Statement by the International Federation of ACATs (FIACAT)

Item 3 - Interactive dialogue with the working group on arbitrary detention

45th session of the Human Rights Council

18 September 2020

Thank you, Madam Chairperson,

Ladies and Gentlemen, members of the Working Group on Arbitrary Detention.

FIACAT thanks you for your report and particularly appreciates your deliberation no. 11.

The Covid-19 pandemic has highlighted and aggravated certain issues from which many prisons throughout the world suffer.

Prison overcrowding and increased promiscuity among inmates make it impossible to comply with barrier measures against the virus. In this respect, the measures taken by many States to relieve prison overcrowding, such as pardons and remissions, are to be encouraged. Nevertheless, these sporadic measures do not provide a sustainable response to the existing problems which could make it possible to better anticipate similar crisis in the future. It is therefore essential to make fundamental changes, respecting judicial safeguards, in order to ensure in practice that freedom is the rule and detention the exception. This applies particularly to pre-trial detention. As you pointed out in your deliberation No. 10, any person in pre-trial detention beyond the legal time limits should be released until the criminal proceedings against him or her have been concluded. Nevertheless, many cases of abusive pre-trial detention are still documented around the world.

This concern is all the more present as the Covid-19 crisis has led to the suspension of many legal proceedings, which could then lead to further congestion in the courts.

Finally, the Covid-19 has also seriously threatened the independent monitoring of places of deprivation of liberty by civil society organisations, NHRIs and national preventive mechanisms. Such monitoring is a guarantee against arbitrary detention and should be carried out in all circumstances, if necessary by means other than visits to these places.

Thank you for your attention.

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