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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. 7/2020 concerning El Fadel Breica (Algeria)**

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 14 October 2019 the Working Group transmitted to the Government of Algeria a communication concerning El Fadel Breica. 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. El Fadel Breica is a Spanish citizen, who was 59 years old in 2019. He is of Saharan origin and was naturalized in Spain under the name of El Fadel Bua Da Mohamed. He was recruited to the Frente Popular para la Liberación de Saguía el-Hamra y de Río de Oro (Frente POLISARIO) at the age of 14 years and settled in Spain in 2002. He was arrested by the Frente POLISARIO army while visiting his family in Tindouf. Mr. Breica is a human rights defender and campaigns for a change in policy of Frente POLISARIO.

(a) Context, arrest and detention

5. The source explains that, at approximately 11.30 a.m. on 18 June 2019, Mr. Breica was leaving a medical appointment in Tindouf when he was pinned to the ground by persons who had emerged from military vehicles, dealt blows to several parts of his body, with his face covered by the stole he was wearing around his neck, and then forcibly placed in one of the vehicles and taken to an unknown location while being kicked and spat at by the military personnel.

6. The source indicates that Mr. Breica had been at the Smara camp since 20 April 2019, when he had returned to visit a family member. The source states that Mr. Breica had informed the Embassy of Spain in Algeria about his trip and his concerns for his safety and physical integrity.

7. The source asserts that Mr. Breica had occupied several positions within the Frente POLISARIO army before he settled in Spain following disagreements with the Frente POLISARIO leadership. In 2017, in Spain, Mr. Breica founded the Sahrawi Initiative for Change movement, which advocates for a new approach to settle the conflict in Western Sahara and calls for a change in leadership of Frente POLISARIO; he campaigns actively for human rights on social media and organizes sit-ins in front of the Embassy of Algeria in Spain. He is also a founder member of the Al-Khalil Ahmed Braih Committee, which works to bring the fate of disappeared Saharans in Algeria to light, in particular that of a former human rights adviser to the former Secretary General of Frente POLISARIO, who had been abducted in January 2009 in Algiers.

8. According to the source, several officers of the Frente POLISARIO Documentation and Security Service had harassed Mr. Breica on a daily basis since his arrival and threatened to harm him. An adviser to the Secretary General of Frente POLISARIO twice visited him at the Smara camp, threatening to torture and imprison him if he engaged in any activism in the camps. Despite the threats, Mr. Breica held meetings with Saharans sympathetic to the Sahrawi Initiative for Change, organized a sit-in on 13 June 2019 in front of the Office of the United Nations High Commissioner for Refugees (UNHCR) field office in Rabouni to denounce the human rights violations and practices of the Frente POLISARIO leadership and, on 17 June 2017, took part in a demonstration in the same location with a banner calling for the depoliticization of a case involving the abduction of a Saharan person. Following this demonstration, a Saharan blogger was arrested by Frente POLISARIO officers in front of the field office.

9. The source also stresses that Algeria has de facto ceded its administrative and judicial powers to Frente POLISARIO in the areas under the latter's effective control, including the Smara camp and the part of Western Sahara located in Algeria, allowing this non-State actor to act in place of the Algerian Government and thus becoming indirectly responsible for its actions.

10. The source states that, following Mr. Breica's arrest, his family had had been without any news of him for eight days before being anonymously informed of his detention by the Frente POLISARIO. This was later confirmed by a high-ranking official of the Frente POLISARIO, who justified it for security reasons without giving further details on his place of detention. On 11 July 2019, members of Mr. Breica's family were allowed to visit him for 10 minutes, in the presence of guards and separated from him by several rows of bars.

11. According to the source, Mr. Breica was deprived of communication with the outside world for the first 10 days of his detention, in a foul-smelling room of the Errachid

detention centre, while blindfolded with his feet and hands bound and was fed on chickpeas and a little water. He was questioned about his activities as a human rights defender, his relations with Algeria and the case of the disappearance of the former adviser on human rights to the Secretary General of Frente POLISARIO. The source also states that Mr. Breica was insulted and threatened by a person who stood behind him and hit him on the back of the neck. He was twice injected with a substance that caused unbearable pain, in an attempt to make him give up his work. The source further specifies that he was presented with documents to sign without being aware of their content. Mr. Breica believes that he was filmed during these interrogations.

