
P.L. vs. Belarus

Facts

The author was subscribed to a newspaper, whose subscription and delivery was ensured by a State-owned company, "Belpochta". In 2006, when the author tried to renew his subscription to the newspaper, Belpochta informed him that it no longer included that newspaper in its catalogue. The author would therefore have to buy his newspaper directly at the newspaper's office.

The author considered this a discrimination on political grounds against his right to receive information (as part of his freedom of expression), since he claimed that Belpochta excluded from its catalogue only private newspapers that differed from the opinion of pro-government press.

The author filed a complaint to the Leninsky District Court of Vitebsk, but it was dismissed on the grounds that the author should have complained to the Ministry of Information and Communications first. The author appealed this decision to the Minsk City Court, which cancelled the decision of the district court, since it considered that the Leninsky District Court had no jurisdiction in the matter and dismissed the author's claim. The author then complained to the President of the Minsk City Court, but his claim was dismissed. The author submitted a request for a protest motion, with the Supreme Court, to have the case examined. The Supreme Court rejected his request.

In the meantime, the author complained to the Ministry of Communications and Information, asking to have the newspaper included in the subscription catalogue. The Ministry rejected his complaint, saying that decisions to include periodicals in the subscription catalogue are within the competence of Belpochta.

Consideration of admissibility

Art. 5 §2(b) Optional Protocol (OP): To the State's contention that the author did not exhaust all the domestic remedies available because he could have further appealed to the Prosecutor-General with a request to have a protest motion filed under the supervisory proceedings, the Committee recalled its jurisprudence that such remedies do not constitute a remedy that has to be exhausted (i.e. No. 1537/2006, *Yekaterina Gerashchenko v. Belarus*, 2009, §6.3). Thus, the Committee considered that the author exhausted all available domestic remedies.

Art. 2 OP: Although the Committee admitted that in some circumstances denial of access to State-owned or State-controlled distribution services might amount to an interference with the rights protected by Art. 19 (right to receive information) the author did not provide sufficient information that would permit the Committee to evaluate the extent of the interference or to determine whether the denial of such access was discriminatory. Moreover, the author could obtain the newspaper he wanted to read through means other than Belpochta. Therefore, the case was

Key words

- Freedom of opinion

Relevant Provisions

- Article 19
- Article 5 §2(b) OP and Article 2 OP

Violated Provisions

- Communication found inadmissible

inadmissible, as the author failed to sufficiently substantiate his claim. The Committee did not examine separately the remaining part of the author's claims under Art. 2; 5; 14; and 26 of the Covenant, as they were linked to the author's principal claim under Art. 19 of the Covenant.

Consideration of merits

N/A

Conclusions

The communication was inadmissible under Art. 2 OP, on the grounds that it was not sufficiently substantiated.

Dissent/Concurrence

N/A