



Strasbourg, 3 April 2006

DH-S-TER(2006)005

STEERING COMMITTEE FOR HUMAN RIGHTS
(CDDH)

**GROUP OF SPECIALISTS ON HUMAN RIGHTS
AND THE FIGHT AGAINST TERRORISM**

(DH-S-TER)

MEETING REPORT

2nd meeting

Strasbourg, 29-31 March 2006

Item 1: Opening of the meeting and adoption of the agenda

1. The Group of Specialists on Human Rights and the Fight against Terrorism (DH-S-TER) held its second meeting in Strasbourg on 29-31 March 2006, with Mr. Ignacio BLASCO (Spain) in the Chair. The list of participants is contained in Appendix I. The agenda, as adopted, is contained in Appendix II.

Item 2: Continuation of the examination of the issues raised with regard to human rights by the use of diplomatic assurances in the context of expulsion procedures**Item 3: Consideration of the appropriateness of a legal instrument on diplomatic assurances**

2. The meeting was devoted to the examination of items 2 and 3.

3. The DH-S-TER benefited from the very active contribution of the observers who submitted texts for the Group and who participated in the discussion. The DH-S-TER welcomed this co-operation.

4. The result of the work is reflected in the final activity report adopted by the DH-S-TER, as it appears in Appendix III.

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5. At the end of its work, the DH-S-TER considered that it had fulfilled the terms of reference assigned to it by the CDDH.

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Item 4: Other business

6. In addition, further to the wish expressed by the Bureau of the CDDH at its 71st meeting (23-24 March 2006), the DH-S-TER held a brief exchange of views on other issues on the protection of human rights in the fight against terrorism, in particular following the concluding remarks of the High Level Seminar “*Protecting Human Rights while fighting Terrorism*” (Strasbourg, 13-14 June 2005).

7. At the end of this exchange of views, two suggestions were identified. The DH-S-TER wished to transmit them to the CDDH for the exchange of views that it will hold at its 62nd meeting (4-7 April 2006):

- continuation of the follow-up activity to the Guidelines on the protection of victims of terrorist acts, a follow-up activity that fully corresponds to the CDDH it having been the author of this instrument. The representative of the CODEXTER indicated that his Committee had already collected information on national existing laws and practice on this issue. The representative of the OSCE-ODIHR informed the Group

that her organisation was currently running a project on solidarity with victims of terrorist acts;

- problems linked with “black lists”, especially that of the right of access to a tribunal for persons suspected of terrorist activities enable them to challenge their inscription on such lists. The representative of the Committee of Legal Advisers on Public International Law (CAHDI) informed the DH-S-TER that his Committee was currently working on the implementation of United Nations sanctions and respect for human rights.

8. Finally, whatever the themes that the CDDH might retain, the DH-S-TER drew attention to the fact that several other bodies, both within the Council of Europe (CODEXTER¹, CAHDI², PC-S-AV³) and outside (European Commission, OSCE-ODIHR⁴) were currently addressing several aspects of the protection of human rights in the fight against terrorism and that it would be necessary to take this into account in order to avoid any redundancy.

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¹ Committee of Experts on Terrorism.

² Committee of Legal Advisers on Public International Law.

³ Group of Specialists on Assistance to Victims and Prevention of Victimisation.

⁴ Office for Democratic Institutions and Human Rights of the Organisation for Security and Co-operation in Europe.

Appendix I**List of participants****(a) Representatives of member states****AUSTRIA**

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3. Commission européenne / European Commission

Apologised / Excusé

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8. Comité des conseillers juridiques sur le droit international public / Committee of Legal Advisers on Public International Law (CAHDI)

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Interpreters/Interprètes:

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Appendix II

Agenda

Item 1: Opening of the meeting and adoption of the agenda

Item 2: Continuation of the examination of the issues raised with regard to human rights by the use of diplomatic assurances in the context of expulsion procedures

Item 3: Consideration of the appropriateness of a legal instrument on diplomatic assurances

Item 4: Other business

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Appendix III

Final activity report of the DH-S-TER for the CDDH

Introduction

1. The Group of Specialists on Human Rights and the Fight against Terrorism (DH-S-TER) held two meetings, respectively on 7-9 December 2005, with Mr. Derek WALTON (United Kingdom) in the Chair and on 29-31 March 2006, with Mr. Ignacio BLASCO LOZANO (Spain) in the Chair.

