

HUMAN RIGHTS COMMITTEE

H.J.H. v. The Netherlands

Communication No. 448/1991

7 November 1991

CCPR/C/43/D/448/1991*

ADMISSIBILITY

Submitted by: H.J.H. (name deleted)

Alleged victim: The author

State party: The Netherlands

Date of communication: 30 April 1990

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

Meeting on 7 November 1991,

Adopts the following:

Decision on admissibility

1. The author of the communication, dated 30 April 1990, is H.J.H., a Dutch citizen born on 12 October 1948, residing in Putten, the Netherlands. He claims to be a victim of a violation by the Netherlands of article 14, paragraph 2, of the International Covenant on Civil and Political Rights.

The facts as submitted by the author:

2.1 The Dutch legislation governing the registration and circulation of motor vehicles obliges car owners to display, on the windscreen of their cars, a vignette proving that the vehicle is duly registered. On 25 June 1985, the author was fined for having displayed a vignette which was no longer valid. He appealed to the District Tribunal (Arrondissementsrechtsbank) of Zwolle, which declared the earlier decision null and void

and adopted another one which sentenced the author to pay a fine of 75 Dutch guilders. His appeal to the Supreme Court (Hoge Raad der Nederlanden) was dismissed on 3 March 1987.

2.2 The author submitted his case to the European Commission of Human Rights, where he argued that his conviction constituted a violation of the principle of presumption of innocence (article 6, paragraph 2, of the European Convention). On 13 July 1989, the European Commission declared his communication inadmissible as "manifestly ill-founded", pursuant to article 27, paragraph 2, of the European Convention.

The complaint:

3. The author contends that by requiring car owners to display a vignette on their vehicles, Dutch legislation is actually forcing them to prove that they are not in violation of the rules governing registration of motor vehicles. The obligation to prove one's innocence constitutes, in the author's opinion, a violation of the presumption of innocence under article 14, paragraph 2, of the Covenant.

Issues and proceedings before the Committee:

4.1 Before considering any claims contained in a communication, the Human Rights Committee must, in accordance with rule 87 of its rules of procedure, decide whether or not a communication is admissible under the Optional Protocol to the Covenant.

4.2 Taking into account the requirements laid down in articles 2 and 3 of the Optional Protocol, the Committee has examined whether the facts as submitted would raise **prima facie** issues under any provision of the Covenant and concludes that they do not. The Committee observes that the conditions for declaring a communication admissible include, **inter alia**, that the claims submitted be sufficiently substantiated and do not constitute an abuse of the right of submission. The author's communication reveals that these conditions have not been met.

5. The Human Rights Committee therefore decides:

- (a) that the communication is inadmissible under articles 2 and 3 of the Optional Protocol;
- (b) that this decision shall be communicated to the author of the communication and, for information, to the State party.

[Done in English, French, Russian and Spanish, the English text being the original version.]

Footnotes

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

*/ Made public by decision of the Human Rights Committee.