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## Human Rights Council Working Group on Arbitrary Detention

### Opinions adopted by the Working Group on Arbitrary Detention at its eighty-fifth session, 12–16 August 2019

#### Opinion No. 55/2019 concerning Abdulmalik Mohammad Ahmad Mohammad al-Mukhanqi and Abdullah Mohammad Ahmad Attiah (United Arab Emirates)

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 33/30.
2. In accordance with its methods of work (A/HRC/36/38), on 14 February 2019 the Working Group transmitted to the Government of the United Arab Emirates a communication concerning Abdulmalik Mohammad Ahmad Mohammad al-Mukhanqi and Abdullah Mohammad Ahmad Attiah. The Government submitted a late response on 23 April 2019. The State is not 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. Abdulmalik Mohammad Ahmad Mohammad al-Mukhanqi is a married trader and a national of Yemen. He lives and works in the Emirate of Fujairah in the United Arab Emirates.

5. Abdullah Mohammad Ahmad Attiah is also a married trader and a national of Yemen. He lives and works in the Emirate of Sharjah in the United Arab Emirates.

#### (a) Arrest, detention and trial proceedings

6. According to the source, on 24 September 2014, Mr. Al-Mukhanqi and Mr. Attiah were arrested at dawn while crossing the Al-Mobakhra roundabout in Fujairah, a city situated on the east coast of the United Arab Emirates, by members of the national security services dressed in civilian clothes. The latter did not present any arrest warrant or give any reason for their arrest.

7. The source submits that Mr. Al-Mukhanqi and Mr. Attiah were then taken to a secret prison and forcibly disappeared for seven months. During that period, they were held in two separate detention facilities. In April 2015, the defendants were moved to Al-Wathba Prison in Abu Dhabi, where they are currently being held. They have since been permitted to make one phone call per week to their families.

8. The source reports that, while in custody, Mr. Al-Mukhanqi and Mr. Attiah were subjected to severe acts of torture as a means of forcing them to confess to their membership in the Houthi movement. This included being severely beaten, being hung naked from the ceiling, having their toenails pulled out and being sexually assaulted. According to reports, the defendants were unable to testify to other acts of torture they had endured, because their phone calls were monitored by the security services.

9. The source notes that, in late 2015, Mr. Al Mukhanqi's and Mr. Attiah's trial commenced before the State Security Chamber of the Federal Supreme Court of Abu Dhabi, which functioned as a court of first and last instance up until November 2016, when Federal Law No. 11 was amended. Despite this, the court of second instance has thus far upheld the decisions of the State Security Chamber, thereby nullifying the right to appeal.

10. The source submits that it was only during their first hearing before the State Security Chamber that the defendants were first officially informed of the charges against them. Both defendants were charged with supplying the "terrorist" Houthi movement in Yemen with military and chemical materials that can be used in explosives, cars and communications equipment and transferring them to branches of the movement in Yemen while knowing the truth of the terrorist organization. Mr. Attiah was further charged with founding an organization – Safinat al-Sahra – for the management of Houthi finances and property holdings.

11. The source notes that the United Arab Emirates listed the Houthi movement as a terrorist organization in November 2014, after implementing Federal Law No. 7 of 2014, on combating terrorism offences. However, that was two months after Mr. Al-Mukhanqi's and Mr. Attiah's arrest. In addition, the country became party to the civil war in Yemen in March 2015, after joining a coalition led by Saudi Arabia in support of the Government of Yemen against the Houthis.

12. The source submits that Mr. Al-Mukhanqi and Mr. Attiah have been denied access to legal counsel throughout the legal proceedings. In addition, they were only permitted to defend themselves, without the assistance of legal counsel, for a couple of minutes during their trial, before being cut off by the judge. In addition, the judge admitted the defendants' confessions into evidence, even though the defendants had informed him that they had been extracted under torture. In addition, the authorities of the United Arab Emirates failed to launch any investigations into their torture allegations.

13. According to the source, the judge pronounced the sentences against Mr. Al-Mukhanqi and Mr. Attiah during their second hearing, on 14 February 2016, after a summary trial. Both defendants were sentenced to 10 years in prison and to expulsion from the United Arab Emirates upon completion of their sentences. Mr. Attiah was also fined one million dirhams (equivalent to \$272,260) and his company and website were permanently shut down. Mr. Al-Mukhanqi and Mr. Attiah have also been denied their right to appeal their sentences and to consular assistance.