12. The source goes on to explain that Mr. Breica was transferred on 25 June 2019 to another place of detention, where he remained attached to a chair in a seated position until 7 July, when he was placed in a cell and informed by other detainees that he was in the illegal detention centre in Dhaibiya. On 15 July 2019, he began a hunger strike to protest against his arbitrary detention, during which he was visited several times by a Frente POLISARIO official who threatened him with imminent death if he did not end the strike. A family member who was able to visit him for approximately 20 minutes on 25 July 2019 observed that he was in extremely poor health. During the night of 27 July 2019, Mr. Breica was evacuated to a medical centre close to his place of detention, where he was kept under guard by order of the chief of the Frente POLISARIO gendarmerie. He was subsequently transferred to Rabouni Hospital owing to the seriousness of his condition. He continued to refuse to end his hunger strike and was soon returned to prison and placed in solitary confinement.

(b) Legal analysis

13. According to the source, Mr. Breica was detained outside any legal framework in the territory of Algeria, by a non-State actor to which Algeria has de facto ceded its authority in the territory of Western Sahara. He was deprived of the protection of the law and his physical and mental integrity were seriously threatened.

14. The source argues that the main reason for the abduction, ill-treatment and detention of Mr. Breica was his involvement in the campaign for the rights of victims of human rights violations perpetrated by Frente POLISARIO. The source adds that his detention was also based on his participation in a demonstration in front of the Embassy of Algeria in Madrid, his demand for information about the fate of a former human rights adviser to the former Secretary General of Frente POLISARIO, who had been abducted in January 2009 in Algiers, and his public expression of opinions critical of the leadership of Frente POLISARIO, in particular regarding the diversion of humanitarian aid intended for Saharan refugees.

15. The source recalls that no trial was held, no procedural safeguards were respected and that Mr. Breica was denied any possibility of appeal or administrative remedy.

16. In the light of the foregoing, the source asserts that Mr. Breica's detention was arbitrary.

*Further information from the source*

17. The source has informed the Working Group that Mr. Breica was released on 10 November 2019 and is currently in Spain.

*Response from the Government*

18. On 14 October 2019, the Working Group transmitted a communication concerning Mr. Breica to the Government of Algeria, requesting it to provide detailed information by 13 December 2019. On 15 October 2019, the Permanent Mission of the People's Democratic Republic of Algeria to the United Nations Office at Geneva and other international organizations in Switzerland acknowledged receipt of the communication, but no response has been received from the Government to date. 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.

19. The Working Group recalls that a letter of allegation concerning Mr. Breica's case was sent to the Government of Algeria on 18 October 2019, with a copy sent to Frente POLISARIO.<sup>1</sup> The Working Group notes that it has not received any response to date.

### Discussion

20. 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.

21. The Working Group notes that Mr. Breica was released on 10 November 2019. However, in accordance with paragraph 17 (a) of its methods of work, it reserves the right to render an opinion, on a case-by-case basis, as to whether the deprivation of liberty was arbitrary, notwithstanding the release of the person concerned. Given the source's allegations of serious human rights violations, including acts of physical violence, incommunicado detention and a lack of due process, the Working Group considers that it remains appropriate to assess the deprivation of Mr. Breica's liberty and determine whether or not it was arbitrary.

22. 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.

23. As a preliminary point, the Working Group notes that Mr. Breica's arrest and detention were carried out by Frente POLISARIO, a non-State actor in Tindouf, in the territory of Algeria. The Working Group also notes the source's statement that Algeria has *de facto* ceded its administrative and judicial powers to Frente POLISARIO in the areas under the latter's effective control, including the Smara refugee camp in Algeria.

24. The Working Group recalls that, pursuant to article 2 of the International Covenant on Civil and Political Rights, ratified by Algeria on 12 September 1989, each State party to the Covenant undertakes to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the Covenant. The Working Group also refers to the concluding observation of the Human Rights Committee on the fourth periodic report of Algeria (CCPR/C/DZA/CO/4, paras. 9–10), in which the Committee expressed concern about the *de facto* devolution of authority, especially jurisdictional authority, by the Government of Algeria to Frente POLISARIO, as such a situation was inconsistent with the State party's obligation to respect and guarantee all Covenant rights for all persons within its territory. The Committee was also concerned by the reports that victims of violations of Covenant provisions in the camps at Tindouf did not have access to an effective remedy in the State party's courts. Lastly, the Committee was of the view that, as an obligation emanating from article 2 (1) of the Covenant, the State party should ensure the liberty and security of persons as well as access to effective remedies for all persons within its territory, including those in the camps at Tindouf, who claimed to be the victim of a violation of the Covenant's provisions.

