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Human Rights Council Working Group on Arbitrary Detention

Opinion adopted by the Working Group on Arbitrary Detention at its eighty-sixth session (18–22 November 2019)

Opinion No. 78/2019 concerning Mounir Ben Abdellah (Morocco)

1. The Working Group on Arbitrary Detention was established in resolution 1991/42 of the Commission on Human Rights. In its resolution 1997/50, the Commission extended and clarified the mandate of the Working Group. Pursuant to General Assembly resolution 60/251 and Human Rights Council decision 1/102, the Council assumed the mandate of the Commission. The Council most recently extended the mandate of the Working Group for a three-year period in its resolution 42/22.

2. In accordance with its methods of work (A/HRC/36/38), on 3 April 2019 the Working Group transmitted to the Government of Morocco a communication concerning Mounir Ben Abdellah. The Government submitted a late response on 9 July 2019. The State has been a party to the International Covenant on Civil and Political Rights since 3 May 1979.

3. The Working Group regards deprivation of liberty as arbitrary in the following cases:

(a) When it is clearly impossible to invoke any legal basis justifying the deprivation of liberty (as when a person is kept in detention after the completion of his or her sentence or despite an amnesty law applicable to him or her) (category I);

(b) When the deprivation of liberty results from the exercise of the rights or freedoms guaranteed by articles 7, 13, 14, 18, 19, 20 and 21 of the Universal Declaration of Human Rights and, insofar as States parties are concerned, by articles 12, 18, 19, 21, 22, 25, 26 and 27 of the Covenant (category II);

(c) When the total or partial non-observance of the international norms relating to the right to a fair trial, established in the Universal Declaration of Human Rights and in the relevant international instruments accepted by the States concerned, is of such gravity as to give the deprivation of liberty an arbitrary character (category III);

(d) When asylum seekers, immigrants or refugees are subjected to prolonged administrative custody without the possibility of administrative or judicial review or remedy (category IV);

(e) When the deprivation of liberty constitutes a violation of international law on the grounds of discrimination based on birth, national, ethnic or social origin, language, religion, economic condition, political or other opinion, gender, sexual orientation, disability, or any other status, that aims towards or can result in ignoring the equality of human beings (category V).



Submissions

Communication from the source

4. Mounir Ben Abdellah is a national of Morocco born on 5 July 1980. He was awarded a degree in economics in 2006, is unemployed and, prior to his detention, resided in Al Hoceïma. Mr. Ben Abdellah is an activist of Hirak Rif, a popular movement in the Rif region, an Amazigh-speaking (Berber-speaking) area in the north of Morocco.

(a) Context

5. The source explains that, in October 2016, following the death of a merchant, peaceful gatherings were held across the Rif region. These gatherings then evolved into a social movement aimed at condemning the oppression, corruption, militarization and marginalization that had affected the region since Morocco gained independence.

6. According to the source, these demonstrations are routinely suppressed. As a result, some 500 persons, including 41 minors, have been arrested. Hundreds of persons have been prosecuted and 121 detained. In addition, the source states that acts of torture against some of these persons, murders, arrests of local journalists, deportations of foreign journalists, bans on travel to the region for members of the European Parliament and cases of harassment of defence lawyers have been condemned by non-governmental organizations and others.

7. The source also states that the population of Al Hoceïma is about 50,000, but that there are more than 50,000 Moroccan law enforcement officials around the town.

(b) Arrest and detention

8. According to the source, on 11 September 2017, Mr. Ben Abdellah attended a hearing of the Al Hoceïma Court of First Instance at which his friend was convicted because of his participation in demonstrations and posts on social media. During the hearing, the judge put questions to the defendant that provoked laughter in the room. The judge then asked the police to take down the names of those present at the hearing. Subsequently, the police reportedly followed these persons and brought some of them to the police station for questioning.

9. Following this hearing, Mr. Ben Abdellah was arrested on the street after leaving a cafeteria that he regularly frequented near the Al Hoceïma Court of First Instance. Two persons claiming to be police officers surrounded him and put him in a vehicle near the cafeteria. They did not show an arrest warrant. They then took him to Al Hoceïma police station. A little later, the police informed Mr. Ben Abdellah's family by telephone that he had been detained.

10. The source reports that the police officers seized Mr. Ben Abdellah's mobile telephone and examined the contents of his various social media accounts.