Consideration of the terms of reference

2. Examining the terms of reference received from the CDDH (Appendix I), the DH-S-TER decided to focus on the issue of diplomatic assurances in the context of the fight against terrorism, mainly in cases where there was a risk of torture or inhuman or degrading treatment or punishment (Article 3 ECHR) in the context of expulsion procedures⁵.

3. For the purpose of its discussion, DH-S-TER took a broad approach to the concept of “diplomatic assurances”, regarding it as covering written undertakings (*note verbale*, memorandum of understanding, etc) and promises made through diplomatic channels regarding a person’s forced removal from one country to another when these are designed to ensure respect for the removed person’s fundamental rights.

Working methods

4. In carrying out its terms of reference the DH-S-TER had due regard, in particular, to the Guidelines on human rights and the fight against terrorism (adopted by the Committee of Ministers on 11 July 2002 at the 804th meeting of the Ministers’ Deputies), other texts on terrorism adopted in the framework of the Council of Europe, the case-law of the European Court of Human Rights and relevant international texts and work, particularly that carried out by the United Nations and other international organisations.

5. The DH-S-TER also based its work on (i) national information supplied in response to a questionnaire (Appendix II); (ii) information and comments in particular

⁵ The DH-S-TER also considered the use of diplomatic assurances with regard to possible violations of articles other than Article 3 ECHR but also in other frameworks than that of expulsion procedures. It thus evoked the case of risks of violation of Articles 5, 6 and 8 ECHR. It also, and particularly considered the practice of diplomatic assurances in the context of extradition procedures (notably in cases where there is the risk of the death penalty) in so far as this was of relevance to its work on diplomatic assurances in the context of the risk of torture or inhuman or degrading treatment or punishment in the framework of expulsion procedures. The Group recognized that, although it was not without merit to look at experience of the use of diplomatic assurances in other contexts, there were fundamental differences between the context of Article 3 ECHR and that of the death penalty. The same principles and procedures cannot automatically be applied to both situations. In addition, there is a fundamental difference between expulsion procedures and extradition procedures.

from representatives of international organisations, non-governmental organisations and national institutions for the promotion and protection of human rights (Appendix III); (iii) an exchange of views with Mr Manfred NOWAK, United Nations Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment and Mr Alvaro GIL-ROBLES, Council of Europe Commissioner for Human Rights; and (iv) a statement by Ms Louise ARBOUR, United Nations High Commissioner for Human Rights.

6. In accordance with its terms of reference, the DH-S-TER considered the question of the appropriateness of a legal instrument in this area (II). It started by reviewing practice in member states, on the basis of information received (I).

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I – Consideration of the use of diplomatic assurances in the context of the fight against terrorism, mainly in cases where there is a risk of torture or inhuman or degrading treatment or punishment (Article 3 ECHR) in the context of expulsion procedures

7. The DH-S-TER recalled in the first place that states are under the obligation to take the necessary measures to protect the fundamental rights of everyone within their jurisdiction against terrorist acts, especially the right to life. These measures must however comply with their human rights obligations. The DH-S-TER also recalled that all measures taken by states to fight terrorism must respect human rights and the principle of the rule of law, while excluding any form of arbitrariness, as well as any discriminatory or racist treatment, and must be subject to appropriate supervision.

8. The DH-S-TER concluded, on the basis of information received (see para. 5 above) and following discussions, that very few member states had experience of diplomatic assurances in connection with expulsion procedures.

