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HUMAN RIGHTS COMMITTEE
Forty-third session

DECISIONS

Communication No. 463/1991

Submitted by : D.B.-B.
Alleged victim : The author
State party : Zaire
Date of communication : 27 March 1991 (initial submission)
Documentation references : Prior decisions - none
Date of present decision : 8 November 1991

Decision on admissibility

[Annex]

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

DEC463.43

ANNEX */

Decision of the Human Rights Committee under the Optional
Protocol
to the International Covenant on Civil and Political Rights
- Forty-third session -

concerning

Communication No. 463/1991

Submitted by : D.B.-B. (name deleted)

Alleged victim : The author

State party : Zaire

Date of communication : 27 March 1991 (initial submission)

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

Meeting on 8 November 1991,

Adopts the following:

Decision on admissibility

1. The author of the communication (initial submission dated 27 March 1991 and subsequent correspondence) is D.B.-B., a Zairian citizen aged 27, currently residing in Geneva, Switzerland, with refugee status. He claims to be the victim of a violation by Zaire of articles 6, 19 and 26 of the International Covenant on Civil and Political Rights.

The facts as submitted by the author :

2.1 The author was a student at the University of Lubumbashi, Zaire. He states that since 1989, the social and the political tensions in Zaire have considerably increased. The main contributing factors were the personality cult and the model of

*/ Made public by decision of the Human Rights Committee. one-party State, which the opposition openly put into question. In order to avoid the risk of a civil war, President Mobutu announced, in April 1990, that Zaire would cease to be a one-party State and that the creation of two new political parties and independent trade unions would be permitted. Moreover, the ruling party was renamed and a new Constitution was adopted in July 1990. However, in spite of the several concessions made by the President with a view to promote the process of democratization of the country, the repression of the political opposition, including students, has not diminished.

2.2 It is further submitted that, on 11 May 1990, during a night raid at Lubumbashi University campus, several members of the security police dressed in civilian clothes attacked the students and allegedly killed between 100 and 150 of them, injuring hundreds of others. Reportedly, the raid was organized after 30 students accused of being government informers had been seized by other students. The author, who purportedly witnessed the slaughter carried out by the security forces on the campus, fled to Switzerland in September 1990, where he sought and obtained political asylum.

The complaint :

3.1 The author claims that, by reason of his ethnic origins - he is from the Province of Kasai - and his participation in the opposition movement to President Mobutu, he is the victim of discriminatory measures and persecution on the part of the Zairian authorities. He further alleges that his private correspondence, as well as his personal contacts, have been systematically interfered with. Moreover, the author asserts that the Dean of Lubumbashi University requested, by letter of 6 June 1990 to the President, that he and his fellow students belonging to the opposition be expelled from the university. In this connection, he states that he and like-minded students had prepared reports on the events of 11 May 1990 intending to submit

them to the UN Commission on Human Rights, Amnesty International and the European Commission of Human Rights. Allegedly, these reports were seized by the Zairian security forces.

3.2 The author claims that after his arrival in Switzerland, he has been subjected to threats and intimidations twice, apparently at the hand of members of the Zairian secret police. He has therefore requested the Swiss authorities that measures be taken to protect him.

3.3 As to the requirement of exhaustion of domestic remedies, the author states that, on 7 March 1991, he wrote to the Ministry for Citizens' Rights and Freedoms - a governmental institution which has the responsibility to investigate alleged human rights violations in Zaire - to complain about the events which took place at Lubumbashi University campus on 11 May 1990, and the systematic violations of human rights perpetrated by the Zairian authorities. So far, no follow-up has been given to his complaint.

The issues and proceedings before the Committee :

4.1 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.

4.2 With regard to the requirement of the exhaustion of domestic remedies, the Committee observes that the author, by letter of 7 March 1991, filed a complaint to the Zairian Ministry for Citizens' Rights and Freedoms, and that he has not as yet received any reply. It is, however, a well established principle that a complainant must display reasonable diligence in the pursuit of available domestic remedies. In the instant case, the author has not shown the existence of circumstances which would prevent him from further pursuing the application of domestic remedies in the case. Accordingly, the Committee finds that the requirements of article 5, paragraph 2(b), of the Optional Protocol have not been met.

5. The Human Rights Committee therefore decides:

(a) that the communication is inadmissible under article 5, paragraph 2(b) of the Optional Protocol;

(b) that this decision may be reviewed pursuant to rule 92, paragraph 2, of the Committee's rules of procedure upon receipt of a written request by or on behalf of the author containing information to the effect that the reasons for inadmissibility no longer apply;

(c) that this decision shall be communicated to the author and, for information, to the State party.

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