11. The source explains that Mr. Ben Abdellah was questioned by the provincial police for three days. The provincial police accused him of having participated in demonstrations and censured him for his online posts. Mr. Ben Abdellah signed the record of statement, which reflected what he had said.

12. The source then states that, on Mr. Ben Abdellah's fourth day in police custody, a team from the criminal police became involved and questioned him for a further four days. The period of police custody therefore lasted seven days. Mr. Ben Abdellah then appeared before the prosecutor. According to the source, the police made changes to the contents of the first record of statement and the charges were amended. The facts at issue now included: criticizing the Moroccan justice system in online posts, condemning the racism of the State of Morocco towards the Amazigh (Berber) population of the Rif region in online posts, making separatist demands on social media and calling for the rights of the indigenous population of the Rif to be respected, throwing stones at law enforcement officials, calling for a peaceful demonstration that the Government of Morocco considers unauthorized, injuring law enforcement officials during the dispersal of the demonstrations and helping a Hirak Rif leader to abscond on 26 May 2017.

13. The source also states that the record of 13 September 2017 included five pages that Mr. Ben Abdellah had not signed; the source suspects that these pages were added afterwards. Apparently, some non-governmental organizations have raised complaints against this practice of adding information to records of statement. According to the source, Mr. Ben Abdellah signed these pages after he had been blackmailed and threatened with torture. However, the source states that he was not tortured.

14. According to the source, there is no evidence in the case file to support the charges relating to throwing stones at law enforcement officials, calling for an unauthorized peaceful demonstration, injuring law enforcement officials during the dispersal of the demonstrations and helping a Hirak Rif leader to abscond. Mr. Ben Abdellah was outside the leader's house on 26 May 2017 only in order to demonstrate against this person's detention; he claims that at no point did he help him to abscond. The other charges relate to his participation in peaceful demonstrations. The case file shows no evidence that Mr. Ben Abdellah threw stones at law enforcement officials or injured them.

15. As to the other charges, the source states that they concern Mr. Ben Abdellah's social media posts, in which he merely expressed his opinion regarding the justice done to several Hirak Rif defendants and his dissatisfaction with the Government's response to the situation in the Rif region.

16. The source reports that, during the first instance and appeal hearings, one of Mr. Ben Abdellah's online posts angered the courts. In this post, Mr. Ben Abdellah had reportedly argued that the courts had not properly dealt with the cases of previous defendants, in which he considered the lack of evidence to be blatant. He also allegedly accused the judiciary of copying out the charges brought in false reports and convicting people without evidence. Mr. Ben Abdellah is reported to have sought justice without political interference.

17. The source explains that Mr. Ben Abdellah's lawyers, who were present only during the appeal hearings, repeatedly tried to calm the court down. The source states that Mr. Ben Abdellah was not assisted by a lawyer either during the investigation or the proceedings at first instance.

18. The source thus considers that the case file contains no evidence for the prosecution except for social media posts. However, such posts are protected under national and international law, in particular the right to freedom of expression. Furthermore, regarding the throwing of stones, the source explains that there is no evidence that this offence was committed. It is reported that the court had shown a photograph that the police had taken of Mr. Ben Abdellah with his right hand raised, believing that he was holding a stone. However, Mr. Ben Abdellah states that there is no evidence that he was holding a stone. According to the source, Mr. Ben Abdellah has shown that, during the peaceful demonstrations that he attended, no stones were ever thrown at the law enforcement officials.

19. The source reports that, on 16 October 2017, the Al Hoceïma Court of First Instance imposed on Mr. Ben Abdellah a non-suspended sentence of 3 years' imprisonment. On 18 December 2017, he was sentenced to 4 years' imprisonment by the Al Hoceïma Court of Appeal.

Further information from the source

20. On 4 July 2019, the Working Group transmitted to the Government the following additional information provided by the source.

21. According to the source, on 31 January 2018, Mr. Ben Abdellah was transferred to Ras el Ma prison, in Fez, which is 300 km from his home in Al Hoceïma. The transfer requests submitted by Mr. Ben Abdellah to the prison authorities have all been rejected.

22. According to the source, Mr. Ben Abdellah is subjected to blackmail and extortion in Ras el Ma prison, as he refused to sign a request for clemency.

23. The source reports that Mr. Ben Abdellah has had to sleep in inhuman conditions and has been put in cells with serious criminals.