(b) Legal analysis

14. The source argues that Mr. Al-Mukhanqi's and Mr. Attiah's detention is arbitrary under categories I and III.

(i) Category I

15. The source submits that Mr. Al-Mukhanqi and Mr. Attiah were arrested without a warrant and were not given any reason for their arrest. In addition, the circumstances of their arrest did not give enough elements to the authorities to amount to *flagrante delicto* and they were only informed of the charges against them in late 2015, during the first hearing of their trial. As a result, their detention was not grounded in law between 24 September 2014 and late 2015, in violation of article 9 of the Universal Declaration of Human Rights and articles 14 (2), 14 (3) and 16 (1) of the Arab Charter on Human Rights.

16. The source reports that Mr. Al-Mukhanqi and Mr. Attiah were forcibly disappeared for the first seven months of their detention. As a result, they were placed outside of the protection of the law and deprived of their legal safeguards as detainees, including their right to legal counsel and to habeas corpus, in violation of their rights under articles 14 (6) and 22 of the Arab Charter on Human Rights.

(ii) Category III

17. The source submits that Mr. Al-Mukhanqi and Mr. Attiah were arrested without a warrant and they were not given any reason for their arrest. As a result, their arrest violates principle 10 of the Body of Principles for the Protection of All Persons under any Form of Detention or Imprisonment and article 14 (1) of the Arab Charter on Human Rights.

18. According to the source, Mr. Al-Mukhanqi and Mr. Attiah were forcibly disappeared for seven months. In this regard, the source states that enforced disappearance is a *prima facie* form of arbitrary detention and constitutes a violation of a detainee's right to be considered a person before the law, in contravention of article 6 of the Universal Declaration of Human Rights and article 22 of the Arab Charter on Human Rights. Moreover, enforced disappearance enables torture and constitutes a form of torture in and of itself, both in relation to the disappeared person and to his or her relatives.<sup>1</sup> The source alleges that, by forcibly disappearing Mr. Al-Mukhanqi and Mr. Attiah, the authorities of the United Arab Emirates violated their obligations under the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

19. Furthermore, the source reports that Mr. Al-Mukhanqi and Mr. Attiah were denied their right to have access to consular assistance, as stipulated in article 36 (2) of the Vienna Convention on Consular Relations and principle 16 (2) of the Body of Principles.

20. According to the source, Mr. Al-Mukhanqi and Mr. Attiah were brought before a judicial authority for the first time at the beginning of their trial in late 2015, in contravention of article 14 (5) of the Arab Charter on Human Rights and principles 11 and 37 of the Body of Principles. Consequently, they were also denied their right to challenge the legality of their detention before a judicial authority. The source submits that this violates principle 32 of the Body of Principles and articles 8, 9 and 10 of the Universal Declaration of Human Rights.

<sup>1</sup> Committee against Torture, *Hernández Colmenarez and Guerrero Sánchez v. Bolivarian Republic of Venezuela* (CAT/C/54/D/456/2011).

21. The source recalls that Mr. Al-Mukhanqi and Mr. Attiah were forcibly disappeared and held in solitary confinement for the first seven months of their detention, and were subjected to other forms of torture, including being beaten, being hung naked from the ceiling, having their toenails pulled out and being sexually assaulted as a means of forcing them to confess to being part of the Houthi movement. According to the source, this contravenes the absolute prohibition of torture as enshrined in articles 2 and 16 of the Convention against Torture, article 5 of the Universal Declaration of Human Rights and principle 6 of the Body of Principles. It also violates article 8 of the Arab Charter on Human Rights and article 26 of the Constitution of the United Arab Emirates.

22. The source submits that Mr. Al-Mukhanqi's and Mr. Attiah's coerced confessions were admitted into evidence against them in violation of article 15 of the Convention against Torture. Moreover, although Mr. Al-Mukhanqi and Mr. Attiah informed the judge during their trial that they had been subjected to torture, he failed to launch an investigation into the allegations. In this regard, the source notes that this is part of a larger systematic pattern identified by the Special Rapporteur on the independence of judges and lawyers, following a country visit to the United Arab Emirates, whereby complaints relating to torture are presented to judges and/or prosecutors, but they are not registered or taken into account in judicial proceedings (A/HRC/29/26/Add.2, para. 53). The source also recalls that this violates articles 12 and 13 of the Convention against Torture, principle 33 (4) of the Body of Principles and rules 57 (2) and 57 (3) of the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules). In addition, the source refers to General Assembly resolution 60/148, which stipulates that allegations of torture must be promptly and impartially examined by a competent national authority.

23. The source reports that the State Security Chamber of the Federal Supreme Court is composed of judges directly appointed by the Ministry of the Interior. As a result, it is under the de facto control of the executive branch of government and cannot be considered as an independent or impartial judicial body (see A/HRC/29/26/Add.2, paras. 30 and 31). The source submits that, consequently, Mr. Al-Mukhanqi's and Mr. Attiah's trial before the Federal Supreme Court contravened article 10 of the Universal Declaration of Human Rights and articles 12 and 13 of the Arab Charter on Human Rights.

