

## HUMAN RIGHTS COMMITTEE

### Hervé Le Bihan v. France

Communication No. 323/1988

CCPR/C/WG/37/DR/323/1988\*

### DEAL JOINTLY & ADMISSIBILITY

Submitted by: *Hervé Le Bihan*

Alleged victim: *The author*

State party concerned: *France*

Date of communication: *25 July 1988*

Documentation references: *Prior decisions - CCPR/C/WG/34/D/323/1988 (Working Group rule 91 decision, dated 20 October 1988)*

#### **A. Decision to deal jointly with two communications**

The Human Rights Committee,

Considering that communications Nos. 221/1987 and 323/1988, submitted to the Committee for consideration under the Optional Protocol to the International Covenant on Civil and Political Rights by Messrs. Yves Cadoret and Hervé Le Bihan refer to closely related events affecting the authors, which occurred in Bretagne, France, in June 1984,

Considering further the two communications can appropriately be dealt with together,

1. Decides, pursuant to rule 88, paragraph 2, of its rules of procedure, to deal jointly with these two communications,
2. Further decides that this decision shall be communicated to the State party and the authors of the communications.

#### **B. Decision on admissibility**

The Human Rights Committee,

Having before it communication No. 323/1988, submitted to the Committee for consideration under the Optional Protocol to the International Covenant on Civil and Political Rights by Mr. Hervé Le Bihan,

Noting that the events referred to in the communication are closely related to the events referred to in communication No. 221/1987 (Yves Cadoret v. France), declared admissible on 25 July 1989 in as much as it may raise issues under articles 14 and 26 of the Covenant,

Having noted further the submission of the State party, dated 15 January 1989, concerning the question of the admissibility of communication No. 221/1987, as well as the State party's submission, dated 30 August 1989, concerning the question of the admissibility of communication No. 323/1988,

Having ascertained that the objections raised in respect of the admissibility of the communications in the State party's submissions referred to above closely resemble each other,

Noting that Mr. Le Bihan has not commented on the State party's submission of 30 August 1989,

Being satisfied that the objective pursued by Mr. le Bihan cannot be achieved by resorting to domestic remedies,

Decides:

(a) that the communication is admissible in so far as it may raise issues under articles 14 and 26 of the Covenant;

(b) That any further explanations or statements which the State party may wish to submit to clarify the matter and the measures taken by it, should, in accordance with article 4, paragraph 2, of the Optional Protocol, reach the Human Rights Committee within six months of the date of transmittal to it of this decision. Should the State party not intend to make a further submission in the case, it is requested to so inform the Committee as soon as possible to permit an early disposition of the matter;

(c) That any further explanations or statements received from the State party shall be communicated by the Secretary-General under rule 93, paragraph 3, of the rules of procedure of the Committee to the author, with the request that any comments which he may wish to submit thereon should reach the Human Rights Committee in care of the Centre for Human Rights, United Nations Office at Geneva, within six weeks of date of transmittal; and

(d) That this decision be communicated to the State party and to the author of the communication.

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

nature.