

HUMAN RIGHTS COMMITTEE

R. L. v. Canada

Communication No. 342/1988

7 April 1989

ADMISSIBILITY

Submitted by: R. L. [name deleted]

Alleged victims: The author

State party concerned: Canada

Date of communication: 1 June 1988

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

Meeting on 7 April 1989,

Adopts the following:

Decision on admissibility

1. The author of the communication, dated 1 June 1988, is R. L., a Canadian citizen currently residing in the province of Quebec. He claims to be a victim of violations of his human rights by the Canadian courts, alleging that during bankruptcy proceedings his rights to equality before the law and to a fair trial were denied. In particular, he alleges that the judges in both the trial and the appellate courts relied on false evidence and clearly favoured the other party, a lawyer of a prestigious law firm in both procedure and substance. He further claims that all decisions rendered were the product of bad faith and bias on the part of the judges.

2. With regard to the issue of exhaustion of domestic remedies, the author claims that it would be futile to file further appeals on the ground of the unfair attitude allegedly exhibited by the Judges. He encloses, however, a copy of a petition for a declaratory judgement, dated 31 May 1988, in which he asks the Superior Court of the District of Montreal to declare that the rights to equality before the law and to a fair trial as enshrined in the Canadian and

Quebec Charters of Rights and Liberties, apply to him.

3. Before considering any claims contained in a communication, the Committee must ascertain whether it fulfils the basic conditions of admissibility under the Optional Protocol.

4. A thorough examination of the material submitted by the author does not reveal any substantiation of the claim, for purposes of admissibility, that he is a victim of violations by the State party of any of the rights set forth in the International Covenant on Civil and Political Rights. Furthermore, the author has acknowledged that he has not exhausted all domestic remedies, which he is required to do under article 5, paragraph 2 (b), of the Optional Protocol. The communication does not disclose the existence of any special circumstances which might have absolved the author from exhausting the domestic remedies at his disposal. The Committee concludes that the requirements for declaring the communication admissible under the Optional Protocol have not been met.

5. The Human Rights Committee therefore decides:

(a) That the communication is inadmissible;

(b) That this decision be communicated to the author and, for information, to the State party.