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International Covenant on Civil and Political Rights

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Human Rights Committee

Decision adopted by the Committee under the Optional Protocol, concerning communication No. 2824/2016*, **

Communication submitted by:	V.G. (not represented by counsel)
Alleged victim:	The author
State party:	Russian Federation
Date of communication:	7 May 2016 (initial submission)
Document references:	Decision taken pursuant to rule 92 of the Committee's rules of procedure, transmitted to the State party on 12 October 2016
Date of adoption of decision:	31 October 2023
Subject matter:	Protection of honour and reputation
Procedural issues:	Exhaustion of domestic remedies; substantiation of claims; abuse of the right of submission
Substantive issues:	Fairness of proceedings; honour and reputation
Articles of the Covenant:	14 (1), (2) and (6), 16 and 17
Articles of the Optional Protocol:	2, 3 and 5 (2) (b)

1. The author of the communication is V.G., a national of the Russian Federation born in 1962. He claims that the Russian Federation has violated his rights under articles 14 (1) and (6), 16 and 17 of the Covenant. The Optional Protocol entered into force for the State party on 1 January 1992. The author is not represented by counsel.

Facts as submitted by the author

2.1 Between 2 March 2009 and 18 March 2011, the author was the head of the local administration in Sapozhok – a town in the Ryazan Region of the Russian Federation. He was also an assistant to a deputy of the State Duma of the Federal Assembly of the Russian Federation at the material time.[1] According to the author, since November 2010, the Sapozhok Council of Deputies has been attempting to damage his reputation and remove him from office.

* Adopted by the Committee at its 139th session (9 October–3 November 2023).

** The following members of the Committee participated in the examination of the communication: Tania María Abdo Rocholl, Farid Ahmadov, Wafaa Ashraf Moharram Bassim, Rodrigo A. Carazo, Yvonne Donders, Mahjoub El Haiba, Carlos Gómez Martínez, Laurence R. Helfer, Marcia V.J. Kran, Bacre Waly Ndiaye, Hernán Quezada Cabrera, José Manuel Santos Pais, Soh Changrok, Tijana Šurlan, Kobauyah Tchamdja Kpatcha, Teraya Koji, Hélène Tigroudja and Imeru Tamerat Yigezu.

[1] According to the documents provided by the author, he was an assistant to deputy R. of the Liberal Democratic Party of Russia.

2.2 On 19 March 2011, NTV, a free-to-air television channel, broadcast a news report covering the emergency situation that was taking place in Sapozhok due to the malfunctioning of the sewerage system in the town. According to the author, the news report contained untrue information, defaming him by affronting his honour and dignity. The report accused him of illegally selling a sewage truck owned by the municipality, which is a criminal offence. The author submits that he did not commit that crime, which was actually committed by V.A.S. – a former director of a municipal enterprise, who illegally sold the vehicle to his wife at a low price. In a court judgment dated 17 July 2012, V.A.S. was found guilty of abuse of authority under article 201 (1) of the Criminal Code for the illegal alienation of municipal property. The author also submits that in the news report he was unlawfully accused of another crime, namely the unlawful deprivation of liberty of deputies from the local Council of Deputies, and was referred to as a "bastard". On 20 March 2011, the news report was posted in the public domain on the Internet. The information contained in the report was also published by several other media outlets, including at a regional level.

2.3 On 27 November 2013, the author lodged a civil lawsuit with Presnensky District Court in Moscow against the NTV television company and the correspondent I.T. – the author of the news report, to protect his honour, dignity and reputation and to claim reimbursement of damages and compensation for moral harm. Specifically, the author requested that the following expressions in the news report be retracted and declared untrue and defamatory of his honour and dignity: "A vital machine (a sewage truck) was sold by the head of the local administration (V.G.) to the wife of his personal driver, but she failed to cope with the profitable business and the vehicle ended up in an impoundment lot. This cost V.G. his seat – at a general meeting, outraged residents removed him from his post. But the resignation did not help to solve the odorous problem in the town. Miraculously, the vehicle, with an estimated value of 50,000 roubles, was first rented to the wife of V.G.'s driver, and was then sold for a ridiculous sum (150 roubles). And the result was an unnatural monopoly on the village sewage." The author argued, in support of his civil claim, that the above-mentioned statements were untrue and defamatory, as he had been accused of committing a criminal offence under article 159 of the Criminal Code (i.e. fraud), which he had not committed. The crime had been committed by V.A.S., who had been convicted in a court judgment dated 17 July 2012.

