

OPINION No. 23/2005 (AUSTRALIA)

Communication addressed to the Government on 11 October 2004.

Concerning Mr. Wang Shimai, Mr. Tony Bin Van Tran and Mr. Peter Qasim.

The State is a party to the International Covenant on Civil and Political Rights.

1. (Same text as paragraph 1 of opinion No. 20/2004.)
2. The Working Group conveys its appreciation to the Government for having submitted information reporting that the above-mentioned three persons are no longer held in immigration detention.
3. The Working Group notes that Wang Shimai was detained for more than 3 years; Tony Bin Van Tran for 5½ years and Peter Qasim for more than 6½ years, in a regimen of administrative detention.

4. The Working Group further notes that the Government has informed it that Mr. Wang was removed from Australia to China on 9 September 2004. Mr. Tran was released on a Bridging Visa on 6 June 2005 and Mr. Qasim was released on a Removal Pending Bridging Visa (RPBV) on 17 July 2005.
5. The Working Group recalls that in its report on its visit to Australia, carried out in May/June 2002, it recommended to the Government that it review the mandatory, automatic and indeterminate character of immigration detention and its potentially indeterminate duration as well as examine the lack of sufficient judicial review (see E/CN.4/2003/8/Add.2, para. 64).
6. Having examined all the information submitted to it, and without prejudging the arbitrary nature of the detention, the Working Group, on the basis of paragraph 17 (a) of its revised methods of work, decides to file the cases.

Adopted on 29 August 2005