

**Oral Statement delivered by the International Commission of Jurists in the Clustered
Interactive Dialogue with the Working Group on Arbitrary Detention and Working Group
on Enforced and Involuntary Disappearances
under Agenda Item 3**

**PROCEDURAL SAFEGUARDS AND CIVIL SOCIETY'S ACTION TO PREVENT ARBITRARY
DETENTION AND ENFORCED DISAPPEARANCE**

12 September 2018

Mr President, Chairpersons of the Working Groups,

The International Commission of Jurists (ICJ) welcomes the focus of the report of the Working Group on Arbitrary Detention on "Linkages between arbitrary detention and instances of torture and ill-treatment".

The ICJ shares the view of the Working Group that "safeguards ... to prevent" torture and ill-treatment minimize and prevent "instances of arbitrary detention" (A/HRC/39/45, para. 59, and the view that "Judicial oversight of detention is a fundamental safeguard of personal liberty " (A/HRC/39/45, para. 60).

The ICJ further welcomes the interim report of the Working Group on Enforced and Involuntary Disappearances on effective investigations (A/HRC/39/46), including the finding that "relatives of the disappeared have proven to be essential in the context of investigations and should have the right to know the truth" (para. 65)

The ICJ however stresses that these standards are not always upheld by States in their policies and actions.

For example, in Turkey, judicial review of detention is carried out by Judgeships of the Peace whose independence is highly questionable.

Finally, with regard to enforced disappearances, the ICJ is very concerned by the actions of Turkish authorities prohibiting the Saturday Mothers to hold their weekly protests in Galatasaray Square (Istanbul) in memory of their disappeared, in breach of their right to freedom of assembly.

Events of this kind seriously weaken the procedural safeguards and the action of civil society to protect and promote the prohibition of arbitrary detention and ensure accountability against enforced disappearances.

The ICJ urges the Council to address these worrying developments.

I thank you.

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