

# Human Rights Centre Clinic

## Arbitrary Detention Redress Unit

**Partner:** [UN Working Group on Arbitrary Detention](#)

### About

Arbitrary detention is a human rights violation, prohibited under the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights. It can constitute a gateway to further violations, including torture, enforced disappearances, and violations of fair trial rights.

### Project overview

Thousands of people around the world are subjected to arbitrary detention every year, including human rights defenders, journalists, and members of civil society organisations.

Since 2022, the Human Rights Centre Clinic has been running the Arbitrary Detention Redress Unit (ADRU), supervised by Dr Matthew Gillett, Chair Rapporteur of the UN Working Group on Arbitrary Detention.

The ADRU team will work with Dr Gillett and other UN experts to redress cases of alleged arbitrary detention. Team members will work on real cases and help prepare briefings for country visits, including inspections of detention facilities.

### Background

It is critical to address arbitrary detention, which is a *jus cogens* norm prohibited under the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights. Thousands of people around the world are subjected to arbitrary detention every year, including human rights defenders, journalists, and civil society members. Arbitrary detention is a gateway to further violations, including torture, enforced disappearances, and violations of fair trial rights.

The Arbitrary Detention Redress Unit (ADRU) is a forum in which students learn to tackle human rights violations, such as arbitrary detention, by acquiring skills, knowledge, and experience through involvement in real world cases. The ADRU contributes to the work of the United Nations Working Group

on Arbitrary Detention, which was established by the then Commission on Human Rights, in its resolution 1991/42, and was most recently extended by the Human Rights Council resolution 42/22 of 2019.

There are three main areas of activity. First, the Working Group investigates individual complaints of arbitrary detention. In this respect, Working Group invites responses from the relevant governmental authorities and, based on all the information we receive, issues opinions as to whether the detention is arbitrary and in violation of international human rights standards. Second, the Working Group conducts country visits to assess the situation regarding detention in particular states. Third, the Working Group carries out broader inquiries into patterns of arbitrary detention and its impact. The group is composed of five independent experts of balanced geographical representation: Africa; Latin America; Western European and Other States (which includes New Zealand, Australia, Canada, the USA, and Israel); Eastern Europe; and Asia. United Nations Special Mandate holders act with independence, impartiality, and integrity.

Since 2022, the ADRU has contributed to assessing individual cases of arbitrary detention, to conducting research on trends of arbitrary detention particularly in relation to marginalised groups, and to raising awareness of these concerns. In 2023 and 2024, the ADRU members conducted [visits](#) to Geneva to provide students with a contextual understanding of the United Nations human rights work, and opportunities to meet with professionals and experts on human rights, while also disseminating their research to key United Nations representatives and organisations. The ADRU research has contributed to thematic reports by the UN Working Group, including on disinformation and arbitrary detention, the targeting of environmental human rights defenders, and mandatory minimum sentences.

By participating in the ADRU, you will develop exceptional skills regarding the assessment and redress of human rights violations. Specifically, you will obtain extensive knowledge of the law and key United Nations human rights institutions regarding arbitrary detention, as well as practical methods to identify and combat instances of arbitrary detention. You will form strong research and writing skills; the ability to analyse, process and summarise legal texts; and an understanding of the requirements of confidentiality.

## **Project output**

Students will learn about human rights issues and techniques related to arbitrary detention through their weekly meetings.

They will have the opportunity to review individual complaints of arbitrary detention, as well as government responses thereto.

They will also conduct research on broader thematic issues, including novel issues, and prepare short memoranda on those issues, highlighting human rights practice and emerging challenges.

They will prepare briefings on thematic issues regarding arbitrary detention for presentation to UN representatives.

In 2024-25, these projects will again contribute to UN statements and policies designed to raise awareness of those issues and generate strategies by governments and civil society to prevent any arbitrary detention in these contexts.

The team will submit a blogpost of around 1,000 words in 2025.

## **Timeline**

Phase 1: November – December 2024:

- Learning about human rights, with a particular emphasis on arbitrary detention.
- In mini-teams, reviewing and analysing individual complaints of alleged arbitrary detention.
- Selecting thematic issues to research.

Phase 2: January – March 2025:

- Deepening analysis skills regarding individual cases of arbitrary detention.
- Conducting research on thematic issues and receiving feedback on research and writing.
- Preparing for presentations to UN representatives.

Phase 3: April – June 2025:

- Meeting with UN representatives and presenting research.
- Ad hoc follow-up and spin-off projects.
- Drafting a blog on the ADRU and its activities.

## **Initial reading**

- Basic information on the Working Group on Arbitrary Detention <https://www.ohchr.org/en/special-procedures/wg-arbitrary-detention>
- A/HRC/54/51: Arbitrary detention – 2022 Annual Report of the Working Group on Arbitrary Detention <https://www.ohchr.org/en/documents/thematic-reports/ahrc5451-arbitrary-detention-report-working-group-arbitrary-detention>
- Mazinghy, 'Please, Set Me Free! The Right to Challenge an Unlawful Detention: Scrutinizing the Practice of the United Nations Working Group on Arbitrary Detention' (2020) 5 Perth International Law Journal
- Toomey, 'Detention on Discriminatory Grounds: An Analysis of the Jurisprudence of the United Nations Working Group on Arbitrary Detention' (2018) 50 Columbia Human Rights Law Review

- Gillett, Matthew, Karukaya, Yutaka, Marzotto, Mia, “[Reconciling the Dual-Faceted Mandates of Quasi-Judicial Human Rights Bodies: The Working Group on Arbitrary Detention’s Prima Facie Approach to Evidence](#)”, *Human Rights Law Review*, 24(1), 2024.

## **Focal point**

- Dr Matthew Gillett, Senior Lecturer Essex Law School and Chair Rapporteur of the UN Working Group on Arbitrary Detention [matthew.gillett@essex.ac.uk](mailto:matthew.gillett@essex.ac.uk)