Thank you chair, good morning.

I will address the issue of diplomatic assurances. I don’t promise to be diplomatic.

2 principled points:

**First, diplomatic assurances undermine the Convention**

When 2 member states agree on the involuntary transfer of a person on the strength of diplomatic assurances, this means they now have 2 agreements on torture. In the first, both states promise: we will never torture anyone. In the second, one state promises another: We will never torture Mr. Fulan Abu Fulan.

What does this mean for that 1st agreement, i.e. the Convention against torture? It means that it is ignored, it is sidelined. The general, universal prohibition that is at the heart of the Convention is replaced by a specific, individualised prohibition. The sending state says: you promised, you reneged, you keep torturing, but we don’t care so long as you don’t torture this *one* person.

**Second, diplomatic assurances can only work, if at all, with a state where torture is systematic.** Systematic in the sense that the government has full control over police or other officials who torture prisoners. Obviously if it can’t control them, diplomatic assurances would be even more useless.

This isn’t Amnesty International’s fanciful analysis. SIAC, the UK Special Immigration Appeals Commission, accepted Jordan’s diplomatic assurances despite the notorious record of its General Intelligence Directorate, or GID because, and I quote, “[government] control over the GID and the internal command structure within the GID are sufficiently robust to ensure that orders given by the highest levels of government will be obeyed.”

This begs the question: why don’t these highest levels of government just order the GID not to torture *anyone*, not just Mr. Abu Fulan? If they gave that order the robust command structure would ensure that it’s obeyed, there’ll be no more torture and no need for diplomatic assurances. The SIAC didn’t ask, the UK government didn’t ask, and systematic torture was rewarded. This absurd state of affairs turns Article 3(2) – if not the whole Convention - on its head.

The Committee rose to the challenge. It told the UK unequivocally: “diplomatic assurances are unreliable and ineffective *and should not be used as an instrument to modify the determination of the Convention*.” We hope the Committee maintains this principled line. Thank you.