

COMMITTEE AGAINST TORTURE

Halimi-Nedzibi v. Austria

Communication No. 8/1991

26 April 1993

CAT/C/10/D/8/1991*

INTERIM DECISION

Submitted by: Mr. Qani Halimi-Nedzibi

Alleged victim: The author

State party: Austria

Date of communication: 27 September 1991

Documentation reference: Prior Decisions - CAT/C/7/D/8/1991 (decision under rule 108, dated 18 November 1991) - CAT/C/8/D/8/1991 (decision on admissibility, dated 5 May 1992)

Date of present decision: 26 April 1993

Decision under rule 110

The Committee against Torture,

Noting that the communication was declared admissible on 5 May 1992, and that subsequent clarifications and explanations have been received from both the author's counsel and the State party regarding the merits of the communication,

Noting further that the author's counsel requested, by letter dated 2 March 1993, that a medical specialist examine the author's injury to his left eye and that the State party, by note verbale on 13 April 1993, declared itself willing to do so,

Considering that, on 5 December 1988, the author complained before the investigating judge that he had been subject to torture, but that the State party did not initiate an official investigation until over a year later, in March 1990, following a criminal complaint filed by the author against police inspector, Janulik,

Decides:

1. To request the State party to appoint, in consultation with the author's counsel, an independent specialist in ophthalmology and, at his discretion, other specialists or forensic experts to examine the author, in order to determine the date of and the origin of the injury to the author's left eye or its surroundings and also to examine the possibility of a link between this injury, the time of its occurrence and the present condition of the author's eyes and to transmit the results of said medical examination to the Committee;
2. To request the State party to submit, with reference to article 12 of the Convention, written explanations or statements clarifying the delay in initiating the investigation of the author's allegations of torture;
3. To inform the State party that its information, clarifications or observations should reach the Committee against Torture, within three months of the date of the transmittal of this decision;
4. To transmit any information, clarifications or observations received to the author and his counsel, as soon as possible, to enable them to comment thereon, if they so wish. Any such comments should reach the Committee against Torture in care of the Centre for Human Rights, United Nations Office at Geneva, within six weeks of the date of the transmittal;
5. To communicate this decision to the State party, the author and his counsel.

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