2.4 On 26 March 2014, Presnensky District Court rejected the author's claim as unfounded. It assessed the contested expressions and found that the information contained in them could not be said to be defamatory of the author with regard to his honour and dignity. In particular, with respect to the following expression in the news report: "A vital machine (a sewage truck) was sold by the head of the local administration (V.G.) to the wife of his personal driver", the court found that there were no grounds to conclude that it was defamatory, as it did not contain allegations of a violation by the author of the current legislation, or of bad faith on his part in carrying out his activities, or of a violation of business ethics or business customs, detracting from his honour, dignity and reputation. With respect to the expression "This cost V.G. his seat – at a general meeting, outraged residents removed him from his post", the court found that it did not contain any statements about the author's own actions. The court also found that the author was not mentioned in the other contested expressions. It therefore concluded that, in the absence of a focus on an individual, there was no negative assessment of a particular person. It further found that the news report, which covered the problems related to the improper functioning of the municipality's sewerage system, contained an expression of the journalist's personal subjective opinion, evaluative in nature, concerning the issue at hand.

2.5 On 26 August 2014, the author lodged an appeal against the decision of the court of first instance, complaining that the decision had been rendered in his absence and that he had not been duly notified of the time and place of the hearing.[2] The author also challenged the court's findings, arguing, inter alia, that the news report contained sufficient information to identify him as the head of the local administration in Sapozhok. He further argued that the

[2] As it transpires from the documents provided by the author, L.O.A., the author's representative by power of attorney, participated in the first instance hearing.

report contained untrue statements of fact attacking his honour and dignity and defaming him, as well as libel and slander against him.

2.6 On 10 December 2014, Moscow City Court rejected the appeal as unfounded and upheld the judgment of the first instance court. It found no grounds to depart from the assessment made by that court, noting that the facts highlighted in the news report – the impossibility of using the only sewage truck available in the town because it had been sold, which had led to a serious problem in the municipality – were not disputed by the author. Thus, the journalist in the present case had a sufficient factual basis to conclude that it was the author, as the head of the local administration and the public official in charge of ensuring the functioning of the sewerage system in the town, who was responsible for the situation. Moscow City Court noted the importance of ensuring a fair balance between private interests on the one hand, and freedom of the media on the other. In that respect, it found that the journalist in the present case was covering particularly significant problems in society, that is, violations in the utilities sector and the emergency situation in the town, and was entitled to resort to journalistic exaggeration and even provocation.

2.7 On 8 April 2015, the author lodged a cassation appeal with the Presidium of Moscow City Court, essentially reiterating his complaints raised on appeal to the effect that the contested news report contained untrue, defamatory statements of fact, as well as libel and slander against him.

2.8 On 2 June 2015, a judge of Moscow City Court dismissed the cassation appeal and refused to refer the case for consideration by the Presidium of the Court, finding that the first instance and appeal courts had duly assessed the arguments and evidence provided by the parties and that there were no grounds for these to be reassessed.

2.9 The author submits that, although there was a possibility under domestic law to lodge a further appeal in cassation before the Supreme Court of the Russian Federation, he did not have time to do so, as he received the decision dated 2 June 2015 of the Moscow City Court judge on 11 June 2015, that is, on the same day that, according to the author, the statutory six-month time limit for lodging a cassation appeal expired. The author further submits that lodging an application for a reset of the missed procedural time limit would have resulted in delaying the process in his case for several years, and would be futile anyway as it is practically unrealistic for ordinary citizens to obtain justice in the State party, especially in a dispute with a federal television channel.

