

COMMITTEE AGAINST TORTURE

L. B. v. Spain

Communication No. 9/1991

18 November 1991

CAT/C/7/D/9/1991 *

ADMISSIBILITY

Submitted by: Mr. L. B. (name deleted)

Alleged victim: The author

State party concerned: Spain

Date of communication: 16 September 1991

Documentation reference: Prior Decisions - none

Date of present decision: 18 November 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 18 November 1991,

Adopts the following:

Decision on admissibility

1. The author of the communication (dated 16 September 1991) is L. B., a lawyer residing in Spain. He claims to be a victim of article 1 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment because of the degrading and humiliating treatment he allegedly receives from Spanish judges and magistrates in retaliation for having brought charges against them.
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 2 of the Convention provides that the Committee shall declare inadmissible any communication which it considers to be an abuse of the right of submission, or to be incompatible with the provisions of the Convention. The Committee observes that the treatment the author complains of manifestly does not fall within the scope of article 1 of the Convention, which defines the term “torture”, nor within the scope of article 16, which refers to other cruel, inhuman or degrading treatment. Thus the communication is inadmissible ratione materiae.

4. The Committee therefore decides:

(a) That the communication is inadmissible under article 22, paragraph 2 of the Convention;

(b) That this decision shall be communicated to the author and, for information, to the State party.

*/ Made public by decision of the Committee against Torture.

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

[Done in English, French, Russian and Spanish, the English text being the original version].