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Communication No. 2344/2014

Decision adopted by the Committee at its 115th session (19 October-6 November 2015)

<i>Submitted by:</i>	E.P. and F.P. (represented by Helge Nørrung)
<i>Alleged victim:</i>	The author
<i>State party:</i>	Denmark
<i>Date of communication:</i>	6 February 2014 (initial submission)
<i>Document references:</i>	Special Rapporteur's rule 92 and rule 97 decision, transmitted to the State party on 17 July 2013 (not issued in a document form)
<i>Date of adoption of decision:</i>	2 November 2015
<i>Subject matter:</i>	Deportation to Albania
<i>Substantive issues:</i>	Risk of torture and ill-treatment
<i>Procedural issues:</i>	Insufficient substantiation of claims
<i>Articles of the Covenant:</i>	7
<i>Articles of the Optional Protocol:</i>	2 and 5 (2) (b)



Annex

Decision of the Human Rights Committee under the Optional Protocol to the International Covenant on Civil and Political Rights (115th session)

concerning

Communication No. 2344/2014*

Submitted by: E.P. and F.P. (represented by Helge Nørrung)

Alleged victim: The author

State party: Denmark

Date of communication: 6 February 2014 (initial submission)

The Human Rights Committee, established under article 28 of the International Covenant on Civil and Political Rights,

Meeting on 2 November 2015,

Having concluded its consideration of communication No. 2344/2014, submitted to the Human Rights Committee under the Optional Protocol to the International Covenant on Civil and Political Rights,

Having taken into account all written information made available to it by the author of the communication and the State party,

Adopts the following:

Decision on admissibility

1.1 The authors of the communication are Mr. E.P. and his wife, Ms. F.P., born respectively on 28 September 1967 and 19 May 1977. They claim that, by deporting them to Albania, Denmark would violate their rights under articles 6, 14 and 26 of the International Covenant on Civil and Political Rights. The authors are represented. The Optional Protocol entered into force for Denmark on 6 April 1972.

1.2 When registering the communication on 7 February 2014, and pursuant to rule 92 of its rules of procedure, the Committee, acting through its Special Rapporteur on new communications and interim measures, requested the State party to refrain from deporting the authors to Albania while their case was under consideration by the Committee.

* The following members of the Committee participated in the examination of the present communication: Yadh Ben Achour, Lazhari Bouzid, Sarah Cleveland, Olivier de Frouville, Ahmed Amin Fathalla, Yuji Iwasawa, Ivana Jelić, Duncan Muhumuza Laki, Photini Pazartzis, Mauro Politi, Sir Nigel Rodley, Victor Manuel Rodríguez-Rescia, Fabián Omar Salvioli, Dheerujall Seetulsingh, Anja Seibert-Fohr, Yuval Shany, Konstantine Vardzelashvili and Margo Waterval.

1.3 On 24 June 2014, the Committee, acting through the Special Rapporteur under rule 97, paragraph 3, of its rules of procedure, decided to examine the admissibility of the communication together with its merits.

1.4 On 19 December 2014, the Committee, acting through the Special Rapporteur, decided to deny the State party's request dated 5 August 2014 to lift the interim measures.

The facts as submitted by the authors

2.1 In the 1990s, the authors' family engaged in a land dispute with the Shtjefni family in Albania. In 2008, the authors' family was accused of killing a member of the Shtjefni family and threatened. Consequently, F.P. moved with her two children, born in 2002 and 2005, to the city of Skhoder, while E.P. hid in different villages. F.P. experienced verbal threats and inquiries by unknown persons and a probable attempt to kidnap her son in Skhoder. Both children had to be accompanied to school and the son was later taken out of school to stay with F.P. in order to ensure his better protection. In 2012, the killing of another member of the Shtjefni family in Italy led to additional threats and searches for the authors' family by the Shtjefni family. Consequently, F.P. changed location again and settled in another village, Urae Shtrejt. The authors' reconciliation attempts with the Shtjefni family through the police and the national reconciliation committee were to no avail. Consequently, the authors decided to leave Albania.

