

UK right of reply on deportations with assurances

Delivered to working session 9 on Friday 6 October, 2006

STARTS

“The Amnesty delegate raised concerns over the UK’s use of diplomatic assurances in the deportation of terrorist suspects.

Memoranda of Understanding are bilateral international instruments which provide a framework to permit deportation of foreign nationals in the UK whom we believe threaten our security. They permit deportation of particular individuals in a manner consistent with, and respecting, our international human rights obligations, including those under the European Convention on Human Rights.

Memoranda enable us to obtain assurances that will safeguard the rights of individuals being returned. For example, access to medical treatment, adequate nourishment and accommodation, as well as treatment in a humane manner in accordance with internationally accepted standards.

Let me make it clear that we will not deport or extradite a person where there are substantial grounds for believing there is a real risk of torture or other inhuman or degrading treatment, or that the death penalty will apply. Any decision to deport is subject to appeal through the UK court system. We believe assurances obtained under these memoranda will enable us to satisfy our courts that removal of particular individuals who threaten our security is consistent with our international human rights obligations.

An agreement between governments is a matter to be taken seriously. Expectation is that states will comply with assurances given in bilateral, international agreements. We do not believe a government with which the UK has a close and friendly relationship would give us such an undertaking and then breach it.

The Amnesty delegate also raises the issue of UK intervention in *Ramzy vs The Netherlands* at the European Court. The question of whether there should be a balancing test in the application of article 3 of the ECHR is an important one. We believe it is right that the European Court take this opportunity to revisit this question.”

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