2.10 The author submits that he lodged numerous complaints with the Office of the Prosecutor requesting that employees of the NTV television company be held criminally liable for defamation. His requests did not yield any results.[3]

Complaint

3. The author claims, in his initial submission to the Committee, that the facts of the case reveal a violation of his rights under articles 14 (1) and (6), 16 and 17 of the Covenant.[4] He argues that NTV caused serious damage to his reputation and authority. The news report belittled his honour and dignity, and contained slander and direct insults. Furthermore, several government employees took part in ruining his reputation, including a former minister from the regional government and the former prosecutor of the municipality.[5] The author submits that the domestic courts refused to protect his rights. On 26 March 2014, the first instance court rejected his claim in his absence; he had not been duly notified of the court hearing. The court also did not examine the judgment of 17 July 2012 in the case of V.A.S. The author submits that the judicial system in the State party is not independent.[6]

[3] The materials submitted to the Committee contain official responses to the author's respective complaints, explaining to the author his right to file a civil lawsuit for defamation.

[4] The author also invokes in his application art. 12 of the Universal Declaration of Human Rights; and arts. 6 (1), 8 (1) and (2), 10, 13 and 14 of the Convention for the Protection of Human Rights and Fundamental Freedoms (European Convention on Human Rights) and art. 3 of Protocol No. 1 thereto.

[5] No further details are provided as to the alleged violation.

[6] No further arguments are provided.

State party's observations on admissibility

4.1 In a note verbale dated 9 December 2016, the State party submitted its observations on the admissibility of the communication, noting that the author had not exhausted domestic remedies, as he had failed to bring a complaint before the Supreme Court in the framework of the cassation proceedings. The State party explains that, according to the domestic procedural legislation (art. 376 of the Civil Procedure Code), an appeal in cassation may be lodged within six months of the court judgment in a civil case becoming binding. The author has the possibility to apply for a reset of the missed procedural time limit to lodge his cassation appeal. The State party further explains that the time limit may be reset in exceptional circumstances, for valid reasons which, viewed objectively, made it impossible to lodge a complaint within the prescribed time limit, provided that those circumstances occurred within a period no longer than one year after the judgment became binding. The State party further submits, with reference to the jurisprudence of the European Court of Human Rights in *Abramyan and Others v. Russia*,[7] that filing a cassation appeal with the Supreme Court is an effective remedy in civil cases.

4.2 The State party also argues that the author failed to substantiate his complaints under articles 14, 16 and 17 of the Covenant, noting in this respect that mere allegations relating to a "politicized judicial system" and the absence of an "independent judicial system" do not constitute evidence of any specific violation. The State party considers that the communication is inadmissible under articles 2 and 3 of the Optional Protocol as manifestly ill-founded.

Author's comments on the State party's observations on admissibility

5.1 On 10 January 2017, the author submitted his comments, arguing that the news report had been ordered and well planned by high-ranking officials of the State party in order to damage his reputation and create a negative opinion about him. Therefore, applying for a reset of the missed procedural time limit would not bring any positive results. The author also submits that the time limit was missed through no fault of his own, but due to the lengthy examination of his case by the courts of appeal and cassation.

5.2 The author further argues that the State party's observations relate only to the civil law aspect of his case and do not take into account other aspects, namely the fact that in the news report he was accused of committing two serious criminal offences – the unlawful sale of municipal property and the unlawful detention of several deputies from the local Council of Deputies. The author reiterates that he did not commit those crimes. Investigative measures carried out into those facts resulted in the refusals to institute criminal proceedings against him. Thus, according to the author, the publication of the news report by the television company constituted a knowingly false denunciation and an insult of him as a representative of authority, which is a criminal offence. Furthermore, according to the author, NTV, as a State television company representing public authority, publicly declared him a criminal, and therefore violated his right to be presumed innocent. The State party, in its turn, took no action to prosecute those responsible and hold them criminally liable. As a result of the media harassment, he lost his job and his source of income.

