning of subparagraph (g), on the understanding that it would be explained in the introductory clause of article 18.

61. Mr. KABATSI said that he supported Mr. Bennouna's proposal. With regard to the introductory clause, he pointed out that the one contained in article 18 of the draft Code differed from those of the corresponding articles of the statute of the International Tribunal for the Former Yugoslavia and the statute of the International Tribunal for Rwanda, which were not identical either.

62. Mr. ROSENSTOCK said that the idea of including imprisonment as a crime against humanity was not new, since it dated back to Control Council Law No. 10,<sup>3</sup> which was an integral part of the Nürnberg process. If only in order to prevent conclusions *a contrario* being drawn from a comparison with the earlier instruments, however, he would be prepared to support Mr. Bennouna's proposal.

63. Mr. THIAM (Special Rapporteur) said he agreed that that was an omission that could be remedied in subparagraph (g). Control Council Law No. 10 and the statutes of the recently created international tribunals did

<sup>3</sup> Law relating to the punishment of persons guilty of war crimes, crimes against the peace and against humanity, enacted at Berlin on 20 December 1945 (Allied Control Council, *Military Government Legislation* (Berlin, 1946)).

<sup>1</sup> See 2437th meeting, footnote 7.

<sup>2</sup> *Ibid.*, footnote 6.

refer to “imprisonment”, but, since the Commission wanted to emphasize the arbitrary nature of imprisonment, it could, as a departure from its usual practice of using the wording of existing instruments, refer to “arbitrary detention”.

64. Mr. HE and Mr. FOMBA said that they fully supported Mr. Bennouna’s proposal.

65. Mr. PELLET said that the Commission should use the term “imprisonment”, which was contained in the texts in force. Otherwise, it would have to indicate in the commentary why it had substituted the word “detention” for the usual term “imprisonment”. He pointed out that the inclusion of the term “arbitrary detention” at the beginning of subparagraph (g) would create a problem, since the words “detention of population” did not mean anything.

66. Mr. VILLAGRÁN KRAMER, supported by Mr. VARGAS CARREÑO, said that the time element was essential if imprisonment was to constitute a crime against humanity. Even when carried out on a systematic basis and a large scale, imprisonment was not a crime against humanity if it lasted a short time. In order to achieve a consensus, the Commission would have to consider the possibility of referring to “extended and arbitrary” detention.

67. Mr. ROSENSTOCK said that he objected to the idea of referring expressly to the extended nature of detention because such a qualification had not been and must not be used for the other crimes, the only qualification being that contained in the introductory clause. The idea of duration could, however, be conveyed by replacing the word “detention” by the word “imprisonment”.

68. Mr. THIAM (Special Rapporteur) said that the word “extended” did not mean much and that, if the Commission chose the word “imprisonment”, the only justification would be conformity with existing instruments. The time element might be referred to in the commentary.

69. Mr. VILLAGRÁN KRAMER said that such wording did not make imprisonment a crime against humanity.

70. Mr. MIKULKA, supported by Mr. ROSENSTOCK, referring to a comment by Mr. CALERO RODRIGUES, said that the Commission would be able to avoid many drafting and translation problems if it referred to “arbitrary imprisonment” in a new subparagraph, particularly as no substantive argument justified the inclusion of that crime in subparagraph (g).

71. The CHAIRMAN suggested that, in the light of the discussions, the members of the Commission should consider the possibility of adding a new subparagraph, provisionally designated as “(g) bis”, to article 18, and reading: “Arbitrary imprisonment”. He said that, if he heard no objections, he would take it that the Commission decided to add such a subparagraph to article 18.

*It was so decided.*

72. Mr. ROSENSTOCK pointed out that, in subparagraph (f), the terms “fundamental human rights and free-

doms” should be replaced by the usual term “human rights and fundamental freedoms”.

73. Mr. VILLAGRÁN KRAMER said it was essential that the word “fundamental” should also modify the words “human rights”.

74. The CHAIRMAN said that the problem did not seem to arise in French. The commentary to article 18 would be considered at the following meeting.

*The meeting rose at 1.10 p.m.*

## 2465th MEETING

*Friday, 19 July 1996, at 10.10 a.m.*

*Chairman:* Mr. Robert ROSENSTOCK

*Present:* Mr. Al-Baharna, Mr. Arangio-Ruiz, Mr. Barboza, Mr. Bennouna, Mr. Bowett, Mr. Calero Rodrigues, Mr. Crawford, Mr. de Saram, Mr. Eiriksson, Mr. Fomba, Mr. Güney, Mr. He, Mr. Kusuma-Atmadja, Mr. Lukashuk, Mr. Pambou-Tchivounda, Mr. Pellet, Mr. Robinson, Mr. Szekely, Mr. Thiam, Mr. Vargas Carreño, Mr. Villagrán Kramer, Mr. Yankov.

### Draft report of the Commission on the work of its forty-eighth session (*continued*)

**CHAPTER II. Draft Code of Crimes against the Peace and Security of Mankind (*continued*)** (A/CN.4/L.527 and Add.1 and Add.1/Corr.1, Add.2-5, Add.6/Rev.1, Add.7-9, Add.10 and Corr.1 and Add.11)

**D. Articles of the draft Code of Crimes against the Peace and Security of Mankind (*continued*)** (A/CN.4/L.527/Add.2-5, Add.6/Rev.1, Add.7-9, Add.10 and Corr.1 and Add.11)

*Commentary to article 8* (Establishment of jurisdiction) (*concluded*)\* (A/CN.4/L.527/Add.4)

1. Mr. CALERO RODRIGUES (Chairman of the Drafting Committee) recalled that, in the course of considering the commentaries to the articles, the Commission had (2463rd meeting) examined the question of the possible interpretation of the last sentence of article 8\*\* and established a small working group to redraft the sentence so as to leave no doubt about its precise meaning. The small working group had met on 18 July 1996 and

\* Resumed from the 2463rd meeting.

\*\* Article 8 was adopted as article 7 by the Commission at its 2454th meeting.