

COMMITTEE AGAINST TORTURE

H. U. P. v. Spain

Communication No. 6/1990

12 November 1991

ADMISSIBILITY

Submitted by: I. U. P. (name deleted)

Alleged victim: H. U. P. (name deleted)

State party: Spain

Date of communication: 13 October 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 12 November 1991,

Adopts the following:

Decision on Admissibility

1. The author of the communication is I. U. P., currently residing in France. She submits the communication on behalf of her brother, of the Basque separatist organization ETA, currently in detention in Spain. The brother claims to have been maltreated at the time of his arrest on 2 April 1990, to have been tortured by the guardia civil from 2 to 7 April 1990, and to be subjected to degrading treatment during his present detention.
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 (b), of the Convention precludes the Committee from considering any communication from an individual, unless it has ascertained that the individual has exhausted all available domestic remedies. The author herself concedes that an examining magistrate in Alcada-de-Hénarès has recently ordered an investigation into the allegations of torture against her brother H. U. P. and that there has been no obstruction of justice in that respect. Accordingly, the Committee finds that the requirements of article 22, paragraph 5 (b), of the Convention have not

been met.

4. The Committee therefore decides:

(a) That the communication is inadmissible;

(b) That this decision may be reviewed under rule 109 of the Committee's rules of procedure upon receipt of a written request by or on behalf of the alleged victim containing information to the effect that the reasons for inadmissibility no longer apply;

(c) 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.]