9. The Group considered the very principle of the use of such assurances. It confirmed its commitment to the principles in guidelines IV (Absolute prohibition of torture)⁶ and XII, §2 (Asylum, return (“refoulement”) and expulsion)⁷ adopted by the Committee of Ministers in 2002. It also stressed the following points:

⁶ “The use of torture or of inhuman or degrading treatment or punishment is absolutely prohibited, in all circumstances, and in particular during the arrest, questioning and detention of a person suspected of or convicted of terrorist activities, irrespective of the nature of the acts that the person is suspected of or for which he/she was convicted.”

⁷ “It is the duty of a state that has received a request for asylum to ensure that the possible return (“refoulement”) of the applicant to his/her country of origin or to another country will not expose him/her to the death penalty, to torture or to inhuman or degrading treatment or punishment. The same applies to expulsion.”

- i. the prohibition of torture, inhuman or degrading treatment or punishment is absolute and non-derogable;
- ii. states must therefore take effective measures to prevent torture, inhuman or degrading treatment or punishment;
- iii. states must not expel an individual where there are substantial grounds to believe that he or she will be subject to a real risk of treatment contrary to Article 3 ECHR;
- iv. the assessment must be carried out on a case-by-case basis. There should be no list of “safe” or “unsafe” States;
- v. the existence of diplomatic assurances in a particular case does not relieve the sending States of their obligation not to expel if there are substantial grounds to believe that there is a real risk of treatment contrary to Article 3 ECHR. In other words, diplomatic assurances are not an alternative to a full risk assessment.

10. Some experts underlined that the Council of Europe should send a signal according to which the use of diplomatic assurances undermines⁸, or could undermine, the principle of an absolute ban on torture and inhuman and degrading treatment. Other experts did not support this approach.

11. It was also noted that cases were pending before the European Court of Human Rights and that developments in the Court's case-law in this area needed to be closely monitored.

Diplomatic assurances and the risk of torture

12. The DH-S-TER looked in detail at the potential role and impact of diplomatic assurances to mitigate or eliminate the risk of a violation of Article 3 of the European Convention. Experts differed on this crucial issue.

13. Certain experts considered that diplomatic assurances concerning Article 3 ECHR treatment in the context of expulsion procedures were inherently unreliable and could not be regarded as having sufficient weight to amount to an effective mitigation of the risk. They should thus never be relied upon. Some expressed this view for all the cases, others limited their remarks to cases where there is a systematic pattern of torture in the receiving State. The reasons presented to support this view included:

- i. diplomatic assurances are sought from countries which have a proven record of torture or other ill treatment contrary to their international obligations;
- ii. the State asking for diplomatic assurances knows that the other State violates its obligations regarding torture and therefore implicitly recognizes that

⁸ The observer NGOs also supported this wording.

torture occurs. By relying on diplomatic assurances, it undermines efforts of the international community to ensure respect for human rights obligations;

- iii. diplomatic assurances create double standards between the person protected by the assurances and other persons in the country who may face torture without any such protection;
- iv. diplomatic assurances are not necessarily legally binding;
- v. it seemed that in many cases the post-return monitoring mechanisms of the respect of the fundamental rights of the expelled person were proven not to be effective;
- vi. in practice, there have been several specific cases of decisions of international monitoring organs which established that, in the individual case, the diplomatic assurances that had been obtained were ineffective;
- vii. if the assurances are violated, the individual concerned has no available remedy;
- viii. it might be thought that the requested and requesting States have a common interest in the monitoring body finding no evidence of torture;
- ix. there is no climate of mutual trust;
- x. torture is of a clandestine nature;
- xi. if the study of the case concludes that there is a risk, the fact that diplomatic assurances were obtained does not change that conclusion;
- xii. an evaluation of the diplomatic assurances already given in some cases shows that they cannot reach the sought purpose, that is to say protection from torture or inhuman or degrading treatment or punishment.