2.2 On 30 June 2012, the authors and their children arrived in Denmark. On 3 July 2012, they claimed asylum on the grounds of a blood feud in Albania that threatened their lives. On 18 July 2012, the Danish immigration service rejected their application for asylum and ordered them to leave Denmark. The immigration service determined that the verbal threats and the conflict with the Shtjefni family was "not of an intensity and character that it is comparable with asylum-relevant persecution under article 7 of the Alien's Act". Since the decision was issued as "manifestly unfounded" under section 53 (b) (1) of the Aliens Act, no appeal could be filed before the Danish refugee board.

2.3 On an unspecified date, the authors applied before the Ministry of Justice for a residence permit on humanitarian grounds, according to section 9 (b) (1) of the Aliens Act. On 7 June 2013, the Ministry rejected the application and ordered the authors and their children to leave Denmark on 22 June 2013.

2.4 On 21 June 2013, the authors' counsel filed an action before the District Court of Copenhagen against the decision of the immigration service to reject the asylum claim. The action, to claim asylum in Denmark and suspend the authors' expulsion to Albania in the meantime, was rejected by the Court on 18 September 2013, on the grounds that the authors' interest in staying in the country during the judicial proceedings did not outweigh the immigration service's interest in enforcing immigration legislation. The Court further established that the information available did not disclose a risk of persecution for the authors in their home country such as to justify suspending the court proceedings.

2.5 On an unspecified date, the authors' counsel appealed against the decision of the District Court of Copenhagen before the High Court of Eastern Denmark. On 15 November 2013, the High Court of Eastern Denmark upheld the decision of the District Court of Copenhagen. On an unspecified date, the authors applied for permission to appeal against the decision of the High Court of Eastern Denmark to the Supreme Court. On 20 December 2013, the appeals permission board denied leave to appeal to the Supreme Court, on the grounds that the appeal did not involve any matter of principle.

2.6 The authors submit that they have exhausted all available and effective domestic remedies.

The complaint

3.1 The authors claim that, if returned to Albania, the threat of blood feud will put their lives at risk amounting to a violation of article 6 of the Covenant.

3.2 The authors also claim that the rejection of their asylum application as “manifestly unfounded”, without a proper investigation or a possibility of an effective appeal to the refugee board or the courts; the failure to be provided with a lawyer; and the denial to suspend the decision of the immigration service that prevented them from defending themselves before the court, constitute a violation of their rights under article 14 of the Covenant.

3.3 The authors further claim that, since other asylum seekers in similar cases have been given the right to appeal to the refugee board, their denial of that right was discriminatory, contrary to article 26 of the Covenant.

State party’s observations on admissibility

4.1 On 7 April 2014, the State party presented its observations on admissibility. It submitted that the authors had failed to sufficiently substantiate their claims to be regarded as “victims” and that the communication should therefore be declared inadmissible.

4.2 The State party recalls that the authors’ case was determined on the basis of the shortened procedure intended for the examination of asylum applications that are deemed manifestly unfounded. For the purposes of asylum law, the immigration authorities consider Albania to be a safe third country, which implies that asylum applications from Albanian nationals will usually be examined under the so-called “manifestly unfounded” procedure.

4.3 If the immigration service finds that an application for a residence permit under section 7 of the Aliens Act is manifestly unfounded, the case is submitted to the Danish Refugee Council, a humanitarian, non-governmental organization. The Council issues an opinion on the case after a personal interview with the asylum seeker(s). If the Council agrees with the assessment of the immigration service to the effect that the application is manifestly unfounded, the application is refused. That decision cannot be appealed to the refugee appeals board. If, by contrast, the Council disagrees with the assessment of the immigration service, the application is processed according to the normal procedure, and the decision is automatically appealed to the board, which makes the final decision in the case. The State party further explains that it follows from section 53 (b) (1) of the Aliens Act that, upon submission to the Council, the immigration service may determine that a decision to refuse a residence permit under section 7 cannot be appealed to the board if the application must be considered manifestly unfounded under section 53 (b) (1) of the Aliens Act.¹

¹ An application is considered manifestly unfounded where:

- The identity claimed by the applicant is manifestly incorrect (para. (i))
- It is manifest that the circumstances invoked by the applicant cannot lead to the issuance of a residence permit under section 7 (para. (ii))
- It is manifest that the circumstances invoked by the applicant cannot lead to the issuance of a residence permit under section 7 according to the practice of the refugee appeals board (para. (iii))
- The circumstances invoked by the applicant are in manifest disagreement with general background information on the situation in the applicant’s country of origin or former country of residence (para. (iv))
- The circumstances invoked by the applicant are in manifest disagreement with other specific information on the applicant’s situation (para. (v))

4.4 On 13 July 2012, the immigration service recommended to the Danish Refugee Council that the authors' asylum applications be considered manifestly unfounded and thus ineligible for appeal to the refugee appeals board. On the same day, following a personal interview with the authors, the Council endorsed that recommendation. Accordingly, in two decisions dated 18 July 2012, the immigration service rejected the authors' asylum application as manifestly unfounded under section 53 (b) (1) of the Aliens Act.

