



A NEW CHAPTER FOR HUMAN RIGHTS

A handbook on issues of transition
from the Commission on Human Rights
to the Human Rights Council



Annex 3.1

Working Group on arbitrary detention

Current chairperson: Leila Zerrougui
Mandate started: 1991

Term of chairperson: 2001-2006
Mandate up for renewal: 2006

Areas of focus

- Investigate cases of deprivation of liberty imposed arbitrarily where no final decision has yet been taken by domestic courts;
- Consider the situation of migrants and asylum-seekers allegedly held in prolonged administrative custody without the possibility of remedy;
- The legal framework includes the *International Covenant on Civil and Political Rights*, the *Body of Principles for the Protection of all Persons under any Form of Detention or Imprisonment*, and *Standard Minimum Rules for the Treatment of Prisoners*;
- The right not to be subject to arbitrary detention includes the right to be informed of the charges against oneself, the right to be brought promptly before a judge, and the right to challenge the legality of the detention.

Working methods

- The Working Group consists of five members and holds three private sessions a year;
- It is the only non-treaty-based mechanism whose mandate expressly provides for consideration of individual complaints;
- The Working Group formulates “deliberations” on matters of a general nature to develop a set of precedents and support States in the prevention of arbitrary deprivation of liberty.

Country visits

Argentina (2003)	China (1997 and 2004)	Latvia (2004)	Romania (1998)
Australia (2002)	Ecuador (2006)	Mexico (2002)	South Africa (2005)
Bahrain (2001)	Honduras (2006)	Nicaragua (2006)	UK (1998)
Belarus (2004)	Indonesia (1999)	Nepal (1996)	Vietnam (1994)
Bhutan (1994 and 1996)	Iran (2003)	Peru (1998)	Yugoslavia (1992)
Canada (2005)			

Outstanding requests

Afghanistan (2005)
Angola
Colombia
Equatorial Guinea (2005)
Ethiopia (2005)

Outstanding requests

Guinea Bissau
India
Libya
Nauru
Papua New Guinea

Outstanding requests

Sierra Leone
Turkmenistan
USA (2004)
Agreed upon in principle
Turkey

Pending reports: Annual report, Summary of Opinions adopted, Mission to Canada and Mission to South Africa (E/CN.4/2006/7, Add.1-3).

Thematic research

- Deliberation No.8 on the use of the Internet (2006);

- Deliberation No.7 on psychiatric detention (2005);
- The fight against terrorism (2004);
- Deliberation No.5 on Immigrants and asylum-seekers (2000);
- Criteria to determine arbitrary detention of asylum seekers (1999);
- Deliberation No.1 house arrest (1993).

Communications

- 181 urgent appeals were transmitted to 56 Governments, concerning 565 individuals;
- 168 were joint urgent appeals and 32 Governments replied;
- There is a model questionnaire for submitting information to the Working Group¹.

¹ <http://www.ohchr.org/english/about/publications/docs/fs26.htm#A5>.