24. The source also reports that the visits granted to his family have been delayed, and his family made to wait, for no reason and that these visits lasted only eight minutes. Lastly, the source reports that, between 3 and 23 June 2019, the prison authorities did not allow Mr. Ben Abdellah to telephone his family. After 23 June 2019, Mr. Ben Abdellah was able to speak to his family only once, for 12 minutes.

Response from the Government

25. On 3 April 2019, the Working Group transmitted a communication to the Government of Morocco, indicating that its response was due by 3 June 2019. In a communication dated 31 May 2019, the Government of Morocco requested a one-month extension to respond to the Working Group's communication, by no later than 3 June 2019. On 3 June 2019, the Working Group replied to grant this request. On 4 July 2019, the Working Group transmitted to the Government additional information regarding Mr. Ben Abdellah's conditions of detention and requested a response by 19 July 2019.

26. On 9 July 2019, the Government of Morocco responded to the Working Group's first communication, sent on 3 April 2019. On 31 July 2019, the Government responded to the Working Group's second communication, sent on 4 July 2019.

27. In its response of 9 July 2019, the Government begins by recalling the context and strongly refutes the allegation that demonstrations were routinely suppressed and the accusations of arbitrary arrests and murders. The Government stresses that these gatherings were not all peaceful; indeed, they were sometimes violent, causing damage, and involved calls for attacks on law enforcement agencies and even uprisings against the institutions and challenges to national unity. The Government emphasizes that, given the radicalism of the movement, the law enforcement agencies showed restraint and professionalism and respected the principle of proportionality as set out in international instruments, including the International Covenant on Civil and Political Rights.

28. The Government recalls that article 29 of the Constitution of Morocco guarantees respect for freedom of assembly and freedom of peaceful demonstration. According to the Government, the authorities invited citizens to engage in a constructive dialogue and adopt a participatory approach with regard to the design and setting of local development priorities.

29. The Government then turns to the facts and proceedings in Mr. Ben Abdellah's case. The Government acknowledges that he was arrested on 11 September 2017 and was taken into custody for his participation in demonstrations involving public disorder and other acts that constitute offences in that context. The Government notes that Mr. Ben Abdellah admitted: first, that he had actively participated and incited participation in armed gatherings and demonstrations that had undermined public order; second, that he was a member of a group that had violently prevented law enforcement agencies from arresting a leader of the movement; and, third, that he had participated in several demonstrations involving violence and confrontations with the law enforcement agencies. According to the Government, Mr. Ben Abdellah also admitted that, in his social media posts, he had called for demonstrations and acts of violence and discrimination that constituted criminal offences, thereby justifying recourse to article 19 (3) of the Covenant, which provides for restrictions on freedom of expression.

30. The Government explains that, on 14 September 2017, Mr. Ben Abdellah was brought before the prosecutor of the Al Hoceïma Court of First Instance, which ordered the continuation of his detention for acts constituting violations of articles 263, 267, 297, 299-1, 301, 302, 431-1, 431-5 and 595 of the Criminal Code and articles 17 to 20 of the Royal Decree on public gatherings, Dahir No. 1-58-377 of 15 November 1968.

31. The Government emphasizes that Mr. Ben Abdellah's case went to trial without investigation proceedings. He appeared before the court and, on 16 October 2017, was sentenced at first instance to 3 years' imprisonment and a fine of 500 dirhams. An application for release on bail lodged at a hearing on 28 September 2017 was rejected by the judge. The Government recalls that Mr. Ben Abdellah was tried on the basis of all the evidence presented before the competent court and argued in the presence of both parties. In the source's account, the Government reports that Mr. Ben Abdellah's sentence was

increased to 4 years' imprisonment on appeal. The Government adds that Mr. Ben Abdellah lodged an appeal in cassation on 27 September 2017 and that his appeal was rejected on 14 November 2018.

32. With regard to the period of police custody, the Government maintains that the inquiry was conducted entirely by the Al Hoceïma provincial criminal investigation service and not by other services. Following his arrest at 5.30 p.m. on 11 September 2017, Mr. Ben Abdellah was taken into police custody for a period of 48 hours, which was lawfully extended with the written authorization of the public prosecutor, dated 13 September 2017, in accordance with article 66 of the Code of Criminal Procedure. He was then brought before the prosecutor on 14 September 2017, prior to the expiration of the lawful period of police custody. The Government has provided the extension request and the document authorizing the extension, which show that the legal deadlines were respected. It adds that all Mr. Ben Abdellah's legal safeguards were respected in accordance with article 23 of the Constitution of Morocco, article 66 of the Code of Criminal Procedure and article 9 of the Covenant. The Government provides evidence that Mr. Ben Abdellah was informed of his rights, as recorded in relevant procedural documents, and that his family was immediately informed by telephone of his arrest and placement in police custody.

