

**OUTLINE OF THE CONTRIBUTIONS BY LATVIA ON
THE DRAFT REVISED GENERAL COMMENT No.1
“ON THE IMPLEMENTATION OF ARTICLE 3 OF THE CONVENTION
IN THE CONTEXT OF ARTICLE 22”**

1. Latvia has submitted written comments on the Draft Revised General Comment. The contribution focuses mainly on the approach taken in document regarding the use of diplomatic assurances in the context of extradition.
2. Latvia does not entirely share the view expressed in paragraph 20 of the Draft Revised General Comment. This paragraph seems to introduce a blanket ban on the use of diplomatic assurances, which, in our opinion, is excessively categorical approach and does not fully take into account the obligation of the States to cooperate in investigation and adjudication of criminal cases and to prevent impunity.
3. It goes without saying that the States must ensure full respect for the principle of *non-refoulement*. It also goes without saying that diplomatic assurances would not be permissible in cases where the general human rights situation in the receiving State indicates a very high risk of ill-treatment.
4. However, in cases where the general situation in the receiving State does not disclose a real risk of ill-treatment, we **invite the Committee to consider recognising that diplomatic insurances are in fact permissible**, provided they are **adequate and reliable**, which can be established by using **certain objective and measurable criteria**.
5. In its written contribution Latvia has proposed using the following criteria:
 - the contents of diplomatic assurances provided are explicit and specific;
 - the issuing authority has sufficiently high position so that the assurances will be binding upon other institutions in the receiving State;
 - an assessment is made whether assurances concern treatment which is legal or illegal in the receiving State;
 - existence of long and strong bilateral relations between the sending and receiving States can serve as an additional indicator towards reliability of assurances;
 - there must be an effective system of protection against torture in the receiving State;
 - there must be an opportunity to examine the reliability of the assurances before the judiciary of the sending State.
6. This proposed list should not be treated as exhaustive. Also, the criteria should be treated as alternative, not cumulative. However, the co-existence of several alternative criteria would indicate more convincing that in the particular case the principle of *non-refoulement* will be respected.
7. We therefore invite the Committee to revise paragraph 20 of the Draft Revised General Comment and provide a more nuanced guidance to the States regarding the use of diplomatic assurances.