5.3 Commenting on the State party's argument as to the inadmissibility of the communication for being ill-founded, the author reiterates, with reference to article 14 (2) of the Covenant, that the State television company NTV, in breach of the principle of the presumption of innocence, publicly accused him of having committed criminal offences which he had not committed. With reference to article 16 of the Covenant, the author submits that he was deprived of recognition of his legal personality as a result of the State party's failure to prosecute those responsible for disseminating defamatory information about him and to restore his good name and reputation. With reference to article 17 (1) and (2) of the Covenant, the author submits that the dissemination of untrue information about him in the media constituted an attack on his honour and reputation. The State party failed to provide protection against the interference with the relevant right. The author asks the Committee to

[7] European Court of Human Rights, *Abramyan and Others v. Russia* (applications No. 38951/13 and No. 59611/13), decision of 12 May 2015, para. 93.

declare the communication admissible and to request the State party to take measures to refute the defamatory information about him and to punish those responsible.

State party's further observations

6.1 In a note verbale dated 16 June 2017, the State party submitted its observations, reiterating its position that the communication is inadmissible.

6.2 In relation to the author's argument that Presnensky District Court failed to duly notify him of the first instance hearing held on 26 March 2014, the State party submits that on 4 March 2014 a summons was sent to the author by registered mail with return receipt, requesting him to appear in court on 26 March 2014. The summons was returned to the court due to its non-receipt by the addressee and the expiry of the postal storage period. The author's representative by power of attorney, O.A.L., participated in the hearing at the first instance court, as well as at the appeal. The State party considers that, despite the author's absence at the hearing on 26 March 2014, the courts ensured equality of arms in the present case.[8]

6.3 With respect to the author's complaint that his right under article 14 of the Covenant was violated on account of the refusal by the courts to satisfy his claims, the State party argues that, in the present case, there are no grounds to conclude that the evaluation of facts and evidence and the application of domestic law by the court were clearly arbitrary or amounted to a manifest error or denial of justice, or that the court otherwise violated its obligation of independence and impartiality. Concerning the author's complaint under article 16 of the Covenant, the State party argues that the communication does not contain any information disclosing a violation of the relevant rights of the author.[9] The author lodged his claims before the domestic courts and authorities, who gave an appropriate assessment of his arguments. Thus, the arguments as to a failure to provide the author with protection are unsubstantiated. Also, according to the State party, the communication does not contain any factual evidence of a violation of the author's rights under article 17 of the Covenant. The State party notes in this respect that the author brought the claim for protection of his honour and reputation against the NTV television company, whereas "State authorities did not take part in the proceedings".

Author's comments on the State party's further observations

7.1 On 31 July 2017 and 7 August 2017, the author submitted comments on the State party's observations. The author reiterated his arguments about the alleged violation of his right under article 14 (2) of the Covenant and emphasized that his communication must be examined, first and foremost, in the light of the violation of the principle of the presumption of innocence guaranteed by article 14 (2) of the Covenant.

7.2 With regard to the alleged violation of article 16 of the Covenant, the author argues that, since the State party did not ensure respect for his fundamental rights and freedoms, his right under the said article was violated. Concerning the complaint under article 17 of the Covenant, the author reiterates his argument that the untrue information disseminated about him in the media constituted an attack on his honour and reputation, and that the State party failed to provide protection. He refers to the obligation for a journalist under the domestic legislation to verify the accuracy of reported information and to respect the rights, legitimate interests, honour and dignity of persons. The author submits that the news report was a planned action of political reprisals against him as a representative of the political opposition. After the publication of the information about him, he was unable to find a job. Not only he

[8] Reference is made to the Committee's general comment No. 32 (2007) on the right to equality before courts and tribunals and to a fair trial, paras. 7, 8 and 13; and to European Court of Human Rights, *Gankin and Others v. Russia* (applications Nos. 2430/06, 1454/08, 11670/10 and 12938/12), judgment of 31 May 2016, para. 25.