33. With regard to the allegations concerning the records of statement, the Government categorically denies having amended procedural documents in any way. The arrest and seizure report of 11 September 2017 was duly signed by Mr. Ben Abdellah, while the technical findings report of 12 September 2017 was duly signed by the criminal police officer leading the inquiry and by the technical specialist. No pages were added or amended, including in the statement of 13 September 2017, which Mr. Ben Abdellah had reportedly signed on every page and which included a reminder of his rights under article 66 of the Code of Criminal Procedure and the transcript of the questioning and his statements. The Government also contends that Mr. Ben Abdellah first alleged that he had been threatened with torture and blackmail before the court of appeal, having never raised the issue either before the prosecutor or the court of first instance.

34. The Government adds that Mr. Ben Abdellah was informed of his right to communicate with and be assisted by a lawyer from the moment of his arrest, in accordance with article 66 of the Code of Criminal Procedure. He was assisted by several lawyers from the Nador and Al Hoceïma bar associations at first instance and on appeal.

35. Lastly, with regard to the allegations regarding Mr. Ben Abdellah's conditions of detention, the Government reports that they meet international standards. First, he was transferred to the Ras el Ma local prison, in Fez, because only pretrial detainees and persons serving short sentences are held at the local prison in Al Hoceïma. Second, the Government maintains that, in these two prisons, Mr. Ben Abdellah has enjoyed all the rights guaranteed by law, including visits, telephone calls, walks, library access and regular medical check-ups. He has also been allowed to take exams and has received visits from the regional commission of the National Human Rights Council. The Government of Morocco ensures that Mr. Ben Abdellah's physical and mental integrity is fully maintained.

36. In its further response of 31 July 2019, the Government reiterates all its earlier points, in particular those regarding Mr. Ben Abdellah's conditions of detention and his access to a telephone to communicate with his family.

37. The Government attaches to this further response a translation of the documents that had been annexed to its first response of 9 July 2019, namely the report on the arrest and seizure of 11 September 2017 at 5.30 p.m.; the statement of 13 September 2017 at 2.50 p.m.; the request for an extension of police custody of 13 September 2017; and the document authorizing a 24-hour extension of 13 September 2017.

Further information from the source

38. The source begins by describing the political and public security context in the town of Al Hoceïma and, in particular, contends that the Government has not provided evidence of the violent nature of the demonstrations, which were in fact peaceful. The source reiterates that, although some members of the security forces were injured, far fewer of

them were injured than was reported by the Government, which does not mention the many cases of demonstrators injured by the law enforcement agencies.

39. The source reiterates that Mr. Ben Abdellah was detained for his peaceful participation in demonstrations after his name was taken down at his friend's trial and that he never used violence. According to the source, he was indeed made to sign the statement under duress, and he reported this fact to the prosecutor, the court of first instance and the court of appeal. Moreover, Mr. Ben Abdellah was not assisted by a lawyer during his police custody or before the court of first instance. He also claims that he was not informed of his rights and that he only just managed to telephone his brother to inform him of his detention.

40. The source adds that there is no material evidence against Mr. Ben Abdellah. In particular, with regard to his social media posts, the source reiterates that Mr. Ben Abdellah was merely exercising his freedom of expression by condemning the human rights situation in the Rif region and the discriminatory methods of the Government of Morocco.

Discussion

Preliminary considerations

41. First of all, it is important to clarify the status of the two responses from the Government of Morocco, both of which were submitted late. Nevertheless, the first response reached the Working Group as the deadline set for a response to the second communication was approaching. The Working Group therefore decided to consider it as having been submitted on time. The second response was submitted late. However, besides two additional elements, it has four annexes, which are in fact translations of the annexes to the Government's first response originally submitted in Arabic. Under these circumstances, the Working Group considers that the annexes to the second response are admissible but that the second response itself cannot be admitted.

