

## HUMAN RIGHTS COMMITTEE

### M. M. Q. v. Uruguay

Communication No. 125/1982\*

6 April 1984

### ADMISSIBILITY AND DISCONTINUED

*Submitted by:* M. M. Q. (name deleted) on 10 August 1982

*Alleged victim:* The author

*State party:* Uruguay

*Declared admissible:* 6 April 1984 (twenty-first session)

#### **Decision on Admissibility**

(Discontinued thereafter)

1. The author of the communication (initial letter dated 10 August 1982 and a further letter dated 20 September 1983) is M. M. Q., a Uruguayan citizen, living at present in Barcelona, Spain, alleging that she is a victim of a breach by Uruguay of articles 2 (1), 12 and 19 (1) of the International Covenant on Civil and Political Rights.

2.1. The author, a teacher, states that she lives outside Uruguay because of the political persecution which opponents of the present régime generally face in Uruguay. She adds that she left the country with a valid Uruguayan passport. Upon expiration of this passport she was issued a new passport (No. 047343) by the Uruguayan Consulate General in Rome, Italy, on 2 May 1980.

2.2. The author submits that on 21 June 1982 she presented herself at the Uruguayan Consulate in Barcelona and requested a certificate of her Uruguayan citizenship which she needed for an entry visa to France. She was requested by the consular officer to present her passport, which the consular officer subsequently refused to return, indicating to her that the passport had been wrongly issued because she figured on "the lists". No further explanation was given. A letter dated 23 June 1982, which Mrs. M. M. Q. sent to the Uruguayan Consulate through a notary public by registered mail and in which she asked that her passport be returned or a written explanation given for its retention, remained unanswered.

2.3. The author claims that the confiscation of her valid passport by the Uruguayan Consulate in Barcelona, Spain, constituted an "illegal seizure (*apropiación indebida*).

2.4. She affirms that there are no domestic remedies which could be effectively pursued in her case. She also indicates that she has not submitted the same matter to another procedure of international investigation or settlement.

3. By its decision of 4 October 1982 the Working Group of the Human Rights Committee transmitted the communication under rule 91 of the provisional rules of procedure to the State party concerned, requesting information and observations relevant to the question of admissibility of the communication.

4. By a note dated 15 March 1983 the State party objects to the competence of the Human Rights Committee on the ground that the communication does not meet the requirements for admissibility laid down in article I of the Optional Protocol as M. M. Q. "is not subject to the jurisdiction of the State against which she is making her allegations".

5. In her comments dated 20 September 1983 the author rejects the State party's contention that the communication is inadmissible because she does not come within its jurisdiction in the matter concerned. She maintains that with respect to the granting of a passport, the Uruguayan authorities are fully competent to issue a passport outside Uruguay as well as inside.

6.1. The Human Rights Committee does not accept the State party's contention that it is not competent to deal with the communication because the author does not fulfil the requirements of article I of the Optional Protocol. The question of the issue of a passport by Uruguay to a Uruguayan national, wherever he may be, is clearly a matter within the jurisdiction of the Uruguayan authorities and he is "subject to the jurisdiction" of Uruguay for that purpose.

6.2. The Committee finds, on the basis of the information before it, that it is not precluded by article 5 (2) (a) of the Optional Protocol from considering the communication. The Committee is also unable to conclude that, in the circumstances of this case, there are effective domestic remedies available to the alleged victim which she has failed to exhaust. Accordingly, the Committee finds that the communication is not inadmissible under article 5 (2) (b) of the Optional Protocol.

7. The Human Rights Committee therefore decides:

(1) That the communication is admissible;

(2) That, in accordance with article 4 (2) of the Protocol, the State party shall be requested to submit to the Committee, within six months of the date of transmittal to it of this decision, written explanations or statements clarifying the matter and the remedy, if any, that may have been taken by it;

(3) That the State party be informed that the written explanations or statements submitted by it under article 4.(2) of the Protocol must primarily relate to the substance of the matter under consideration, and in particular the specific violations of the Covenant alleged to have occurred;

(4) That any explanations or statements received from the State party shall be communicated by the Secretary-General to the author of the communication under rule 93 (3) of the provisional rules of procedure of the Committee with the request that any additional observations which she may wish to submit should reach the Human Rights Committee, in care of the Centre for Human Rights, United Nations Office at Geneva, within six weeks of the date of transmittal;

(5) That this decision be communicated to the State party and to the author of the communication.

*At its twenty-sixth session the Committee discontinued its examination of communication No. 125/1982 following the receipt of a letter from the author, dated 2 December 1985, indicating that a new passport had been issued to her after the change of Government in Uruguay, that she had returned to her country, and requesting the Committee to consider the case closed.*

\*/ Not previously published in the annual report of the Human Rights Committee.