

HUMAN RIGHTS COMMITTEE

C. W. v. Finland

Communication No. 379/1989*

30 March 1990

CCPR/C/38/D/379/1989*

ADMISSIBILITY

Submitted by: C. W. [name deleted]

Alleged victim: The author

State party concerned: Finland

Date of communication: 6 June 1989 (date of initial letter)

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

Meeting on 30 March 1990,

Adopts the following:

Decision on admissibility

1. The author of the communication dated 6 June 1989 is C. W., a Finnish citizen currently residing in the United States of America. He claims to be the victim of violations of articles 1, 2, 3, 4, 5, 7, 9, 10, 11, 12, 13, 14, 15, 16, 17, 19, 22 and 26 of the International Covenant on Civil and Political Rights by Finland.

2.1 The author claims that because of his efforts to unravel the existence of a so-called Tampere group and its illegal activities in specific cases, he has been deliberately and systematically harassed and persecuted.

2.2 Reportedly, the group consists of Finnish politicians, bank directors, police officers, public prosecutors, lawyers and businessmen. The goals of the group, which is reportedly engaged in illegal activities, are said to include advancement of the power basis of its members and economic

gains through the misuse of legal authority (police, courts), death threats, blackmailing, extortion, confiscation of evidence, unwarranted searches of homes, unwarranted detentions and arrests, denial of medical attention during detention, etc. The author states that he has been used as a “scapegoat” by lower court and police officials. He alleges that the Public Prosecutor of Tampere, Finland, deliberately obstructed investigation proceedings against persons with whom the Prosecutor reportedly had personal and business relations, and that the Prosecutor declined to consider evidence presented by him. He also alleges that judicial and police officers have kept existing evidence from being used in his defence, allegedly in order to protect their own personal interests.

2.3 The author further states that he was unlawfully arrested and detained by the Tampere Police for 15 days in August 1988, that he was subjected to “mental pressure” and that he was denied medical assistance and the right to be visited by relatives, presumably as a form of personal revenge for his petition to the Attorney General of Finland, dated 20 May 1988. Finally, it is stated that his apartment was searched without a search warrant and that the Tampere Police confiscated evidence in an attempt to prevent its use in court.

2.4 With respect to the requirement of exhaustion of domestic remedies, the author does not specify what steps, if any, have been taken in order to seek redress for the events complained of. It is clear, however, from the context of the letter that the author thinks that the pursuit of local remedies would be futile, because he considers the Finnish authorities and domestic courts to be biased against him. In this connection, he mentions that all his letters to the Attorney General of Finland have remained unanswered.

2. Before considering any claims contained in a communication, the Human Rights Committee shall, in accordance with rule 87 of its rules of procedure, decide whether or not it is admissible under the Optional Protocol to the Covenant. In doing so, it takes into account the requirements laid down in articles 2, 3, and 5 of the Optional Protocol and the provisions of rule 90 of its rules of procedure. The conditions for declaring a communication admissible include, inter alia, that the claims submitted are sufficiently substantiated and do not constitute an abuse of the right of submission, and that all available domestic remedies have been exhausted. A careful reading of the author’s submission reveals that none of these conditions have been met. The Committee notes in particular that the author’s allegation that he was arbitrarily arrested and detained in August 1988 has not been further substantiated, although he was invited to do so.

4. The Human Rights Committee therefore decides:

(a) The communication is inadmissible;

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

* All persons handling this document are requested to respect and observe its confidential nature.

* Made public by a decision of the Human Rights Committees.

