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Help

The question of diplomatic assurances was addressed by the Human Rights Committee (HRC) in the *case of Mohammed Alzery v. Sweden*, where the Committee considered the removal of an Egyptian national to Egypt by Sweden, pursuant to diplomatic assurances that had been obtained from the Egyptian government. The HRC found that the assurances received were inadequate to provide an effective guarantee against the risk of violations of Article 7 of the International Covenant on Civil and Political Rights, which prohibits torture or inhuman or degrading treatment or punishment:

**Human Rights Committee, Mohammed Alzery v. Sweden, Communication No. 1416/2005 (UN doc. CCPR/C/88/D/1416/2005), Final Views of 10 November 2006:**

11.3 .... The existence of diplomatic assurances, their content and the existence and implementation of enforcement mechanisms are all factual elements relevant to the overall determination of whether, in fact, a real risk of proscribed ill-treatment exists ...

11.5 The Committee notes that the assurances procured contained no mechanism for monitoring of their enforcement. Nor were any arrangements made outside the text of the assurances themselves which would have provided for effective implementation. The visits by the State party's ambassador and staff commenced five weeks after the return, neglecting altogether a period of maximum exposure to risk of harm. The mechanics of the visits that did take place, moreover, failed to conform to key aspects of international good practice by not insisting on private access to the detainee and inclusion of appropriate medical and forensic expertise, even after substantial allegations of ill-treatment emerged. In light of these factors, the State party has not shown that the diplomatic assurances procured were in fact sufficient in the present case to eliminate the risk of ill-treatment to a level consistent with the requirements of article 7 of the Covenant. The author's expulsion thus amounted to a violation of article 7 of the Covenant.

In your view, does this mean that if the diplomatic assurances received from Egypt had been stronger, including a broader set of guarantees, returning Alzery to that country would have been acceptable? Does this contradict the position of Manfred Nowak, the former Special Rapporteur on torture, described in the preceding unit?

Please turn to the next subsection to see the answer of the European Court of Human Rights.



The case of Mohammed Alzery v. Sweden I [3]  
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