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Human Rights Council Working Group on Arbitrary Detention

Opinions adopted by the Working Group on Arbitrary Detention at its eighty-seventh session (27 April–1 May 2020)

Opinion No. 25/2020 concerning Alexis Sebahene (Burundi)

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 27 September 2019, the Working Group transmitted to the Government of Burundi a communication concerning Alexis Sebahene. The Government has not replied to the communication. The State is a party to the International Covenant on Civil and Political Rights.

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. Alexis Sebahene is a Burundian citizen born in 1982. He was a member of the Burundi National Defence Force at the time of his arrest and was previously a liaison officer for a former Minister of National Defence.

(a) Arrest and detention

5. The source explains that, on the morning of 2 August 2015, a general, the President's right hand, was killed by a group of armed individuals on the outskirts of Kamenge. A police operation was then carried out near the scene of the attack in an attempt to find those responsible. After asking Mr. Sebahene for proof of identity and finding that he was from the former regular army, police officers attached to the National Intelligence Service suddenly seized him and accused him of having assassinated the General. After hitting and insulting him, they placed him in a police vehicle and drove him directly to the headquarters of the National Intelligence Service, located near Regina Mundi Cathedral. This arrest took place at the bus station located on the outskirts of the Kamenge area, in the commune of Mukaza, in Bujumbura Mairie.

6. The source alleges that, at the time of the arrest, no warrant was served on Mr. Sebahene. However, a warrant was issued on 4 September 2015 by the Prosecutor General's Office. Until that date, Mr. Sebahene had been detained in the National Intelligence Service facilities. He was subsequently transferred to Gitega prison, where he is still being detained.

7. Allegations of torture of Mr. Sebahene were also reported by the source. These incidents reportedly took place in the National Intelligence Service facilities in Bujumbura on 2 August 2015.

8. The source explains that, on 15 August 2015, a member of the Public Prosecutor's Office in Bujumbura Mairie questioned Mr. Sebahene on the basis of reports from the National Intelligence Service. During this interrogation, Mr. Sebahene did not have legal assistance. At the end of the questioning, Mr. Sebahene was taken back into the custody of the National Intelligence Service.

9. According to the source, it was the Prosecutor General's Office that ordered Mr. Sebahene's detention. In November 2015, Mr. Sebahene was brought before judges' council chambers of the Tribunal de Grande Instance (court of major jurisdiction) in Bujumbura Mairie for a review of the lawfulness of his detention, and the court confirmed his continued detention on remand.

10. Six months later, on 6 May 2016, Mr. Sebahene was brought before the trial court. However, the source reports that he did not have legal assistance and that the prosecution had not called any witnesses. Further hearings were held on 1 August and 11 October 2016, at which the public prosecutor also failed to present witnesses for the prosecution. At the last hearing, the case was adjourned for consideration. One month later, Mr. Sebahene was summoned and was then informed that the court had reopened the proceedings to allow the prosecution to conduct a further investigation. At the hearing on 27 December 2016, the prosecution disclosed that its witnesses had not appeared because they were not protected, and the case was adjourned sine die. The source thus explains that, for more than three years now, a trial has yet to be scheduled in open court for Mr. Sebahene to present arguments in his defence.

(b) Legal analysis

(i) Category I

11. According to the source, the arbitrary nature of Mr. Sebahene's detention stems primarily from the lack of a legal basis to justify his detention.

12. In the present case, the source first asserts that no arrest procedure was followed. Mr. Sebahene was not presented with an arrest warrant or any other document justifying his detention at the time of his arrest, nor was he informed of his rights. Moreover, the time

limit for detention in the National Intelligence Service facilities had been greatly exceeded and had never been extended by the Public Prosecutor's Office.

13. In particular, the source explains that it was only on 4 September 2015, 33 days after his arrest, that Mr. Sebahene learned that he had been arrested on charges of murder. The source concludes that, during the period from 2 August to 4 September 2015, Mr. Sebahene's pretrial detention had no legal basis.

14. Secondly, the source alleges that Mr. Sebahene did not have access to mechanisms for judicial review of his detention for a period of three months.

15. Furthermore, the source submits that, at the first hearing in November 2015, the Government did not provide any legal basis to justify Mr. Sebahene's pretrial detention. Given that the lawfulness of his detention has never been confirmed within the time prescribed by law, in accordance with article 111 of the Code of Criminal Procedure, which provides that "the appearance before the judge must take place no later than 15 days after the issue of the arrest warrant", the source concludes that Mr. Sebahene's detention has no legal basis.