[9] Regarding the scope of art. 16 of the Covenant, reference is made to *Jit Man Basnet and Top Bahadur Basnet v. Nepal* (CCPR/C/112/D/2051/2011), para. 8.7; *Ram Kumar Bhandari v. Nepal* (CCPR/C/112/D/2031/2011), para. 8.8; *Madoui v. Algeria* (CCPR/C/94/D/1495/2006), para. 7.7; and *Khirani v. Algeria* (CCPR/C/104/D/1905/2009), para. 7.9.

but also members of his family were subjected to "harassment". Thus, his wife was dismissed from her job.[10]

7.3 The author reiterates that he has exhausted all available domestic remedies, but that the State party failed to restore his violated rights. He asks the Committee to consider the present communication on the merits, and to recommend to the State party to take measures to refute the defamatory information about him, to offer him a public apology, to provide him with the opportunity to refute the disseminated information by speaking on a federal television channel, to take measures to prosecute officials and journalists involved in the dissemination of the information, and to pay him compensation for non-pecuniary damage in the amount of €1 million and compensation for loss of profits in the amount of Rub 2,730,000.

Issues and proceedings before the Committee

Consideration of admissibility

8.1 Before considering any claim contained in a communication, the Committee must decide, in accordance with rule 97 of its rules of procedure, whether the communication is admissible under the Optional Protocol.

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

8.3 The Committee notes that the State party challenges the admissibility of the present communication for non-exhaustion of the available domestic remedies. In particular, the State party submits that the author has failed to complain to the Supreme Court of the Russian Federation in the framework of the cassation procedure under the Civil Procedure Code, as amended by Federal Law No. 353-FZ (which entered into force on 1 January 2012), which is an effective domestic remedy in civil cases. In this respect, the Committee takes note of the State party's reference to the decision of 12 May 2015 of the European Court of Human Rights in *Abramyan and Others v. Russia*.[11]

8.4 In this respect, the Committee observes, insofar as is relevant in the circumstances of the present case, that the Civil Procedure Code, as amended by Federal Law No. 353-FZ and in force at the material time, introduced a new system of review of judgments adopted by courts of general jurisdiction in civil cases, comprising the appeal, cassation and supervisory review procedures. With respect to the cassation procedure – a review on points of law of court judgments that have acquired binding force – the amended provisions envisaged two consecutive levels of cassation review. Specifically, an appeal in cassation could first be lodged before the presidia of the regional courts and subsequently before the Civil Chamber of the Supreme Court of the Russian Federation (art. 377 of the Civil Procedure Code). The admissibility of an appeal in cassation was considered by a single judge, within the established deadlines. Following the examination, the single judge had to adopt a decision – either dismissing the appeal in cassation for lack of grounds for reviewing the court judgment under the cassation procedure, or transferring it for examination on the merits by the court of cassation (arts. 381, 383 and 384 of the Civil Procedure Code). Judgments could be challenged in the framework of the cassation procedure within six months of the date on which they became legally binding (art. 376 of the Civil Procedure Code). The Plenum of the Supreme Court of the Russian Federation, in its resolution of 11 December 2012 (in force at the material time), clarified that the six-month time limit covered both cassation levels; it was to begin to run on the day following the adoption of a decision by a court of appeal in a case,[12]

[10] The author does not provide information about the place of work or the grounds for dismissal of his wife.

[11] European Court of Human Rights, *Abramyan and Others v. Russia*, paras. 28–96.

