

Procedure for the Investigation of Individual Cases



Stage 1 Submission

Submission can be made by:

- 1 The individual concerned, their families or legal representatives; or
- 2 Civil society organisations (upon consent of the alleged victims, their families, or their representatives)

Explicit consent of alleged victim or his or her family or legal representatives is needed
 Consent form link: <https://www.ohchr.org/EN/Issues/Detention/Pages/Complaints.aspx>

Content of submission (max. 20 pages including annexes):*

- Victim's identity
- Information on the circumstances of the arrest or detention

Model questionnaire can be accessed from
<https://www.ohchr.org/en/special-procedures/wg-arbitrary-detention>

Written submission should be addressed to:

Working Group Secretariat
 Email: ohchr-wgad@un.org

Working Group on Arbitrary Detention,
 Office of the High Commissioner for Human Rights,
 United Nations Office at Geneva,
 8-14 Avenue de la Paix, 1211 Geneva 10, Switzerland

**) Absence of information on the circumstances or absence of response from the source may lead to the termination of WG consideration*

Stage 2 Opportunity for Government to Respond

Submission could be sent by:



The WGAD transmits the allegation to the Government concerned.

Government **may** reply within 60 days.

If no reply is submitted within the time limit, the Working Group may render an opinion in absence of the reply.

If Government concerned replies, the WGAD will transmit the Government's reply to the petitioner for any additional comments.

Stage 3 Working Group Opinion

Following measures will be adopted in private session:

Findings	Action
If the arbitrary nature is established	The WGAD will render an opinion and make recommendations to the Government
If the person has been released	The case is filed , but the WGAD reserves the right to render an opinion on a case-by-case basis
If the case is not considered as the arbitrary deprivation of liberty	The WGAD will render an opinion
If further information is required	The case is pending until such information is received
If sufficient information on the case is considered unable to be obtained	The case may be filed provisionally or definitively

The opinion (and the recommendations) is sent to the Government 48 hours after this notification. The opinion is also conveyed to the source for information, and are published online.

Stage 4 Follow-Up

Follow-Up

Governments, petitioner and other parties (including civil society organisations) should inform the WGAD of the follow-up action taken on the recommendations made by the WGAD in its opinion

Review of Opinion

The WGAD may reconsider its opinion, at its own discretion or at the request of the Government concerned or the petitioner, if it becomes aware of **new facts** that would lead the WGAD to a different outcome