

K. L. v. Denmark, Communication No. 81/1980, U.N. Doc. CCPR/C/OP/1 at 28 (1984).

Submitted by: K. L. on 23 December 1980

Alleged victim: The author

State party: Denmark

Date of decision on inadmissibility: 27 March 1981 (twelfth session)

Lack of effective remedy--Unsubstantiated allegations

Articles of Covenant: 2 (3) and 14 (1)

Article of Optional Protocol: 3

The author of the communication, dated 23 December 1980, K. L., Denmark, complains that decisions of the Supreme Court of Denmark, given on 12 December 1980 in three civil cases concerning the author, upholding the decisions of the lower court in the cases in question, constitute a breach by the Supreme Court of article 2 (3) (a), (b) and (c) of the International Covenant on Civil and Political Rights. The author requests the Human Rights Committee to so confirm and to prevail upon the State party to grant a judicial remedy to the author by way of reopening the three cases. The author explains briefly that the lower court had found that the three cases had not been filed in due form. This, he states, should not have had any bearing upon the cases because the court, under Danish law, should have assisted him in correcting any procedural errors in the presentation of the three law suits; the court, however, failed in its duty and the Supreme Court merely upheld the lower court's decisions, without granting the remedy sought. The author encloses copies of the three Supreme Court decisions.

Article 2 (3) of the Covenant requires the State party to ensure that any person whose rights or freedoms recognized in the Covenant are violated shall have an effective remedy. The Committee observes therefore that there can be no breach of article 2 (3) unless a remedy is sought for the violation of one of the rights or freedoms recognized elsewhere in the Covenant. The author does not indicate the subject matter of any of the three lawsuits and it does not appear that they were concerned with obtaining a remedy for the violation of any such rights or freedoms. Furthermore, the communication does not contain any substantial evidence that the right of fair hearing, as laid down in article 14 (1) of the Covenant, may have been violated.

Being unable to find that there are any grounds substantiating the author's allegations of violations of the Covenant, the Committee concludes, in accordance with article 3 of the Optional Protocol that the communication is incompatible with the provisions of the Covenant, and therefore decides:

The communication is inadmissible.