14. On the contrary, other experts argued that diplomatic assurances can be effective and therefore have significant weight when carrying out a risk assessment. However, there must be safeguards to ensure the effectiveness of such assurances if they are to be relied upon. They must be assessed on a case-by-case basis according to the particular circumstances of the case. In particular, according to these experts:

- i. diplomatic assurances are not in principle in breach of Article 3 or other international law standards;
- ii. there exists no decision of an international court that indicates that diplomatic assurances are in general ineffective;
- iii. there are, in addition, decisions of national courts that explicitly rely on these assurances.

15. Other experts expressed a mid-way position. They noted that, at this stage, it would be advisable not to exclude in principle the possible future use of diplomatic assurances, on a case by case basis. On the other hand, they did not conclude that diplomatic assurances were in practice necessarily effective in all cases.

16. Finally, certain experts indicated that it was very difficult to reach a settled position on the issue, since the authorities of their country had never used such assurances. They thought that diplomatic assurances could facilitate further examination of specific cases but should not be a pretext for disregarding international obligations contracted by states.

II – Consideration of the appropriateness of drafting an instrument within the Council of Europe

17. In this context, an important discussion took place within the DH-S-TER on the appropriateness of drafting an instrument within the Council of Europe, issue which is at the heart of the terms of reference assigned to it by the CDDH. At the end of its discussion, the DH-S-TER thought that the Council of Europe should not draft such an instrument. Among the reasons given by several experts, the following may be singled out:

- i. it was always very difficult to draft a legal instrument when there was very little national practice on which to draw, as in the case of diplomatic assurances in expulsion procedures, particularly as the situations that might lend themselves to the use of such assurances varied widely;
- ii. it would be particularly difficult to draft such an instrument as member states had no common position on the use of diplomatic assurances;
- iii. such an instrument could be seen as weakening the absolute nature of the prohibition of torture or as a Council of Europe legitimisation of the use of diplomatic assurances;
- iv. it could also be seen as an inducement to resort to diplomatic assurances, when in fact states currently make very little use of them;
- v. situations that may lead to expulsion had to be examined on a case by case basis making it very difficult to develop basic standards, other than very broad ones which would offer little protection, which would be unacceptable

18. Certain experts could envisage further consideration to be given at a later stage to the appropriateness of a legal instrument, particularly once the European Court of Human Rights had ruled on these issues. In this perspective, record of the present discussions should be carefully preserved.

19. Finally, certain experts said that their authorities opposed the drafting an instrument within the Council of Europe on the grounds of principle mentioned above (para. 13).

Conclusion

20. The DH-S-TER suggested to the CDDH to reject the drafting of a legal instrument on minimum requirements/standards for the use of diplomatic assurances in the context of expulsion procedures, in the framework of the fight against terrorism, in cases where there is a risk of torture or inhuman or degrading treatment or punishment.

Suggestions

21. The DH-S-TER drew attention to other ways and means which can be used to deal with the problems that diplomatic assurances try to address; in particular:

- i. calling on states to ratify and implement international conventions on the protection of human rights and, especially, those against torture and inhuman or degrading treatment or punishment; to accept the competence of international and national monitoring bodies; and to establish systems of regular monitoring by independent international and national bodies to all places where people are deprived of their liberty;
- ii. launching prosecutions for criminal offences. In many cases this was seen to be the ideal approach. Some experts noted however that this did not deal with the threat posed after the sentence had been served. In addition, others noted that prosecution would not always be a practical option because of, for example, the nature of the evidence giving rise to a suspicion of involvement in terrorist activity. The option of expulsion had therefore to be retained, while recognising that the person might still pose a threat when returned to his/her country of origin;
- iii. expulsion to a third State offering sufficient protection to the individual;
- iv. managing the situation in the country itself. Some experts drew attention to the fact that keeping a person suspected of terrorist activities under surveillance in the country itself could offer more advantages to the populations and national security rather than the surveillance of that person in another country.