42. The Working Group thanks the source and the Government for their cooperation and recalls that the deadlines established in paragraph 15 of its methods of work serve to impose a time frame on the procedure for determining the arbitrary nature of the detention.

Merits

43. In determining whether Mr. Ben Abdellah's deprivation of liberty is arbitrary, the Working Group has regard to the principles established in its jurisprudence to deal with evidentiary issues. If the source has established a *prima facie* case for breach of international requirements constituting arbitrary detention, the burden of proof should be understood to rest upon the Government if it wishes to refute the allegations (see A/HRC/19/57, para. 68). In the present case, the Government has chosen to challenge some of the source's allegations, relying in some cases on documents that have also been submitted to the Working Group for its consideration. It is therefore incumbent upon the Working Group to have regard to all the information made available to it by the parties.

44. The source states that Mr. Ben Abdellah was arrested without a warrant and without being promptly informed of the reasons for his arrest. However, annex 1 submitted by the Government is an arrest and seizure report dated the same day. In the light of this document, the Working Group concludes that Mr. Ben Abdellah was immediately informed of the reasons for his arrest and subsequent detention, as was his family. The arguments put forward by the parties concerning the length of police custody do not allow the Working Group to conclude that, in the present case, there has been a violation of article 9 (2) of the Covenant.

45. Nevertheless, under article 9 (3) of the Covenant, there is an additional obligation to bring accused persons promptly before an official exercising judicial power so that they may challenge the lawfulness of their arrest and detention. In this regard, however, the Government has provided only the document issued by the public prosecutor to authorize the extension of police custody. It adds that Mr. Ben Abdellah appeared before the prosecutor on 14 September 2017. In other words, Mr. Ben Abdellah was not brought before a judge within 48 hours of the beginning of his detention.

46. Moreover, it appears that the police had access to Mr. Ben Abdellah's telephone, although the Government has not provided a judicial order of seizure and/or search to this effect. As the case is not one of flagrante delicto, access to information stored on the personal telephone of an individual arrested without the necessary warrant constitutes a violation of article 9 (1) of the Covenant.

47. These two violations of article 9 of the Covenant allow the Working Group to conclude that there is no legal basis to Mr. Ben Abdellah's detention and that it is therefore arbitrary under category I.

48. Furthermore, the source states that Mr. Ben Abdellah was arrested after a friend's trial, at which those present had had their names taken down because of the laughter at the questions put by the judge. The Government does not specifically deny this allegation. However, it should be emphasized that, on the basis of the documents provided by the Government, the charges against Mr. Ben Abdellah have nothing to do with this circumstance. Rather, it appears that the events all took place in 2016 and 2017 and that Mr. Ben Abdellah's guilt was established solely on the basis of the confessions allegedly obtained during police custody. However, the source disputes the validity of the document, claiming that pages have been added. The Working Group takes note of the Government's explanations, but finds that it has provided no further evidence to support the charges.

49. Moreover, the source maintains that the charges against Mr. Ben Abdellah stem from his participation in demonstrations and his political posts on social media in support of the rights of the Amazigh minority to which he belongs. The exercise of the right to freedom of expression is protected under article 19 of the Covenant, and the Government has not demonstrated sufficient necessity or a serious threat to public order to justify the imposition of restrictions on it.

50. The Working Group concludes that Mr. Ben Abdellah's arrest and detention stem from his exercise of one of his fundamental freedoms and are therefore arbitrary under category II.

51. As Mr. Ben Abdellah's detention is arbitrary under category II, he cannot be tried; no trial should therefore have been held. However, since the trial has taken place and the source has submitted arguments in that regard, the Working Group will assess those arguments as an additional consideration.¹

52. First, the source reports that Mr. Ben Abdellah was blackmailed and threatened with torture and that he signed the confessions for this reason. The Government disputes this allegation, but does not provide evidence of the measures taken to ensure that the confessions were voluntary and not coerced. If a person alleges that his or her confessions were coerced, regardless of the stage of the proceedings at which this allegation is first made, it is for the judiciary to establish that they were not obtained through the application of pressure of any kind. Moreover, the judge could rely on other pieces of evidence, if they were sufficient to establish the facts, in order to preclude accusations of this kind. In the present case, the Government has provided no evidence other than the disputed record of statement, and the fact that Mr. Ben Abdellah first made these allegations before the court of appeal is no justification for disregarding them. In the absence of evidence to the contrary, the Working Group concludes that the record of statement was indeed signed under duress.