16. The source further reports that, according to article 110 of the Code of Criminal Procedure, "freedom being the rule and detention the exception, the accused may be remanded in custody only if there is sufficient evidence of guilt and the acts of which he or she is accused appear to constitute an offence punishable by law with a penalty of at least 1 year's imprisonment". In the present case, however, the source alleges that Mr. Sebahene was arrested without any piece of evidence of guilt that could justify his involvement in the assassination of the General. Mr. Sebahene was, like other citizens, very close to the scene of the assassination. He was in civilian clothes and had no weapon on him. According to the source, it was only because of his identification as a member of the Burundi National Defence Force from the former regular army, prior to the integration of elements of the rebel movement currently in power, that he was arrested.

17. In the light of the above considerations, the Working Group considers the detention of Mr. Sebahene to be arbitrary under category I.

(ii) Category III

18. The source asserts that there were many flaws in the proceedings against Mr. Sebahene that constitute violations of Burundian law and of international standards relating to the rights to liberty and security of person and to a fair trial. When considered together, these flaws suggest that Mr. Sebahene does not enjoy the protection of the law and render the violations so serious as to give the detention an arbitrary character.

19. The source, as explained above, submits that Mr. Sebahene's arrest did not take place in accordance with procedure. Indeed, no warrant was served on Mr. Sebahene to justify his arrest. He was also subjected to inhuman treatment at the time of his arrest: after asking Mr. Sebahene for proof of identity and finding that he was from the former regular army, the police suddenly seized him and accused him of having assassinated the General. They also hit him and insulted him.

20. Moreover, the source alleges that Mr. Sebahene's period of detention in the National Intelligence Service facilities far exceeded the legal time limit and was not extended by the Public Prosecutor's Office, in violation of article 34 of the Code of Criminal Procedure, which stipulates that "police custody, as defined in article 33, may not exceed 7 clear days, unless the prosecutor decides that an extension is indispensable, with a maximum limit of twice this period". The Government has also allegedly failed to fulfil its obligation to bring Mr. Sebahene before a competent court within the statutory time limit, i.e. within 15 days of the issue of the arrest warrant, in accordance with article 111 of the Code of Criminal Procedure. In fact, a warrant for the arrest of Mr. Sebahene was issued only on 4 September 2015, i.e. 33 days after his arrest, and he was brought before the court for a detention order review in November 2015, i.e. three months after his detention and two months after the arrest warrant was issued.

21. The source recalls that article 112 of the Code of Criminal Procedure provides in this case that the "release from pretrial detention shall be ordered by the court on its own motion in the event of wrongful detention". However, the irregularities of detention,

including the exceeding of time limits, were not punished by either a procedural or trial judge, in violation of article 158 of the Code of Criminal Procedure.

22. Furthermore, the source alleges that the preventive detention order, which was valid for 30 days under article 115 of the Code of Criminal Procedure, expired before Mr. Sebahene was scheduled to appear in court. Therefore, after the expiry of that order, there was no document to justify his detention.

23. The source also indicates that Mr. Sebahene was deprived of the right to legal assistance during the judicial proceedings. In fact, the source claims that this was the case at the time of his interrogation in the National Intelligence Service facilities, during which he was subjected to acts of torture, despite the obligation under article 95 of the Code of Criminal Procedure. This violation persisted during the questioning before the investigating judge and during the judges' council chambers hearing. With regard to the allegations of torture, the source points out that a complaint was filed with the Mukaza prosecutor's office in April 2017 by Mr. Sebahene's counsel, but that no action was taken on this application.

24. The source further indicates that the case is being processed at an inordinately slow pace, as there has been no progress since Mr. Sebahene's arrest in August 2015, which is contrary to article 38 of the Constitution concerning the reasonable length of judicial proceedings. The source asserts that the case has been dragging on before a court of first instance for four years, most recently on 27 December 2016, when the prosecution requested a postponement of the case to allow it to appear with the witnesses for the prosecution once they could be protected, and the court adjourned the case sine die.

25. For these reasons, the source claims that the procedural flaws of which Mr. Sebahene was a victim violated his right to a fair trial and are of such gravity that his detention must be considered arbitrary under category III.

(iii) Category V

26. The source recalls that Mr. Sebahene was arrested following a police operation in the vicinity of the scene of the attack on and assassination of the General, the President's right hand and former head of the National Intelligence Service.

27. After being identified as a member of the former regular army that was fighting against the rebel movements currently in power and as a liaison officer for a former Minister of National Defence, who is accused by the regime of having played a role in the attempted coup of 13 May 2015, Mr. Sebahene was wrongly accused of being part of the group that made an attempt on the General's life.