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Appendix I to the Final activity report

**Terms of reference of the Group of Specialists on Human Rights
and the Fight against Terrorism (DH-S-TER)**

1. Name of committee: GROUP OF SPECIALISTS ON HUMAN RIGHTS AND THE FIGHT AGAINST TERRORISM (DH-S-TER)
2. Type of committee: Committee of experts
3. Source of terms of reference: Steering Committee for Human Rights (CDDH)
4. Terms of reference:

Following the High-Level Seminar “*Protecting Human Rights while fighting Terrorism*” (Strasbourg, 13-14 June 2005), the Group of Specialists on Human Rights and the Fight against Terrorism (DH-S-TER) is called to:

- (i) start a reflection on the issues raised with regard to human rights by the use of diplomatic assurances in the context of expulsion procedures; and
- (ii) consider the appropriateness of a legal instrument, for example a recommendation on minimum requirements/standards of such diplomatic assurances, and, if need be, present concrete proposals.

In carrying out its terms of reference the DH-S-TER shall have due regard, in particular, to the Guidelines on human rights and the fight against terrorism (adopted by the Committee of Ministers on 11 July 2002 at the 804th meeting of the Ministers’ Deputies), the Guidelines on the protection of victims of terrorist acts (adopted by the Committee of Ministers on 2 March 2005 at the 917th meeting of the Ministers’ Deputies), other texts on terrorism adopted in the framework of the Council of Europe, the case-law of the European Court of Human Rights and relevant international texts and work, particularly that carried out by the United Nations, the European Union and other international organisations.

Upon completing its work the DH-S-TER will prepare a final activity report for the attention of the CDDH.

5. Membership:

The Group of specialists shall be composed as follows:

Austria*, Belgium, Croatia, Finland*, France, Germany, Greece, Italy, Latvia, the Netherlands*, Poland, the Russian Federation, Spain, Sweden*, Switzerland, Turkey and the United Kingdom.

* At their own expenses.

The Council of Europe will bear the travel and subsistence expenses of thirteen specialists for attendance at meetings of the Group. Other member States expressing an interest in the work of the Group may designate, at their own expense, specialists to participate in meetings of the Group.

6. Observers:

The Office of the United Nations High Commissioner for Human Rights, the European Commission, the Office for Democratic Institutions and Human Rights (ODIHR-OSCE), the Office of the Commissioner for Human Rights of the Council of Europe, the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) and the Committee of Experts on Terrorism (CODEXTER) shall be invited to designate a representative to participate as an observer, as well as Non-Governmental Organisations and bodies with observer status within the CDDH.

7 Working structures and methods:

In carrying out its terms of reference, the Group of Specialists shall consult all parties concerned by its work by all appropriate means. In particular, it may organise hearings of representatives of non-governmental organisations and written consultations.

8. Duration:

These terms of reference expire on 31 May 2006.

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Appendix II to the Final activity report

Questionnaire

on the practice of States in the use of diplomatic assurances

The Steering Committee for Human Rights (CDDH) gave terms of reference to the Group of Specialists on Human Rights and the Fight against Terrorism (DH-S-TER) to “start a reflection on the issues raised with regard to human rights by the use of diplomatic assurances in the context of expulsion procedures”.

At its first meeting (7-9 December 2005), the DH-S-TER noted that it lacked practical information about the practice of States in the use of diplomatic assurances (please refer to the meeting report, document DH-S-TER(2005)018⁹). The DH-S-TER therefore decided to send out the following questionnaire to all CDDH members and observers.

In responding to the questions, you are requested to give priority to examples of the use of diplomatic assurances in the context of the fight against terrorism, in cases where there was a risk of torture or inhuman or degrading treatment or punishment (Article 3 ECHR) in expulsion procedures. In addition, other examples can also be given (such as those relating to extradition and death penalty) to the extent that they may be relevant to the consideration of diplomatic assurances relating to Article 3 treatment in expulsion procedures.

Question 1: National experience in the use of diplomatic assurances

- How is the assessment of the risk of torture in the receiving State carried out in your country? Please provide details of the risk assessment process, including the factors considered and sources of information¹⁰.
- Has your country ever:
 - sought to obtain diplomatic assurances?
 - obtained diplomatic assurances?
 - expelled a person after having obtained such assurances?If not, why?

