



International Federation for Human Rights



World Organisation Against Torture

**Human Rights Council
6th session, 10 – 28 September 2007**

***Review, rationalisation and improvement of mandate -
Working Group on Arbitrary Detention***

**Joint Statement on behalf of The World Organisation Against Torture (OMCT), the
International Federation for Human Rights (FIDH) and Human Rights Watch (HRW)**

Thank you Mr. Chairman,

The World Organisation Against Torture (OMCT), the International Federation for Human Rights (FIDH) and Human Rights Watch (HRW) welcome the opportunity to share their views on the mandate of the Working Group on Arbitrary Detention.

The Working Group on Arbitrary Detention was established by the former Commission on Human Rights in its resolution 1991/42 and entrusted with the investigation of instances of alleged arbitrary deprivation of liberty, of the standards set forth in the Universal Declaration of Human Rights and of the relevant international instruments accepted by the States concerned.

We wish to recall that the Working Group on Arbitrary Detention is the only non-treaty-based mechanism whose mandate expressly provides for consideration of individual complaints. This means that its actions are based on the right of petition of individuals anywhere in the world. Victims of human rights violations and NGOs defending these latter have continually reiterated their support for this mechanism and its relevance as arbitrary detentions remain a common practice around the world.

Since detention in itself is not a violation of human rights, international law has progressively endeavoured to define the limits beyond which a detention, whether administrative or judicial, would become arbitrary. The Working Group on Arbitrary Detention has since its beginning worked on defining the scope of its mandate, clarifying detention as to either pre-trial or post-trial, and has developed a comprehensive literature on the issue, including deliberation on house arrest, psychiatric detention, etc, all this with a view to achieving better prevention. Its mandate was furthermore clarified and extended by the Commission in its resolution 1997/50 to cover the issue of administrative custody of asylum-seekers and immigrants.

OMCT, FIDH and HRW believe that the current structure of the Working Group on Arbitrary Detention should be maintained as a collegiate body, with the participation of experts from different legal backgrounds and representing geographical distribution, enabling a genuine plural discussion of the facts and interpretation of the domestic laws of all countries of the world.

OMCT, FIDH and HRW fully support the Working Group on Arbitrary Detention and call upon the Human Rights Council to maintain and reinforce its current mandate.

Thank you Mr. Chairman.