4.5 Cases examined under the "manifestly unfounded" procedure are, however, systematically reported to the refugee appeals board. Accordingly, the refusal of asylum issued to the authors by the immigration service was reported to the board, together with the other cases determined as manifestly unfounded in the third quarter of 2012. That report, which contained a specific description of the case, was considered at the meeting on 30 January 2013 held by the coordination committee of the board and did not give rise to comments from the board or to the application of the so-called call-in powers, according to which the board may decide that certain groups of cases can be appealed to it.

4.6 When served with the refusal of asylum, the authors applied to the Ministry of Justice for residence on humanitarian grounds under section 9 (b) (1) of the Aliens Act. The Ministry stayed the execution of the return of the authors from Denmark pending the determination of the applications. On 7 June 2013, the Ministry refused to grant residence on humanitarian grounds.

4.7 The State party recalls the authors' factual grounds for seeking asylum and states that the immigration service considered in this respect that even if those grounds were to be admitted as facts, they could not lead to the recognition of asylum or protection status in Denmark. The immigration service determined that the grandfather of E.P. only received verbal threats and that E.P. had not been subjected to physical abuse; that there had been no search for E.P. during the conflict with the Shtjefni family, except on one occasion, two years ago, when two men reportedly asked for him; that the immigration service qualified the incident as isolated and now obsolete; as that F.P. was able to pursue her job as a schoolteacher between 2008 and 2012 without any search being made for her.

4.8 Furthermore, the immigration service determined that, if the authors felt persecuted, they could take up residence somewhere else in Albania where it can be assumed that persons from the Shtjefni family would not be able to locate them. The immigration service concluded that the severity and nature of the conflict did not amount to persecution, within the meaning of section 7 of the Aliens Act.

4.9 According to the State party, the authors' statement that the potential risk for their lives in case of return to Albania was only assessed by one administrative authority, without the possibility of judicial review prior to the implementation of the return, is inaccurate. The non-refoulement aspect of the case was first assessed by the immigration service. Following a specific assessment, the Danish Refugee Council endorsed the examination of the asylum application in accordance with the "manifestly unfounded" procedure. Moreover, the referral of the case to the refugee appeals board by the immigration service, as per standard procedure, did not give rise to any comments from the board or to any application of its call-in powers.

4.10 The State party adds that the issue of the risk in case of return was again considered as part of proceedings introduced by the author for a stay of execution before the District Court of Copenhagen and the High Court of Eastern Denmark. Therefore, the issue of their

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- The circumstances invoked by the applicant must be deemed manifestly to lack credibility, including as a consequence of the applicant's changing, contradictory or improbable statements (para. (vi))

return has been the subject of review by both an administrative authority and two court instances. The State party recalls that the District Court refused to grant a stay of execution pending the completion of court proceedings, a decision later upheld by the High Court of Eastern Denmark on 15 November 2013. On 20 December 2013, the appeals permission board dismissed the authors' application to file an appeal before the Supreme Court.

4.11 The hearing on the merits of the authors' case, which will assess their asylum application and their right to appeal to the refugee appeals board, has been scheduled for 24 April 2014 by the District Court of Copenhagen.

4.12 The State party considers the authors' claim under article 6 to be manifestly unsubstantiated. It adds that, through the interim measures issued by the Committee, the authors have managed to continue their stay in Denmark until completion of the legal proceedings concerning their residence permits.

4.13 Concerning article 14 of the Covenant, the State party refers to paragraphs 16 and 17 of the Committee's general comment No. 32 and notes that asylum proceedings do not constitute civil rights and obligations and thus fall outside the scope of article 14. Should the Committee nonetheless find that asylum proceedings do fall within the scope of article 14, the State party submits that the authors have failed to establish that they have been deprived of their rights under this provision.