25. Accordingly, the Working Group concludes that Mr. Breica was in Tindouf, in Algerian territory and therefore under the territorial jurisdiction of Algeria, which would incur responsibility if the alleged violations were proved.

#### (i) Category I

26. Regarding the merits of the case, the Working Group first notes that Mr. Breica was arrested on 18 June 2019 in Tindouf, by Frente POLISARIO military personnel, who pinned him to the ground and placed him in a vehicle by force. He was then detained for 10 days without any access to the outside world. These facts were not disputed by the Government, although it had the opportunity to do so. The source further explains that, after eight days, a Frente POLISARIO official justified Mr. Breica's detention as a security measure, without providing any more information on the place of detention.

<sup>1</sup> AL DZA 2/2019, available at <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=24688>.

27. Pursuant to article 9 (1) of the Covenant, no one may be deprived of liberty except on such grounds and in accordance with such procedure as established by law. Article 9 (2) of the Covenant provides that anyone who is arrested shall be informed, at the time of arrest, of the reasons for his or her arrest. In order for a deprivation of liberty to have a legal basis, it is not sufficient for there to be a law under which the arrest may be authorized. The authorities must invoke that legal basis and apply it to the circumstances of the case through an arrest warrant.<sup>2</sup> In addition, as the Working Group has already pointed out, an arrest is arbitrary when it is made without the arrested person being informed of the reasons for the arrest.<sup>3</sup>

28. In view of the description of events, the Working Group observes that Mr. Breica was abducted, that he was not shown an arrest warrant and that he was not informed of the reasons for his arrest, in violation of article 9 of the Universal Declaration of Human Rights and article 9 (1) and (2) of the Covenant.

29. The source further explains that Mr. Breica was held in incommunicado detention for 10 days, was not able to challenge the lawfulness of his detention and was never brought before a judge during the four months of his detention. This allegation, which appears credible, was not refuted by the Government.

30. The Working Group recalls that every detained person has the right to challenge the lawfulness of his or her detention before a court, as provided by article 9 (4) of the Covenant. The Working Group also recalls that, according to the United Nations Basic Principles and Guidelines on Remedies and Procedures on the Rights of Anyone Deprived of Their Liberty to Bring Proceedings Before a Court (A/HRC/30/37), the right to challenge the lawfulness of detention before a court is a self-standing human right that is essential to preserve legality in a democratic society.<sup>4</sup> This right, which is a peremptory norm of international law, applies to all forms of deprivation of liberty,<sup>5</sup> not only to detention for purposes of criminal proceedings but also to situations of detention under administrative and other fields of law, including military detention, security detention, detention under counter-terrorism measures, involuntary confinement in medical or psychiatric facilities, migration detention, detention for extradition, arbitrary arrest, house arrest, solitary confinement, detention for vagrancy or drug addiction, and detention of children for educational purposes.<sup>6</sup>

31. The Working Group further recalls that it has consistently stated that holding persons incommunicado is not permitted under international human rights law<sup>7</sup> because it violates the right to be brought promptly before a judge and to challenge the lawfulness of detention before a court, enshrined in article 9 (3) and (4) of the Covenant.<sup>8</sup> The Working Group regards judicial oversight of deprivation of liberty as a fundamental safeguard of personal liberty and as essential to ensuring that detention has a legal basis. Such oversight by an independent judicial authority was absent in the present case. The Working Group thus considers that the incommunicado detention of Mr. Breica and his inability to challenge the lawfulness of his detention for four months constitute violations of article 10 of the Universal Declaration of Human Rights and article 9 (3) and (4) of the Covenant. As a result, Mr. Breica's 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. Moreover, Mr. Breica was placed outside the protection of the law, in violation of his right to recognition as a person before the law under article 6 of the Universal Declaration of Human Rights and article 16 of the Covenant.

32. The Working Group therefore considers that Mr. Breica's arrest and detention had no legal basis and were arbitrary under category I.

<sup>2</sup> Opinions No. 46/2018, para. 48; No. 36/2018, para. 40; No. 10/2018, para. 45; and No. 38/2013, para. 23.

<sup>3</sup> See, for example, opinions No. 46/2019, para. 51; and No. 10/2015, para. 34.

<sup>4</sup> A/HRC/30/37, paras. 2–3.

<sup>5</sup> *Ibid.*, para. 11.

<sup>6</sup> *Ibid.*, para. 47 (a).

<sup>7</sup> A/HRC/13/39/Add.5, para. 156.

