



THE PERMANENT REPRESENTATIVE  
OF THE  
UNITED STATES OF AMERICA  
TO THE  
UNITED NATIONS AND OTHER INTERNATIONAL ORGANIZATIONS  
IN GENEVA

March 16, 2015

**OHCHR REGISTRY**

Mr. Mads Andenas  
Chairperson-Rapporteur  
Working Group on Arbitrary Detention  
Geneva, Switzerland

17 MARS 2015

Recipients : ...W.G.A.D....

Dear Mr. Andenas,

Enclosure .....

It has come to our attention that the Working Group on Arbitrary Detention has developed a revised draft of the Basic Principles and Guidelines on Remedies and Procedures on the Right of Anyone Deprived of His or Her Liberty by Arrest or Detention to Bring Proceedings Before Court, and has requested feedback before March 13, 2015. The United States Mission has no record of receiving a communication from the Working Group regarding this matter. We understand that a communication intended for the United States Mission, dated February 20, 2015, was sent via facsimile to a number that does not correspond to a U.S. Mission number. Under these circumstances, we have not had an opportunity to review the revised draft, and are not able to provide a substantive response by March 13, 2015.

We note, however, that the United States submitted an initial response relating to the Preliminary Draft Principles. Because there does not appear to be a record of that response on the Working Group's website, we are reattaching that correspondence here.

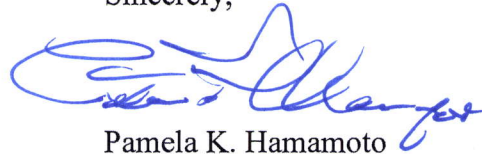
As noted above, we are not in a position within the time requested to submit a substantive response to the revised draft. We offer, however, one preliminary observation. On September 10, 2014, during our interactive dialogue with the Working Group during the 27th Session of the Human Rights Council, we noted as follows:

With respect to the Working Group's preliminary draft principles and guidelines, the United States strongly supports the right of detained persons to challenge the lawfulness of detention before a court and to obtain a judicial decision without delay. This right is reflected in the U.S. Constitution and has historical roots dating to the *Magna Carta*. As the report details, legal systems vary in how they protect the rights of detainees and provide remedies when detainee rights are violated.

With this backdrop in mind, the United States encourages the Working Group to maintain the draft's appropriately high level of generality, rather than to attempt to articulate international obligations not accepted by all member nations.

In light of our encouragement to the Working Group to maintain an appropriately high level of generality, we are concerned by the fact that the current revised version appears to have expanded dramatically. The initial draft version had 12 principles over three pages, whereas the current revised version has 21 principles and 22 guidelines spanning more than 23 pages, not including footnotes.

Sincerely,

A handwritten signature in blue ink, appearing to read "Pamela K. Hamamoto", is written over the typed name.

Pamela K. Hamamoto