4.14 Regarding the authors' claim under article 14 that they were not provided with a lawyer, the State party stresses that article 14 (3) (d) only applies to criminal cases. Therefore, whether or not asylum proceedings fall within the scope of article 14, the authors' arguments fall outside the scope of this provision.

4.15 Concerning article 26 and the authors' contention that, by giving access to appeal to other asylum seekers in a comparable situation the State party discriminated against them, the State party acknowledges that access to appeal to the refugee appeals board has been granted in a few cases concerning Albanian asylum seekers who claimed fear of blood revenge as their grounds for seeking asylum. However, such cases naturally vary in intensity and nature. In any event, it cannot be stated that the procedure implied discrimination or a lack of equality before the law with respect to the authors.

4.16 Against this background, the State party concludes that the authors' communication constitutes an abuse of the right of submission and that it should be declared inadmissible.

Author's comments on the State party's observations

5.1 On 12 May 2014, the authors submitted that, thanks to the interim measures demanded by the Committee and respected by the State party, they could attend the hearing held on 24 April 2014 by the District Court of Copenhagen. A verdict is expected on 22 May 2014.

5.2 The authors reiterate their previous submission. They also note that it is unclear as to which specific ground of section 53 (b) (1) the negative decision in their case was taken, as the preliminary proposal to the Danish Refugee Council referred to subsection (ii), (iii) and (vi).²

5.3 The authors contest the decision of the District Court of Copenhagen of 18 September 2013 and the appeal decision of the High Court of Eastern Denmark of 15 November 2013 not to suspend their deportations while their legal cases on the merits are still pending before Danish courts. They add that a stay of execution is often issued in cases

² See note 1 above reproducing section 53 (b) (1) of the Aliens Act.

in which the potential harm at stake is relatively limited, such as actions for monetary payment or removal of unlawful constructions. In the present case, however, the consequences of refusal to stay execution would be irreparable, as the execution of the administrative decision entails removing the authors to Albania, thus exposing them to the risk that they may lose their lives. A second risk is that of preventing them from attending the hearing in their case.

5.4 On the admissibility arguments raised by the State party, the authors reiterate their previous argument that they would be deprived of their right to a fair trial if they were prevented from attending the hearing in their case, namely, the appeal against the unfavourable administrative decision in their asylum proceedings.

5.5 The authors reject the State party's statement that their claims are unsubstantiated under articles 6, 14 and 26 of the Covenant. Regarding article 26, they reiterate that several Albanian asylum seekers in comparable circumstances have been given access to appeals proceedings before the refugee appeals board in cases of blood feuds, which amounts to discrimination in their regard.

State party's observations on the merits

6.1 On 5 August 2014, the State party submitted observations on the merits of the case. It first noted that, contrary to the authors' claim on discrimination, since the immigration service refused the authors' claim for asylum in July 2012, the refugee appeals board has not granted asylum in any case concerning Albanian asylum seekers claiming fear of blood revenge. As a matter of fact, the board has not granted asylum to any Albanian asylum seekers at all since 2003.

6.2 The State party recalls that, when the authors instituted proceedings before the District Court of Copenhagen, their primary claim was to be granted asylum and their alternative claim was for access to appeal the refugee appeals board. On 22 May 2014, the District Court of Copenhagen delivered a judgement in the case, finding in favour of the immigration service. The District Court determined that it had not been substantiated that the immigration service had made any procedural error or that there were any defects in the decision. Consequently, the Court found no basis for disregarding the discretionary conclusion of the immigration service, which determined the authors' claim under the "manifestly unfounded" procedure, a conclusion that was endorsed by the Danish Refugee Council.

6.3 On 3 June 2014, the authors appealed the decision of the District Court of Copenhagen to the High Court of Eastern Denmark.

6.4 Concerning the authors' claim under article 14 of the Covenant, the State party refers to its previous observations on admissibility and reiterates that asylum proceedings do not fall within the scope of article 14 and that this part of the communication should therefore be considered inadmissible *ratione materiae* pursuant to article 3 of the Optional Protocol.

6.5 On the merits, the State party dismisses the authors' allegations under articles 6, 14 and 26 of the Covenant by referring to its previous submissions on admissibility. It concludes that the authors have failed to establish a *prima facie* case and that their communication should therefore be found manifestly unfounded and accordingly declared inadmissible. Furthermore, the State party maintains that the communication constitutes an abuse of the right of submission.

