

COMMITTEE AGAINST TORTURE

W. J. v. Austria

Communication No. 5/1990

22 November 1990

CAT/C/5/D/5/1990/Rev.1*

ADMISSIBILITY

Submitted by: Mr. W.J. [name deleted]

Alleged victim: The author

State party concerned: Austria

Date of communication: 25 August 1990

The Committee against Torture, established under article 17 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,

Meeting on 22 November 1990,

Adopts the following:

Decision on admissibility

1. The author of the communication (submission dated 25 August 1990 and subsequent correspondence) is W. J., an Austrian citizen currently detained at a correctional facility in Austria. He claims to be victim of violations by Austria or articles 12, 13 and 15 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. Austria made the declaration provided for in article 22 of the Convention effective 28 August 1987.
2. Before considering any claims contained in a communication, the Committee against Torture must decide whether or not it is admissible under article 22 of the Convention.
3. Article 22, paragraph 5 (a), of the Convention provides that the Committee shall not consider any communication from an individual unless it has ascertained that the same matter has not been,

and is not being, examined under another procedure of international investigation or settlement. Having ascertained that the author has submitted the same matter to the European Commission of Human Rights, which has registered the case as application No. 16121/90, the Committee is precluded from examining the communication.

4. The Committee therefore decides:

(a) That the communication is inadmissible;

(b) 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]

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