

M. Communication No. 361/1989. A publication and a printing company v. Trinidad and Tobago (Decision of 14 July 1989, adopted at the thirty-sixth session)

Submitted by: A publication and a printing company

Alleged victims: The companies

State party concerned: Trinidad and Tobago

Date of communication: 2 March 1989

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

Meeting on 14 July 1989,

Adopts the following:

Decision on admissibility

1. The communication, dated 2 March 1989, is submitted by two companies registered in Trinidad. The companies claim to be the victims of a violation by the Government of Trinidad and Tobago of articles 2, 14 and 19 of the International Covenant of Civil and Political Rights. They are represented by counsel.

2.1 It is stated that the main function of the printing company is to purchase and supply the printing material to the publication company for the purpose of producing, printing and publishing an independent weekly newspaper. Both companies are owned by the same individuals. As the material necessary for the paper's publication must be imported, the companies require the permission from the Central Bank of Trinidad and Tobago to purchase foreign currencies to pay for the material. Every year the Central Bank determines the allocation of foreign exchange for newspapers published in the country, usually at levels which would allow the companies to purchase sufficient raw material for publication purposes. It is claimed that in 1987 the companies received a reduced allocation by the Central Bank and that in 1988 this allocation was further reduced. The companies subsequently sought the approval of an increased amount of foreign exchange and, as a result, in January 1989 the Central Bank granted them a slightly increased allocation: the companies claim, however, that the Central Bank's decision will not enable them to sustain the production and publication of the paper beyond the first two months of 1989. They further allege that the Central Bank has fixed foreign exchange allocation for other newspapers published in the country at levels fully allowing them to maintain their publication; as a result, they claim that they are entitled to expect the same treatment.

2.2 With respect to the requirement of the exhaustion of domestic remedies, it is stated that a judicial review of the matter has been initiated and that a hearing in the Court is forthcoming. It is submitted, however, that the pursuit of domestic remedies is deemed unnecessary since the machinery of justice is ineffective.

2.3 It is stated that the matter has not been submitted for examination under another procedure of international investigation or settlement. a/

3.1 Before considering any claims contained in a communication the Human Rights Committee must, pursuant to rule 87 of its provisional rules of procedure, ascertain whether or not it is admissible under the Optional Protocol to the Covenant.

3.2 The present communication is submitted on behalf of two companies incorporated under the laws of Trinidad and Tobago. Under article 1 of the Optional Protocol, as such, only individuals may submit a communication to the Human Rights Committee. A company incorporated under the laws of a State party to the Optional Protocol, as such, has no standing under article 1, regardless of whether its allegations appear to raise issues under the Covenant.

4. The Human Rights Committee therefore decides:

(a) The communication is inadmissible;

(b) This decision shall be communicated to the representative of the alleged victims, and, for information, to the State party.

Notes

a/ The Secretariat has ascertained that the same matter has not been submitted to the Inter-American Commission on Human Rights.