Additional submissions from the authors

7.1 On 3 November 2014, the authors reiterated that cases involving asylum seekers involved in blood feuds in Albania had been appealed. They claimed that, out of nine cases of Albanian asylum seekers handled by the Danish Refugee Council in 2013 in which fear of blood revenge was part of the asylum motive, the Council had exercised its discretionary power in eight. That means that the Council had refused the use of the “manifestly unfounded” procedure in those eight cases, which were then sent for appeal before the refugee appeals board.

7.2 With respect to the risk faced in Albania in case of forcible return, the authors refer to their initial submission. They reiterate that proceedings are pending in their case before the High Court of Eastern Denmark.

7.3 Concerning article 14, the authors stress that the procedure in their case does not directly involve matters of expulsion of aliens, such as to fall under article 13, as the State party suggests. Rather, the authors’ allegation focuses on the formality of the lawsuit, more specifically the denial of suspensive effects in the proceeding. As such, it falls under article 14 of the Covenant.

7.4 On 7 September 2015, the authors informed the Committee that, by its decision of 2 September 2015, the High Court of Eastern Denmark upheld the decision of the District Court of Copenhagen of 22 May 2014 (see para. 6.2). The High Court of Eastern Denmark determined that it found no basis for overriding the immigration services’ assessment.

Issues and proceedings before the Committee*Consideration of admissibility*

8.1 Before considering any claims contained in a communication, the Human Rights Committee must, in accordance with rule 93 of its rules of procedure, decide whether or not it is admissible under the Optional Protocol to the Covenant.

8.2 As required under article 5 (2) (a) of the Optional Protocol, the Committee has ascertained that the same matter is not being examined under another procedure of international investigation or settlement.

8.3 The Committee notes that the authors have exhausted all available domestic remedies, as required by article 5 (2) (b) of the Optional Protocol.

8.4 The Committee recalls its general comment No. 31, in which it refers to the obligation of States parties not to extradite, deport, expel or otherwise remove a person from their territory when there are substantial grounds for believing that there is a real risk of irreparable harm, such as that contemplated by articles 6 and 7 of the Covenant.³ The Committee has also indicated that the risk must be personal⁴ and that there is a high threshold for providing substantial grounds to establish that a real risk of irreparable harm exists.⁵ In making this assessment, all relevant facts and circumstances must be considered,

³ See the Committee’s general comment No. 31 (2004) on the nature of the general legal obligation imposed on States parties to the Covenant, para. 12.

⁴ See, for example, communications no. 2007/2010, *X v. Denmark*, Views adopted on 26 March 2014, para. 9.2; No. 282/2005, *S.P.A. v. Canada*, decision adopted on 7 November 2006; No. 333/2007, *T.I. v. Canada*, decision adopted on 15 November 2010; No. 344/2008, *A.M.A. v. Switzerland*, decision adopted on 12 November 2010; and No. 692/1996, *A.R.J. v. Australia*, Views adopted on 28 July 1997, para. 6.6.

⁵ See, for example, *X v. Denmark* (note 4 above), para. 9.2; no. 1833/2008, *X v. Sweden*, Views adopted on 1 November 2011, para. 5.18.

including the general human rights situation in the author's country of origin.⁶ The Committee further recalls its jurisprudence that considerable weight should be given to the assessment conducted by the State party, unless it is found that the evaluation was clearly arbitrary or amounted to a denial of justice,⁷ and that it is generally for organs of States parties to the Covenant to review or evaluate facts and evidence in order to determine whether such a risk exists.⁸

8.5 The Committee notes the authors' claim that their asylum application, decided under the "manifestly unfounded" procedure without a possibility of an effective appeal to the refugee appeals board; the failure to provide them with a lawyer; and the denial of suspensory effect of the immigration service decision, have constituted a violation of article 14 of the Covenant. The Committee also notes the authors' claim that, since other Albanian asylum seekers in similar situations of threats on account of blood-feud revenge have been given the right to appeal to the board, they consider that their rights under article 26 of the Covenant have been violated.