28. The source also recalls the geopolitical context and explains that Burundi has experienced cyclical crises based on ethnic conflicts since the 1960s. Ten years of civil war between the regular army – mostly Tutsi – and the rebel movements – mostly Hutu – ended with the implementation of the Arusha Peace and Reconciliation Agreement for Burundi in 2000. Despite this agreement and the integration of the rebel movements into the army, there is, according to the source, a spirit of revenge in both ethnic groups, including the one in power. The source states that Mr. Sebahene is a member of the Tutsi ethnic group. This ethnic background and the fact that he was a liaison officer for a former Minister of National Defence were said to put him in a situation of extreme vulnerability.

Response from the Government

29. On 27 September 2019, the Working Group transmitted a communication concerning Mr. Sebahene to the Government. The Working Group requested it to provide further information no later than 26 November 2019. The Working Group regrets that it has not received a reply from the Government to this communication. The Government did not request an extension of the time limit for its reply, as provided for in the Working Group's methods of work.

Discussion

30. In the absence of a response from the Government, the Working Group has decided to render the present opinion, in conformity with paragraph 15 of its methods of work.

31. The Working Group has in its jurisprudence established the ways in which it deals 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 (A/HRC/19/57, para. 68). In the present case, the Government has chosen not to challenge the *prima facie* credible allegations made by the source.

32. The source asserts that Mr. Sebahene's arrest and detention are arbitrary under categories I, III and V. The Working Group will examine each of the source's allegations in turn.

Category I

33. The source asserts that Mr. Sebahene was arrested on 2 August 2015 after an army official was killed by a group of individuals in Kamenge. It points out that Mr. Sebahene was arrested without a warrant. The police only asked him for proof of identity and found that he was in the army; they then seized him, accused him of committing the murder and brutally arrested him. An arrest warrant was finally produced on 4 September 2015, 33 days after the arrest. On that date, Mr. Sebahene learned that he was accused of murder. The Government has not disputed this allegation, which appears credible.

34. According to article 9 (1) of the Covenant, no one shall be deprived of liberty except on such grounds and in accordance with such procedure as established by law. In order for a deprivation of liberty to have a legal basis, it is not sufficient that there be a law that authorizes the arrest. The authorities must invoke that legal basis and apply it to the circumstances of the case through an arrest warrant.¹

35. In the present case, Mr. Sebahene was arrested without an arrest warrant and there appears to be no other legal basis for his arrest. In fact, the source explains that this was carried out near the crime scene and that Mr. Sebahene was arrested because he was in the army. The Working Group considers that, without additional facts, which should have been provided by the Government, it cannot conclude that this is a case of *flagrante delicto* within the meaning of the Working Group's understanding.²

36. Furthermore, the Working Group notes that the source also alleges that the detention order, which in Burundi is valid for 30 days, was not extended before the scheduled trial date and has meanwhile expired. The Government had the opportunity to contest this allegation but has chosen not to. The Working Group therefore concludes that, after the period covered by the detention order, the continued detention had no legal basis.

37. With regard to the right of everyone to be informed of the reasons for the arrest and the charges against him or her, in accordance with article 9 (2) of the Covenant, the source states that the police did indeed inform Mr. Sebahene, at the time of the arrest, of the reason for the arrest, namely the murder of the General. However, the source states that he was not informed of the charges against him until 33 days after his arrest, and the Working Group considers that he was therefore not promptly informed of the charges against him, which constitutes a violation of article 9 (2) of the Covenant.

38. The source also explains that, on 15 August 2015, a member of the Public Prosecutor's Office in Bujumbura Mairie questioned Mr. Sebahene on the basis of reports from the National Intelligence Service. An arrest warrant was produced on 4 September 2015. Furthermore, in November 2015, three months after his arrest, Mr. Sebahene was brought before the judges' council chamber of the Tribunal de Grande Instance in Bujumbura Mairie for a review of the lawfulness of his detention, and the court confirmed his continued detention on remand.

¹ See opinions Nos. 46/2018, para. 48, 36/2018, para. 40, 10/2018, para. 45, and 38/2013, para. 23.

² In its jurisprudence, the Working Group has found that an offence is *flagrant* if the accused is either apprehended during the commission of a crime or immediately thereafter, or is arrested in hot pursuit shortly after a crime has been committed (opinion No. 9/2018, para. 38). See also opinions Nos. 36/2017, para. 85, 53/2014, para. 42, 46/2012, para. 30, 67/2011, para. 30, and 61/2011, paras. 48–49. See also E/CN.4/2003/8/Add.3, annex, paras. 39 and 72 (a).