⁹ Documents mentioned in the agenda of the meeting can be obtained from the Secretariat.

¹⁰ In order to help you in your answer, the following questions are suggested as a guidance:

- Which entity carries out the risk assessment?
- According to which criteria?
- To what extent are the international obligations of the receiving State with regard to the prohibition of torture taken into consideration? How?
- Does your State take into account reports of international monitoring mechanisms on the human rights situation of the receiving States? What other sources of information are used?
- Does your State take into account the effectiveness of the control of the authorities of the receiving State over its agents?

- If so, please provide practical examples, giving details of the level and form of the assurances and of any applicable safeguards (including, for example, any monitoring mechanisms or sanctions for non-compliance)¹¹.

Question 2: Outcome of the use of diplomatic assurances

Please provide information as to the outcome of the use (or consideration of the use) of diplomatic assurances (both the factual outcome and any lessons to be learnt from your experience). Are you satisfied with the outcome? Why? Do you have any suggestions to improve the use of diplomatic assurances?

Question 3: Case-law and decisions

You are invited to provide examples of consideration of diplomatic assurances:

- from the judgments and decisions of the European Court of Human Rights;
- from the case-law of national courts;
- of decisions of other bodies (such as the UN Committee against torture).

(Please indicate, for each example mentioned, the precise case-law references, a brief summary of the outcome and why, in your view, this case-law is relevant to the issue of diplomatic assurances)

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¹¹ In order to help you in your answer, the following questions are suggested as a guidance:

- What safeguards does your State request from the receiving State when asking for diplomatic assurances?
- At what level in the hierarchy of the receiving State are the diplomatic assurances sought/given (Head of State? Ministry of Justice, Foreign Affairs, Interior? Ambassador? Other?)?
- How often has your country had recourse to diplomatic assurances (for example, how many cases since September 2001?)?
- Can a person to be removed/expelled challenge the decision of removal/expulsion before a court? Does this suspend the removal/expulsion?
- What kind of monitoring mechanisms/measures are set up to make sure that diplomatic assurances are followed once the person is removed/expelled? How is this monitoring mechanism/measure chosen? For how many months/years are the monitoring mechanisms/measures operational after the removal/expulsion of the person?
- What courses of action can (could) be followed if it is proven that the diplomatic assurances are not respected? Are there any such measures envisaged as part of the diplomatic assurances? Would you consider taking back the person to your own country?

Appendix III to the Final activity report

List of the documents used by the DH-S-TER

Working documents

- Human Rights and the Fight against Terrorism – The Council of Europe Guidelines
- Terms of reference of the Group of Specialists on Human Rights and the Fight against Terrorism (DH-S-TER) DH-S-TER(2005)001
- Extracts from the reports of the 60th meeting of the CDDH (14-17 June 2005) and of the 70th meeting of the Bureau (27-28 October 2005) DH-S-TER(2005)002
- Report of the first meeting of the DH-S-TER (7-9 December 2005) DH-S-TER(2005)018
- Questionnaire on the practice of States in the use of diplomatic assurances DH-S-TER(2006)001
- Compilation of the replies to the questionnaire DH-S-TER(2006)002 and addendum

Information documents

United Nations High Commissioner for Human Rights

- Human rights day – Statement by United Nations High Commissioner for Human Rights Louise Arbour DH-S-TER(2006)003
- Address by Louise Arbour, United Nations High Commissioner for Human Rights at Chatham House and the British Institute of International and Comparative Law DH-S-TER(2006)004
- Promotion and Protection of Human Rights: Protection of Human Rights and Fundamental Freedoms while countering Terrorism - Advance edited version of a Report of the High Commissioner for Human Rights E/CN.4/2006/94
- Statement by Louise Arbour, United Nations High Commissioner for Human Rights, to the Council of Europe Group of Specialists on Human Rights and the Fight against Terrorism, 29-31 March 2006

