



United Nations Human Rights Council

36th session

Item 3: Clustered Interactive Dialogue with the Working Group on Arbitrary Detention

The Redress Trust

12 September 2017

Mr President,

REDRESS thanks the Working Group for their latest report which highlights their important work in contributing to remedies for those who have been arbitrarily detained.

We are however gravely concerned by the ongoing arbitrary detention of individuals in cases where the Working Group has called for their immediate release.

We strongly urge all States to comply with Opinions from the Working Group promptly and comprehensively. In this regard, we welcome the introduction of the new follow-up procedure to address this lack of compliance, and suggest that this procedure be applied to cases prior to 2016.

REDRESS has submitted several cases over the past years in which the Working Group has ordered their immediate release and other remedies.

In particular, we have focused on the cases of foreign and dual nationals arbitrarily detained abroad, including British national **Andargachew Tsege** (Opinion No. 2/2015), who continues to be arbitrarily detained in Ethiopia, and British dual nationals **Nazanin Zaghari-Ratcliffe** (Opinion No. 28/2016) and **Kamal Foroughi** (Opinion No. 7/2017) who remain in arbitrary detention in Iran to this date. Last week Kamal Foroughi turned 78 in Evin prison and we are deeply concerned for his health.

These cases raise important issues regarding consular assistance and diplomatic protection. We would like to recall that these are fundamental principles of international law.

We have seen that a failure on the part of the detaining State to grant full consular access, and in turn the failure of the State of nationality to assert its rights to full consular access and diplomatic protection, will typically result in serious consequences for the individuals concerned, including a denial of fair trial rights, torture and other prohibited ill-treatment.

We therefore call on detaining States in such cases to abide by their obligation to grant consular access, and for States of nationality to insist on this and provide diplomatic protection of their nationals where they have been denied access and where their national has been, or is at risk of, being subjected to human rights violations.

Thank you.