[12] The rule is predetermined by the relevant procedural norms stipulating that a decision adopted by a court of appeal enters into force from the date of its adoption, that is, immediately (arts. 329 (5) and 335 of the Civil Procedure Code).

moreover the time spent by the courts in considering appeals in cassation was not to be taken into account in the calculation of the six-month time limit.[13]

8.5 Turning to the circumstances of the present case, the Committee notes that the impugned judgment of the first instance court in the author's case was upheld by the court of appeal on 10 December 2014 (see para. 2.6 above) and acquired binding force on the same date, thus triggering the start of the six-month time limit for lodging a cassation appeal. On 8 April 2015, the author lodged his appeal in cassation at the regional level – before the Presidium of Moscow City Court. The appeal was dismissed by one of the Court's judges on 2 June 2015 (see paras. 2.7 and 2.8. above). As submitted by the author and not disputed by the State party, the judge's decision of 2 June 2015 was received by the author on 11 June 2015. In the present communication before the Committee, the author argues that, in view of the receipt of the decision on the last day of the six-month time limit, he did not have time to lodge a further appeal in cassation before the Supreme Court.

8.6 The Committee recalls that the function of the exhaustion requirement under article 5 (2) (b) of the Optional Protocol is to provide the State party itself with the opportunity to remedy the violation suffered by an individual.[14] The Committee also refers to its jurisprudence to the effect that authors must avail themselves of all domestic remedies in order to fulfil the requirement of article 5 (2) (b) of the Optional Protocol, insofar as such remedies appear to be effective in the given case and are de facto available to the authors.[15] Authors must exercise due diligence in the pursuit of available remedies, and mere doubts or assumptions about their effectiveness do not absolve the authors from exhausting them.[16] In situations where a State party circumscribes rights of appeal with certain procedural requirements, such as time limits or other technical requirements, an author is required to comply with these requirements before he or she can be said to have exhausted domestic remedies.[17]

8.7 The Committee observes that it has previously had an opportunity to assess the cassation procedure under the Civil Procedure Code, as amended by Federal Law No. 353-FZ, in particular circumstances of a specific group of communications.[18] It notes, however, that, unlike those communications, in the present case, which concerns a different substantive matter involving civil proceedings for defamation, the issue before it relates to the author's allegations that the domestic remedy in question was not available to him in the

[13] European Court of Human Rights, *Abramyan and Others v. Russia*, paras. 29–53; Code of Civil Procedure of the Russian Federation No. 138-FZ, as amended by Federal Law No. 353-FZ, in force at the material time; and resolution of the Plenum of the Supreme Court of the Russian Federation of 11 December 2012, No. 29, "on the application by courts of the norms of civil procedural legislation regulating proceedings in the court of cassation", in force at the material time.

[14] *Celal v. Greece* (CCPR/C/82/D/1235/2003), para. 6.3.

[15] See, for example, *Warsame v. Canada* (CCPR/C/102/D/1959/2010), para. 7.4; and *P.L. v. Germany* (CCPR/C/79/D/1003/2001), para. 6.5.

[16] See, for example, *V.S. v. New Zealand* (CCPR/C/115/D/2072/2011), para. 6.3; *García Perea and García Perea v. Spain* (CCPR/C/95/D/1511/2006), para. 6.2; *Vargay v. Canada* (CCPR/C/96/D/1639/2007), para. 7.3; *S.C. v. Australia* (CCPR/C/124/D/2296/2013), para. 7.8; and *Leghaei et al. v. Australia* (CCPR/C/113/D/1937/2010), para. 9.3.

[17] *Celal v. Greece*, para. 6.4.

[18] See *Alekseev et al. v. Russian Federation* (CCPR/C/134/D/2943/2017, CCPR/C/134/D/2953/2017 and CCPR/C/134/D/2954/2017), paras. 6.4–6.6; *Ivanov v. Russian Federation* (CCPR/C/131/D/2635/2015), paras. 6.3–6.5; and *Savolyanen v. Russian Federation* (CCPR/C/135/D/2830/2016), paras. 6.3–6.5; where the Committee assessed the new cassation procedure in the context of the rights of members of the lesbian, gay, bisexual and transgender community in the State party. The Committee arrived at a conclusion that the particular circumstances of those communications, involving the State party's specific legislation; the application of that legislation by the authorities to public assemblies concerning lesbian, gay, bisexual and transgender issues; and related jurisprudence of domestic courts, including the Constitutional Court of the Russian Federation, rendered improbable a successful outcome for the authors under the new cassation procedure. The Committee thus found, in the circumstances of those cases, that the cassation procedure under the Civil Procedure Code was not to be considered a remedy that the authors were required to exhaust for the purpose of the admissibility of those communications.

circumstances of the case due to the expiration of the procedural time limit, which was allegedly missed without any default on his part.