39. The Working Group notes that Mr. Sebahene was detained for 13 days before being brought before a judge for questioning. Moreover, the source asserts that the lawfulness of his detention was not examined until November 2015, three months after his arrest. In this connection, the Working Group recalls that, in accordance with article 9 (3) of the Covenant, anyone arrested or detained on a criminal charge shall be brought promptly before a judge or other officer authorized by law to exercise judicial power and shall be entitled to trial within a reasonable time or to release. The Human Rights Committee, in its general comment No. 35 (2014) on liberty and security of the person, has stated in paragraph 33 that, while the exact meaning of “promptly” may vary depending on objective circumstances, delays should not exceed a few days from the time of arrest. In the view of the Committee, 48 hours is ordinarily sufficient to transport the individual and to prepare for the judicial hearing; any delay longer than 48 hours must remain absolutely exceptional and be justified under the circumstances.

40. The Government has not provided any explanation in this regard. Consequently, the Working Group considers that Mr. Sebahene was not brought promptly before a judge, as there is no indication that his detention was reviewed during the initial interrogation but that a review came only three months thereafter. It therefore concludes that there has been a violation of article 9 (3) of the Covenant. The Working Group also recalls the recommendation of the Human Rights Committee in its concluding observations on the second periodic report of Burundi (CCPR/C/BDI/CO/2, para. 17) that Burundi should revise the Code of Criminal Procedure in order to limit the length of police custody to 48 hours, to make it compatible with the Covenant. The Working Group recalls that, once the individual has been brought before the judge, the judge must decide whether the individual should be released or remanded in custody for further investigation or pending a trial.³ The Government has not provided any evidence to support the review of the lawfulness of the detention by the judge, and the Working Group must assume, in the circumstances, that no consideration was given to this issue, in violation of article 9 (3) of the Covenant.

41. Furthermore, the Working Group notes that Mr. Sebahene did not have access to mechanisms for judicial review of his detention for a period of three months and that it was only in November 2015 that the lawfulness of his detention was reviewed by judges’ council chamber of the Tribunal de Grande Instance in Bujumbura Mairie. This is another violation of article 9 (3) of the Covenant. Furthermore, this is a violation of article 9 (4) of the Covenant, as Mr. Sebahene did not have access to any judicial body for the purpose of reviewing the lawfulness of his arrest and subsequent detention. The Working Group considers that judicial oversight of detention is a fundamental safeguard of personal liberty⁴ and is essential in ensuring that detention has a legal basis. Given that Mr. Sebahene has been unable to challenge his continued detention, his right to an effective remedy under article 8 of the Universal Declaration of Human Rights and article 2 (3) of the Covenant was also violated. Furthermore, as detailed below in the section on category III, the Working Group considers that the lack of access to a lawyer has prevented Mr. Sebahene from effectively exercising his right to challenge the lawfulness of his detention.

42. The Working Group therefore finds that Mr. Sebahene’s arrest and detention have no legal basis, in violation of article 9 of the Universal Declaration of Human Rights and article 9 (1–4) of the Covenant, and are arbitrary under category I.

Category III

43. In relation to category III, the source also explains that Mr. Sebahene was deprived of the right to access to a lawyer within the framework of the judicial proceedings. In fact, the source asserts that, at the time of his interrogation in the National Intelligence Service facilities, Mr. Sebahene had no legal assistance, nor did he have access to a lawyer during the questioning before the investigating judge or before the judges’ council chamber. In the absence of any rebuttal from the Government, the Working Group considers that the facts presented by the source are consistent.

³ See Human Rights Committee, general comment No. 35, para. 36.

⁴ See United Nations Basic Principles and Guidelines on Remedies and Procedures on the Right of Anyone Deprived of Their Liberty to Bring Proceedings Before a Court (A/HRC/30/37), para. 3.

44. The Working Group recalls that all persons deprived of their liberty have the right to legal assistance by counsel of their choice at any time during their detention, including immediately after their apprehension, and that such assistance shall be provided without delay.⁵ In the light of the facts, the Working Group concludes that Mr. Sebahene's right to have adequate time and facilities for the preparation of his defence and to communicate with counsel of his choice, as provided for in article 14 (3) (b), of the Covenant, has been violated, as has his right to conduct an adequate defence through counsel of his choice, as provided for in article 14 (3) (d) of the Covenant.

