



DECLARATION AGAINST ARBITRARY DETENTION

• IN STATE-TO-STATE RELATIONS •

DECLARATION AGAINST THE USE OF ARBITRARY DETENTION IN STATE-TO-STATE RELATIONS

The arbitrary arrest or detention of foreign nationals to compel action or to exercise leverage over a foreign government is contrary to international law, undermines international relations, and has a negative impact on foreign nationals travelling, working and living abroad. Foreign nationals abroad are susceptible to arbitrary arrest and detention or sentencing by governments seeking to compel action from other States. The purpose of this Declaration is to enhance international cooperation and end the practice of arbitrary arrest, detention or sentencing to exercise leverage over foreign governments.

Recognising a pressing need for an international response to the prevalence of these practices, and guided by international law and the principles of the Charter of the United Nations:

1. We reaffirm that arbitrary arrests and detentions are contrary to international human rights law and instruments, including the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and other international and regional human rights instruments;
2. We express grave concern about the use of arbitrary arrest or detention by States to exercise leverage over foreign governments, contrary to international law;
3. We are deeply concerned that arbitrary arrest, detention, or sentencing to exercise leverage over foreign governments undermines the development of friendly relations and cooperation between States, international travel, trade and commerce, and the obligation to settle international disputes by peaceful means;
4. We are alarmed by the abuse of State authority, including judicial authority, to arbitrarily arrest, detain or sentence individuals to exercise leverage over foreign governments. We call on States to respect their obligations related to a fair and public hearing by a competent, independent and impartial tribunal;

5. We urge all States to refrain from arbitrary arrest, detention, or sentencing to exercise leverage over foreign governments in the context of State-to-State relations;
6. We reaffirm the fundamental importance of the rule of law, independence of the judiciary, respect for human rights, and respect for the obligation to provide consular access in accordance with international law, including the Vienna Convention on Consular Relations and other applicable international instruments;
7. We call upon States to take concrete steps to prevent and put an end to harsh conditions in detention, denial of access to counsel, and torture or other cruel, inhuman or degrading treatment or punishment of individuals arbitrarily arrested, detained or sentenced to exercise leverage over foreign governments. We reaffirm the urgent need to provide these individuals with an effective remedy consistent with international human rights law, and call for their immediate release;
8. We stand in solidarity with States whose nationals* have been arbitrarily arrested, detained or sentenced by other States seeking to exercise leverage over them and acknowledge the need to work collaboratively to address this issue of mutual concern at the international level.

(*) Including dual nationals in accordance with endorsing countries' laws on nationality.