8.8 In this regard, the Committee takes note of the author's arguments provided in justification of his failure to lodge a cassation appeal before the Supreme Court, in particular: (a) that he did not have time to lodge the appeal due to the receipt on 2 June 2015 of the decision of the Moscow City Court judge, that is, on the last day of the six-month time limit (see para. 2.9 above); and (b) that the time limit was missed due to the lengthy examination of his case by the courts of appeal and cassation (see para. 5.1 above). The Committee notes in this respect that the time spent by the courts in considering cassation appeals was not to be taken into account in calculating the six-month time limit (see para. 8.4 above). It, therefore, does not find these arguments to be a convincing justification for his failure to lodge a cassation appeal before the Supreme Court. Concerning the author's allegation as to the lengthy examination of his case by the court of appeal as justification for missing the time limit for a cassation appeal before the Supreme Court, the Committee notes that the six-month time limit began to run on the day following the adoption of the appeal ruling in the author's case (para. 8.4). Thus, the Committee cannot accept this argument either and finds it irrelevant in this instance.

8.9 The Committee further notes the author's contention that an option to apply for a reset of the procedural time limit was open to him, however he decided not to avail himself of this opportunity, as it would have delayed the process in his case for several years and would be futile anyway for reasons specified in paras 2.9 and 5.1 above (specifically, the author refers to the alleged involvement of high-ranking officials in damaging his reputation through the contested news report and submits that it is unrealistic for ordinary citizens to obtain justice in the State party, especially in a dispute with a federal television channel). The Committee observes that these allegations are formulated in general terms and not based on concrete facts and evidence.

8.10 Recalling its position to the effect that authors must avail themselves of all domestic remedies in order to fulfil the requirement of article 5 (2) (b) of the Optional Protocol, insofar as such remedies appear to be effective in the given case and are de facto available to them, the Committee considers that the author in the present case has failed to demonstrate that a cassation appeal before the Supreme Court was not available to him. Nor have valid arguments been provided to the Committee to justify the claim that the domestic remedy in question would have been ineffective. The Committee therefore considers that it is precluded by article 5 (2) (b) of the Optional Protocol from considering the author's allegations under articles 14 (1) and 17 of the Covenant.

8.11 The Committee further notes that the author, in his comments of 10 January 2017, 31 July 2017 and 7 August 2017, raised a new claim under article 14 (2) of the Covenant. In this respect, the Committee recalls its jurisprudence in which it has stated that authors must raise all of their claims in their initial submission, before the State party is asked to provide its observations on the admissibility and the merits of the communication, unless the authors can demonstrate why they were unable to raise all of their claims simultaneously.[19] In the present case, the author has not explained why his new claim could not have been raised in his initial submission. Accordingly, the Committee considers that that claim is inadmissible as an abuse of the right of submission under article 3 of the Optional Protocol.

8.12 Finally, the Committee notes the author's claims under articles 14 (6) and 16 of the Covenant. In the absence of any pertinent information on file, the Committee considers that the author has failed to substantiate these allegations for the purposes of admissibility. Accordingly, it declares this part of the communication inadmissible under article 2 of the Optional Protocol.

[19] *D.C. v. Lithuania* (CCPR/C/134/D/3327/2019), para. 8.4; *S.R. v. Lithuania* (CCPR/C/132/D/3313/2019), para. 8.8; *Jazairi v. Canada* (CCPR/C/82/D/958/2000), para. 7.2; and *S v. Australia* (CCPR/C/137/D/2999/2017), para. 8.4.

9. The Committee therefore decides:

(a) That the communication is inadmissible under articles 2, 3 and 5 (2) (b) of the Optional Protocol;

(b) That the present decision shall be transmitted to the State party and to the author.