

COMMITTEE AGAINST TORTURE

R. E. G. v. Turkey

Communication No. 4/1990

29 April 1991

CAT/C/6/D/4/1990 *

ADMISSIBILITY

Submitted by: Mr. R. E. G. (name deleted) (represented by counsel)

Alleged victim: The author

State party concerned: Turkey

Date of communication: 20 August 1990

Documentation reference: Prior Decisions - none

Date of present decision: 29 April 1991

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

Meeting on 29 April 1991,

Adopts the following:

Decision on admissibility

1. The author of the communication is a Turkish citizen of Kurdish ethnic origin, currently residing in France, where he is applying for political asylum. He claims to be a victim of torture allegedly perpetrated by Turkish police in May 1989. Turkey made the declaration provided for in article 22 of the Convention on 2 August 1988.
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; this rule does not apply if it is established that the application of domestic remedies has been or would be unreasonably prolonged or would be unlikely to bring effective relief. The author has invoked this exception, generally claiming that remedies in Turkey would not be effective; thus he has not filed any complaint with the competent authorities in Turkey with a view to initiating an investigation under Turkish law into his allegation that he was subjected to torture. However, on the basis of the information before it, the Committee cannot conclude that such a complaint would be a priori ineffective and, as such, would not provide a remedy that the author need exhaust before addressing a communication to the Committee. 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 author 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]

*/ Made public by decision of the Committee against Torture

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