45. Furthermore, the source explains that Mr. Sebahene's trial has been unreasonably slow and that his case has now been pending for four years. The last public hearing took place on 27 December 2016, when the Public Prosecutor's Office requested a postponement of the case to allow it to appear with the witnesses for the prosecution once they could be protected, and the court adjourned the case sine die. The Government has not provided any explanation for this postponement.

46. The Working Group recalls that the reasonableness of any delay in bringing a case to trial must be assessed on a case-by-case basis, taking into account its complexity, the conduct of the defendant and the manner in which the authorities have handled the case.⁶ In the present case, the Working Group considers, taking into account that the last hearing took place in December 2016 and that the case was adjourned sine die, that the right to be tried without undue delay, as provided for under article 14 (3) (c) of the Covenant, was violated.

47. With regard to the allegations of violence and ill-treatment at the time of Mr. Sebahene's arrest, the Working Group refers the present case to the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment.

48. The source also alleges that Mr. Sebahene was tortured on 2 August 2015 in the National Intelligence Service facilities and that a complaint was filed with the prosecutor's office in Mukaza in April 2017 by Mr. Sebahene's lawyer, but that no action was taken in response to this claim. This is a violation of articles 12 and 13 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and principle 16 of the Guidelines on the Role of Prosecutors. In the light of these facts, the Working Group refers the present case to the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment and the Special Rapporteur on the independence of judges and lawyers for their further consideration.

49. For these reasons, the Working Group concludes that the violations of the right to a fair trial under article 10 of the Universal Declaration of Human Rights and article 14 of the Covenant are of such gravity as to confer on Mr. Sebahene's deprivation of liberty an arbitrary character under category III.

Category V

50. The source asserts that Mr. Sebahene was arrested and detained because he was a member of the former regular army, which was fighting against the rebel movements currently in power, and a liaison officer for a former Minister of National Defence, who is accused by the regime of having played a role in the attempted coup of 13 May 2015, and because he is of Tutsi ethnic origin.

51. The Working Group recalls that, when deprivation of liberty constitutes a violation of international law because of discrimination based on birth, national, ethnic or social origin, language, religion, economic condition, political or other opinion, sex, sexual orientation, disability or any other status that aims towards or can result in ignoring the equality of human beings, the detention is arbitrary.

⁵ See Human Rights Committee, general comment No. 32 (2007) on the right to equality before courts and tribunals and to a fair trial, paras. 32 and 34, and United Nations Basic Principles and Guidelines on Remedies and Procedures on the Right of Anyone Deprived of Their Liberty to Bring Proceedings Before a Court, principle 9 and guideline 8.

⁶ See opinions Nos. 83/2019, para. 70, and 45/2016, para. 51. See also Human Rights Committee, general comment No. 32, para. 35.

52. Recalling its opinion No. 7/2018, in which it concluded that there was discrimination against the Tutsi ethnic group, and in the absence of a rebuttal from the Government, the Working Group considers this allegation to be credible and concludes that the arrest and detention of Mr. Sebahene is the result of ethnic and political discrimination, as he was arrested and detained solely because he was part of the army and worked for a former Minister of National Defence. This is a violation of articles 2 and 7 of the Universal Declaration of Human Rights and articles 2 (1) and 26 of the Covenant. The Working Group therefore considers Mr. Sebahene's arrest and detention to be arbitrary under category V.

Disposition

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

The deprivation of liberty of Alexis Sebahene, being in contravention of articles 2, 7, 8, 9 and 10 of the Universal Declaration of Human Rights and articles 2, 9, 14 and 26 of the International Covenant on Civil and Political Rights, is arbitrary and falls within categories I, III and V.

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

55. The Working Group considers that, taking into account all the circumstances of the case, the appropriate remedy would be to release Mr. Sebahene immediately and accord him an enforceable right to compensation and other reparations, in accordance with international law. In the current context of the coronavirus disease (COVID-19) global pandemic and the threat it poses in places of detention, the Working Group calls on the Government to take urgent measures to ensure the immediate release of Mr. Sebahene.

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

57. 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 and the Special Rapporteur on the independence of judges and lawyers for appropriate action.

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

Follow-up procedure

59. 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. Sebahene has been released and, if so, on what date;
- (b) Whether compensation or other reparations have been made to Mr. Sebahene;
- (c) Whether an investigation has been conducted into the violation of Mr. Sebahene'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 Burundi with its international obligations, in line with the present opinion;
- (e) Whether any other action has been taken to implement the present opinion.

60. 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.

61. 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.

62. 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.⁷

[Adopted on 1 May 2020]

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