

Annex*

DECISION OF THE COMMITTEE AGAINST TORTURE UNDER ARTICLE 22
OF THE CONVENTION AGAINST TORTURE AND OTHER CRUEL, INHUMAN
OR DEGRADING TREATMENT OR PUNISHMENT

FIFTEENTH SESSION

concerning

Communication No. 26/1995

Submitted by: X [name deleted]
Alleged victim: The author
State party concerned: Canada
Date of communication: 2 April 1995

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

Meeting on 20 November 1995,

Adopts the following decision:

Decision on admissibility**

1. The author of the communication is a Zairian citizen, who arrived from France at Montreal airport, Canada, on 4 March 1995. An expulsion order was served on her, and on 27 March she filed a motion for a stay of execution, which was heard and rejected on 31 March 1995. She was sent back to France on 4 April 1995. Ms. X claims to be a victim of a violation of article 3 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.
2. Before considering any claims in a communication, the Committee against Torture must decide whether or not the communication is admissible under article 22 of the Convention.
3. Article 22, paragraph 5 (a), precludes the Committee from considering any communication from an individual unless it has ascertained that the same matter has not been, and is not being, examined under another procedure of

* Decision made public by decision of the Committee against Torture.

** In accordance with rule 104 of the Committee's rules of procedure, Mr. Peter Burns did not take part in the consideration of this communication.

international investigation or settlement. As Ms. X's counsel submitted a motion relating to her expulsion to the Inter-American Commission on Human Rights on 13 September 1995, the Committee finds that the requirements of article 22, paragraph 5 (a), of the Convention have not been met.

4. The Committee therefore decides:

(a) that the communication is inadmissible;

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

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