

SUBSTANCE

Arbitrary detention – article 6

Incommunicado detention in itself amounts to a gross violation of the right to liberty and security of person, especially where the accused is not represented by a lawyer (*African Commission on Human and Peoples' Rights v Libya*, Merits, Application 002/2013, 3 June 2016, paras 84 & 85).

Detention after trial and conviction in a criminal trial does not violate the prohibition of arbitrary detention unless there has been a 'flagrant denial of justice' (*Alex Thomas v United Republic of Tanzania*, application 005/2013, judgment, 20 November 2015, para 150).