8.6 The Committee refers to its jurisprudence in which it determined that proceedings relating to the expulsion of aliens do not fall within the ambit of a determination of "rights and obligations in a suit at law" within the meaning of article 14 (1) but are governed by article 13 of the Covenant.⁹ Article 13 of the Covenant offers some of protection afforded by article 14 (1) of the Covenant but not the right of appeal.¹⁰ The Committee therefore considers that the authors' claim under article 14, concerning the right of appeal, is inadmissible *ratione materiae* pursuant to article 3 of the Optional Protocol.

8.7 The Committee also notes that article 14 (1) of the Covenant does not oblige States parties to provide asylum applicants with a lawyer, except where it would otherwise be impossible to conduct a hearing that meets principles of impartiality, fairness and equality of arms.¹¹ The authors have not explained how their right under article 14 (1) was violated in the circumstances of the case, especially in the light of the fact that they were represented at all stages of the proceedings in Denmark, other than the initial appearance before the immigration service. The Committee therefore finds this part of the authors' claim insufficiently substantiated for purposes of admissibility and declares it inadmissible under article 2 of the Optional Protocol.

8.8 The Committee furthermore considers the authors' claim with respect to article 26 of the Covenant is general in nature and fails to address the State party's position that the other cases of Albanian asylum seekers differ from the authors' in their intensity. As a result, this claim is also insufficiently substantiated for purposes of admissibility, and the Committee declares it inadmissible under article 2 of the Optional Protocol.

⁶ Ibid.

⁷ See, inter alia, *ibid.* and communication No. 541/1993, *Errol Simms v. Jamaica*, inadmissibility decision adopted on 3 April 1995, para. 6.2.

⁸ See communications No. 1763/2008, *Pillai et al. v. Canada*, Views adopted on 25 March 2011, para. 11.4; and No. 1957/2010, *Lin v. Australia*, Views adopted on 21 March 2013, para. 9.3.

⁹ See, inter alia, communication No. 1494/2006, *A.C. and her children, S., M. and E.B. v. The Netherlands*, inadmissibility decision adopted on 22 July 2008, para. 8.4: "The Committee refers to its jurisprudence that deportation proceedings did not involve either 'the determination of any criminal charge' or 'rights and obligations in a suit at law' within the meaning of article 14" (citing communication No. 1234/2003, *P.K. v. Canada*, inadmissibility decision of 20 March 2007, paras. 7.4 and 7.5).

¹⁰ See general comment No. 32 (2007) on article 14: right to equality before courts and tribunals and to a fair trial, paras. 17 and 62; and communication No. 2186/2012, *X v. Denmark*, Views adopted on 22 October 2014, para. 6.3.

¹¹ See general comment No. 32 (note 10 above), para. 62.

8.9 With regard to the authors' claim under article 6, the Committee notes the State party's challenge as to the admissibility of such a claim for lack of sufficient substantiation. The Committee notes the authors' claim that they fear for their lives in the event of a forcible return to Albania on account of the blood-feud dispute that has long opposed them to the Shtjefni family and the related threats and searches for the authors' family members, which prompted F.P. to move to the village of Skhoder and later to Urae Shtrejt with her children. The Committee also notes that the authors allege fear of death at the hands of private individuals located in Skhoder but that they have failed to provide convincing evidence that the Albanian authorities are unwilling or unable to protect them in all locations throughout Albania. Nor have they presented any reason as to why it would be unreasonable for them to live in other locations in Albania, far removed from Skhoder or Urae Shtrejt, where they would be safer.

8.10 The Committee notes that the immigration service determined that the conflict opposing the authors to the Shtjefni family was not of an intensity and character such as to fall into the ambit of article 7 of the Aliens Act, which provides for persecution grounds entitling applicants to asylum, and which partly overlap with articles 6 and 7 of the Covenant. The immigration service further determined that the authors could settle in a different location in Albania, where the Shtjefni family would not be able to locate them. The authors disagree with the factual conclusions of the State party's authorities, but the information before the Committee does not show that those findings are manifestly unreasonable.

8.11 The authors have not convincingly identified any irregularity in the decision-making process or any risk factor that the State party's authorities failed to take properly into account. In the light of the above, the Committee considers that the authors have failed to sufficiently substantiate their claim that their return to Albania would breach article 6 of the Covenant.

9. The Human Rights Committee therefore decides:

- (a) That the communication is inadmissible under article 2 of the Optional Protocol;
- (b) That this decision shall be communicated to the State party and to the authors.