<sup>8</sup> See, for example, opinions No. 45/2019, No. 44/2019, No. 9/2019, No. 35/2018, No. 46/2017 and No. 45/2017.

## (ii) Category II

33. The source asserts that Mr. Breica is a human rights defender campaigning for a change in policy by Frente POLISARIO and that he created the Sahrawi Initiative for Change movement, which advocates for a new approach to settle the conflict in Western Sahara and calls for a change of leadership for Frente POLISARIO. According to the source, he expressed opinions critical of the leadership of Frente POLISARIO, in particular regarding the diversion of humanitarian aid for Saharan refugees. The source adds that Mr. Breica is a founder member of the Al-Khalil Ahmed Braih Committee, which works to bring the fate of disappeared Saharans in Algeria to light. The Working Group also notes the fact that, during his stay in Tindouf, Mr. Breica met other Saharan activists, organized a sit-in on 13 June 2019 to expose human rights violations perpetrated by Frente POLISARIO and participated in a demonstration on 17 June 2019 concerning the abduction of a Saharan person. According to the source, a blogger was arrested by Frente POLISARIO during this demonstration. The Working Group also notes the threats and harassment of Mr. Breica by Frente POLISARIO security personnel and officials, as soon as he arrived in the Smara refugee camp. The source further reports that, during the deprivation of his liberty, Mr. Breica was questioned about his human rights activities, his relations with Algeria and the Al-Khalil Ahmed Braih Committee.

34. In the absence of any explanation by the Government of the reasons for Mr. Breica's detention, the Working Group considers that the source has established a presumption that Mr. Breica's arrest and detention were motivated by his political and human rights activism, exposure of the actions of Frente POLISARIO and call for a change in its leadership, which fall within the province of his freedom of expression, his right of peaceful assembly and association and his right to take part in the conduct of public affairs, which are protected by articles 19, 20 and 21 of the Universal Declaration of Human Rights and articles 19, 22 and 25 (a) of the Covenant.

35. Article 19 (2) of the Covenant stipulates that everyone has the right to freedom of expression; this right includes the freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his or her choice. This right includes political discourse, commentary on public affairs, discussion of human rights, and journalism.<sup>9</sup> It also protects the holding and expression of opinions, including those that are not in line with government policy.<sup>10</sup>

36. In this case, there is no reason to believe that Mr. Breica behaved violently or incited violence in any way whatsoever. The Working Group considers that Mr. Breica's conduct is covered by the right to freedom of opinion and expression protected under article 19 of the Universal Declaration of Human Rights and article 19 of the Covenant.

37. Equally, Mr. Breica established the Sahrawi Initiative for Change movement, which advocates for a new approach to settle the conflict in Western Sahara and calls for a change of leadership for Frente POLISARIO. These facts show that Mr. Breica was detained for exercising his right to take part in the conduct of public affairs under article 21 of the Universal Declaration of Human Rights and article 25 (a) of the Covenant.<sup>11</sup>

38. Moreover, the Working Group considers that Mr. Breica was deprived of his liberty for having exercised his right to freedom of assembly and association, including through his participation in a sit-in on 13 June 2019 and 17 June 2019, a right that is protected by article 20 of the Universal Declaration of Human Rights and article 22 of the Covenant.

39. Given the facts set out above and the Government's failure to refute them, there is no reason to think that the permitted restrictions on these rights, laid down in articles 19 (3), 22 and 25 of the Covenant, apply in this case. The Working Group also recalls that the

<sup>9</sup> Human Rights Committee, general comment No. 34 (2011) on the freedoms of opinion and expression, para. 11.

<sup>10</sup> Opinions Nos. 8/2019, para. 55; and 79/2017, para. 55.

<sup>11</sup> Citizens may take part in the conduct of public affairs by exerting influence through public debate. Human Rights Committee, general comment No. 25 (1996) on participation in public affairs and the right to vote, para. 24. See also opinions No. 9/2019, No. 46/2018, No. 45/2018, No. 36/2018, No. 35/2018, No. 40/2016, No. 26/2013, No. 42/2012, No. 46/2011 and No. 13/2007.