United Nations Committee against Torture

- Decision in the case Ms G. K. v. Switzerland of 12 May 2003 (communication n° 219/2002), followed by the Observations of the Swiss Government on the admissibility and the cogency of the communication (*the Observations exist only in French*) DH-S-TER(2005)003
- Decision in the case Agiza v. Sweden of 24 May 2005 (communication n° 2333/2003) DH-S-TER(2005)004

United Nations Special Rapporteur on Torture and other Cruel, Inhuman or Degrading Treatment or Punishment

- Report of Mr Theo van Boven, United Nations Special Rapporteur on Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, document A/59/324 of 1st September 2004 DH-S-TER(2005)014
- Report of Mr Manfred Nowak, United Nations Special Rapporteur on Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, document A/60/316 of 30 August 2005 DH-S-TER(2005)005
- United Nations Press release of 23 August 2005: “‘Diplomatic assurances’ not an adequate safeguard for deportees, UN Special Rapporteur against torture warns” DH-S-TER(2005)006
- Report of Mr Manfred Nowak, United Nations Special Rapporteur on Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, document E/CN.4/2006/6 of 23 December 2005,

Office for Democratic Institutions and Human Rights (OSCE-ODIHR)

- OSCE-ODIHR Background Paper on Extradition and Human Rights in the Context of Counter-terrorism (n'existe qu'en anglais) DH-S-TER(2005)015

Parliamentary Assembly of the Council of Europe

- Questions put forward by members of the Parliamentary Assembly and answers by the Committee of Ministers DH-S-TER(2005)007

European Court of Human Rights

- Press release No. 554 issued by the Registrar of the Court of 20 October 2005: “Application lodged with the Court Ramzy v. The Netherlands” DH-S-TER(2005)008

European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT)

- Extracts from the 15th General Report on the activities, covering the period 1 August 2004 to 31 July 2005 DH-S-TER(2005)009

Human Rights Commissioner of the Council of Europe

- Extracts from the Reports of Mr Alvaro Gil-Robles, Human Rights Commissioner of the Council of Europe, on his visits to Sweden (21-23 April 2004) and the United Kingdom (4-12 November 2004) DH-S-TER(2005)010

Venice Commission

- Extracts from the Opinion of the Venice Commission on the international legal obligations of Council of Europe member states in respect of secret detention facilities and inter-state transport of prisoners adopted by the Venice Commission at its 66th Plenary Session (Venice, 17-18 March 2006) (Opinion no. 363 / 2005, document CDL-AD(2006)009) DH-S-TER(2006)006

Non-Governmental Organisations / Civil society

- Call for Action against the Use of Diplomatic Assurances in Transfers to Risk of Torture and Ill-Treatment: Joint Public Statement by Amnesty International and other Organisations, 12 May 2005 DH-S-TER(2005)011
- Still at Risk: Diplomatic Assurances no Safeguard against Torture: Human Rights Watch, April 2005, vol. 17, No. 4 (D) DH-S-TER(2005)012
- Reject rather than regulate – Call from Amnesty International, Human Rights Watch and the International Commission of Jurists DH-S-TER(2005)013
- Position paper of the European Group of National Institutions for the Protection and Promotion of Human Rights on the use of diplomatic assurances in the context of expulsion procedures and the appropriateness of drafting a legal instrument relating to such use DH-S-TER(2005)016
- Positions of the Jacob Blaustein Institute for the Advancement of Human Rights (JBI) and Columbia University Law School's Human Rights Clinic on Minimum Standards and Guidelines on the Use of Diplomatic Assurances DH-S-TER(2005)017
- Human Rights Watch: Commentary on State Replies CDDH Questionnaire on Diplomatic Assurances
- Reject the Use of Diplomatic Assurances in all cases of Real Risk of Torture or other Ill-treatment: Joint Public Statement by Amnesty International and other Organisations, 29 March 2006

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