53. It is established that the use of forced confessions is contrary to article 14 (3) (g) of the Covenant. Any conviction based on such confessions therefore constitutes a violation of the right to a fair trial. The Working Group considers that the allegations of threats of torture are of sufficient gravity for the Working Group to refer the case, in accordance with its practice, to the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment for appropriate action.

54. In addition, the source states that Mr. Ben Abdellah was not assisted by a lawyer during either the investigation or the proceedings at first instance. The Government, by

¹ Opinion No. 85/2018, para. 69, and opinion No. 58/2018, para. 46.

contrast, asserts that Mr. Ben Abdellah was assisted by a lawyer at all his appearances, yet provides no evidence in this regard. The Working Group therefore concludes that the Government chose not to refute this allegation effectively and, consequently, that Mr. Ben Abdellah's right to legal assistance to prepare his defence, as provided for in article 14 (3) (b), of the Covenant, was violated.

55. With regard to the allegations concerning Mr. Ben Abdellah's conditions of detention and the frequency of his communication with his family, the Working Group considers that the arguments put forward by the two parties do not allow it to conclude that these allegations contribute to the violation of his right to a fair trial.

56. These violations of the right to a fair trial are nevertheless of sufficient gravity that the Working Group considers that the detention is arbitrary under category III.

57. Lastly, the source reports that many Hirak Rif members have been put on trial or arrested and condemns the precarious conditions in the Rif region. According to the source, membership of this movement was the sole reason for these arrests and trials. While this may constitute a discriminatory practice, the source has not provided sufficient evidence to enable the Working Group to assess the allegation of arbitrary detention under category V.

Disposition

58. In the light of the foregoing, the Working Group renders the following opinion:

The deprivation of liberty of Mounir Ben Abdellah, being in contravention of articles 9, 14 and 19 of the International Covenant on Civil and Political Rights, is arbitrary and falls within categories I, II and III.

59. The Working Group requests the Government of Morocco to take the steps necessary to remedy the situation of Mr. Ben Abdellah without delay and bring it into conformity with the relevant international standards, including those set out in the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights.

60. The Working Group considers that, taking into account all the circumstances of the case, the appropriate remedy would be to release Mr. Ben Abdellah immediately and accord him an enforceable right to compensation and other reparations, in accordance with international law.

61. The Working Group urges the Government to ensure a full and independent investigation of the circumstances surrounding the arbitrary deprivation of liberty of Mr. Ben Abdellah and to take appropriate measures against those responsible for the violation of his rights.

62. In accordance with paragraph 33 (a) of its methods of work, the Working Group refers the present case to the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, for appropriate action.

63. The Working Group requests the Government to disseminate the present opinion through all available means and as widely as possible.

Follow-up procedure

64. In accordance with paragraph 20 of its methods of work, the Working Group requests the source and the Government to provide it with information on action taken in follow-up to the recommendations made in the present opinion, including:

- (a) Whether Mr. Ben Abdellah has been released and, if so, on what date;
- (b) Whether compensation or other reparations have been made to Mr. Ben Abdellah;
- (c) Whether an investigation has been conducted into the violation of Mr. Ben Abdellah's rights and, if so, the outcome of the investigation;

(d) Whether any legislative amendments or changes in practice have been made to harmonize the laws and practices of Morocco with its international obligations in line with the present opinion;

(e) Whether any other action has been taken to implement the present opinion.

65. The Government is invited to inform the Working Group of any difficulties it may have encountered in implementing the recommendations made in the present opinion and whether further technical assistance is required, for example through a visit by the Working Group.

66. The Working Group requests the source and the Government to provide the above-mentioned information within six months of the date of transmission of the present opinion. However, the Working Group reserves the right to take its own action in follow-up to the opinion if new concerns in relation to the case are brought to its attention. Such action would enable the Working Group to inform the Human Rights Council of progress made in implementing its recommendations, as well as any failure to take action.

67. The Working Group recalls that the Human Rights Council has encouraged all States to cooperate with the Working Group and has requested them to take account of its views and, where necessary, to take appropriate steps to remedy the situation of persons arbitrarily deprived of their liberty, and to inform the Working Group of the steps they have taken.²

[Adopted on 21 November 2019]

² Human Rights Council resolution 42/22, paras. 3 and 7.