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M. A. v. S, Communication No. 20/1977, U.N. Doc. CCPR/C/OP/1 at 5 (1985).

Submitted by: M. A. in December 1977

Alleged victim: Author's husband

State party: S

Date of decision: 25 January 1978 (third session)

Transmittal to State party under rule 91-Request to State party for information on admissibility, available remedies, whereabouts and state of health of alleged victim

Article of Optional Protocol: S (2) (a) and (b)

The Human Rights Committee decides:

(a) That the communication be transmitted to the State party concerned under rule 91 of the provisional rules of procedure requesting from the State party information and observations relevant to the question of admissibility of the communication. If the State party contends that domestic remedies have not been exhausted, it is requested to give details of the effective remedies available to the alleged victim in this case. If the State party objects that the same matter is already being examined under another procedure of international investigation or settlement, it should give details including information on the stage reached in those proceedings;

(b) That the State party be requested to inform the Committee of the alleged victim's whereabouts and his state of health;

(c) That it should be explained to the author that the Committee is precluded under article 5 (2) (a) of the Optional Protocol from considering a communication if the same matter is being examined under another procedure of international investigation or settlement. In this connection the author should be requested to state whether a case concerning the alleged victim has been submitted by her or, to her knowledge, by any other person to the Inter-American Commission on Human rights. If so, she should give details, including any information in her possession as to the stage reached in the procedure before the Inter-American Commission on Human Rights, so as to assist the Committee in determining whether the same matter is being examined under that procedure;

(d) That the State party and the author be informed that their information and observations should reach the Human Rights Committee, in care of the Division of Human Rights, United Nations Office at Geneva, within six weeks of the date of the request;

(e) That the Secretary-General transmit any information or observations received to the other party as soon as possible to enable the other party to comment thereon if it so wishes. Any such comments should reach the Human Rights Committee, in care of the Division of Human Rights, United Nations Office at Geneva, within four weeks of the date of the transmittal;

(f) That the text of this decision be communicated to the State party and the author.