Human Rights Council has called on States to refrain from imposing restrictions under article 19 (3) that are not consistent with international human rights law.<sup>12</sup>

40. In accordance with the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, everyone has the right, individually and in association with others, to promote and to strive for the protection and realization of human rights, and to draw public attention to the observance of human rights.<sup>13</sup> The source has shown that Mr. Breica was detained for having exercised his rights under the Declaration as part of his campaigning for the Saharan cause. The Working Group has determined that detaining individuals on the basis of their activities as human rights defenders violates their right to equality before the law and equal protection of the law under article 7 of the Universal Declaration of Human Rights and article 26 of the Covenant.<sup>14</sup>

41. The Working Group concludes that Mr. Breica's detention resulted from the peaceful exercise of his rights to freedom of expression and of association, and the right to take part in the conduct of public affairs, and was contrary to article 7 of the Universal Declaration of Human Rights and article 26 of the Covenant. His detention was therefore arbitrary under category II.

42. In the light of the foregoing, the Working Group refers the case to the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, the Special Rapporteur on the rights to freedom of peaceful assembly and of association and the Special Rapporteur on the situation of human rights defenders.

(iii) Category III

43. Given its finding that Mr. Breica's deprivation of liberty was arbitrary under category II, the Working Group wishes to emphasize that no trial should take place. However, since the information transmitted by the source points to the existence of violations of Mr. Breica's right to a fair trial, the Working Group will consider that issue in this section.

44. According to the source, during his detention, Mr. Breica was insulted and threatened by a person who stood behind him and hit him on the back of the neck. He was injected with a substance that caused him unbearable pain and was intended to make him give up his work. The source also indicates that Mr. Breica was given documents to sign without being aware of their content and that he believes he was filmed during the interrogation sessions. The Government chose not to refute these allegations when given the opportunity to do so.

45. The Working Group recalls that not only is torture a grave violation of human rights in itself, but it seriously undermines the ability of persons to defend themselves and hinders their exercise of the right to a fair trial, especially in the light of the right to be presumed innocent under article 11 of the Universal Declaration of Human Rights and article 14 (2) of the Covenant. The Working Group also takes the opportunity to remind the Government of its obligations under article 14 (3) (g) of the Covenant and the onus upon it to demonstrate that any confession gathered was signed by Mr. Breica of his own free will.

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

47. The Working Group is also of the view that the period of incommunicado detention was incompatible with the obligations under article 14 (1) and 3 (b) of the Covenant to guarantee that Mr. Breica had the possibility to effectively prepare a defence and that he remained under the protection of the law. The Working Group further considers that the facts, in particular the placement in an illegal detention centre at Dhaibiya, constitute a

<sup>12</sup> Human Rights Council resolution 12/16, para. 5 (p).

<sup>13</sup> General Assembly resolution 69/194, annex, arts. 1 and 6 (c). See also General Assembly resolutions 74/146, para. 12, and 70/161, para. 18.

<sup>14</sup> See opinions No. 45/2019, No. 44/2019, No. 9/2019, No. 46/2018, No.45/2018, No. 36/2018, No. 35/2018, No. 79/2017 and No. 75/2017.

violation of Mr. Breica's right to be recognized as a person before the law under article 6 of the Universal Declaration of Human Rights and article 16 of the Covenant. It is also a violation of his right to communication with the outside world under principles, 15, 16 (1) and 19 the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment and rule 58 of the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules).

48. Given the above, the Working Group concludes that the violations of the right to a fair trial and due process are of such gravity as to give Mr. Breica's deprivation of liberty an arbitrary character that falls within category III.

49. Lastly, the Working Group would like to make an official visit to Algeria in order to engage in a constructive dialogue with the Government.

### **Disposition**

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

The deprivation of liberty of El Fadel Breica, being in contravention of articles 6, 7, 8, 9, 10, 11, 19, 20 and 21 of the Universal Declaration of Human Rights and articles 2, 9, 14, 16, 19, 22, 25 and 26 of the International Covenant on Civil and Political Rights, is arbitrary and falls within categories I, II and III.

51. The Working Group requests the Government of Algeria to take the steps necessary to remedy the situation of Mr. Breica 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.

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

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

54. 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, the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, the Special Rapporteur on the rights to freedom of peaceful assembly and of association and the Special Rapporteur on the situation of human rights defenders, for appropriate action.

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

### **Follow-up procedure**

56. 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 compensation or other reparations have been made to Mr. Breica;
- (b) Whether an investigation has been conducted into the violation of Mr. Breica's rights and, if so, the outcome of the investigation;
- (c) Whether any legislative amendments or changes in practice have been made to harmonize the laws and practices of Algeria with its international obligations in line with the present opinion;
- (d) Whether any other action has been taken to implement the present opinion.

57. 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.



58. 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.

59. 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.<sup>15</sup>

*[Adopted on 1 May 2020]*

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<sup>15</sup> Human Rights Council resolution 42/22, paras. 3 and 7.