24. Moreover, according to the source, Mr. Al-Mukhanqi and Mr. Attiah have been denied their right to legal counsel at all stages of proceedings. In this regard, the authorities of the United Arab Emirates violated their obligations under principle 18 (3) of the Body of Principles and rule 61 (1) of the Nelson Mandela Rules, which stipulate that defendants must have access to legal counsel "without delay". This is also in contravention of article 109 of the Criminal Procedure Code of the United Arab Emirates, which provides that an accused person has the right to be "permanently" in contact with an attorney. Furthermore, the United Arab Emirates denied both victims the time and facilities necessary to prepare their defence, contravening article 11 of the Universal Declaration of Human Rights and principle 18 (2) of the Body of Principles.

25. The source reports that Mr. Al-Mukhanqi and Mr. Attiah were also only allowed to defend themselves for a couple of minutes, before being cut off by the judge. Consequently, there was a lack of a proper hearing, making it impossible to challenge the prosecution's evidence, in violation of Mr. Al-Mukhanqi's and Mr. Attiah's right to be presumed innocent. In the light of the above, the source submits that the authorities of the United Arab Emirates violated the principle of equality of arms.

26. The source further recalls that Mr. Al-Mukhanqi and Mr. Attiah were arrested on 24 September 2014. The United Arab Emirates listed the Houthis as a terrorist organization in November 2014 following the implementation of Federal Law No. 7 of 2014, on combating terrorism offences. In late 2015, the defendants were officially charged with facilitating the activities of the Houthi "terrorist" organization, including by supplying them with military and communications equipment and managing their finances and property holdings. The victims' prosecution for acts that did not constitute criminal offences in national law when they were arrested in September 2014 contravenes the principle of *nullum crimen sine lege*, as enshrined in article 11 (2) of the Universal Declaration of Human Rights and article 15 of the Arab Charter on Human Rights.

27. The source submits that Federal Law No. 7 of 2014, on combating terrorism crimes, which was used to sentence Mr. Al-Mukhanqi and Mr. Attiah, violates the principle of legal certainty. Article 1 defines a “terrorist result” in broad terms, including opposing the country and influencing the public authorities of the country. Article 63 (1), on terrorism lists, is equally vague, stipulating that this may include persons that pose a threat to the State. Such provisions enable arbitrary interpretation and make it difficult for citizens to determine how to act in order to comply with the law.

28. Finally, the source claims that Mr. Al-Mukhanqi and Mr. Attiah were denied their right to appeal their sentence, in violation of article 16 (7) of the Arab Charter on Human Rights and article 8 of the Universal Declaration of Human Rights.

#### *Response from the Government*

29. On 14 February 2019, the Working Group transmitted to the Government the allegations made by the source through its regular communication procedure. The Working Group requested the Government to provide, by 15 April 2019, detailed information about the current situation concerning Mr. Al-Mukhanqi and Mr. Attiah and any comments on the source’s allegations. Moreover, the Working Group called upon the Government to ensure Mr. Al-Mukhanqi’s and Mr. Attiah’s physical and mental integrity.

30. On 23 April 2019, the Working Group received a reply from the Government, which was submitted after the deadline. The Working Group regrets that it did not receive a timely response from the Government to the communication. The Government did not request an extension of the time limit for its reply, as provided for in paragraph 16 of the Working Group’s methods of work. While the Working Group may render an opinion on the basis of all the information obtained, it is unable to accept the response of the Government as if it was presented in a timely manner.

#### *Further observations by the source*

31. On 30 April 2019, the source submitted a reply to the late submission by the Government.

#### **Discussion**

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

33. 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.

34. As a preliminary matter, the Working Group recalls its practice of referring to instruments applicable to the respondent State, especially the main regional human rights instruments, namely the European Convention on Human Rights, the Inter-American Convention on Human Rights and the African Charter on Human and Peoples’ Rights. In relation to the Arab Charter on Human Rights, the Working Group is faced with an exceptional difficulty in obtaining the ratification status from the depositary authority. However, in the present case, the Working Group notes that the United Arab Emirates stated in its national report for the universal periodic review in 2017 that it had ratified the instrument and submitted its initial report in December 2013 (A/HRC/WG.6/29/ARE/1, para. 11). The Working Group therefore reliably concludes that the State had ratified the Arab Charter on Human Rights at the time of the allegations in the present case, thereby making the legal provisions applicable to it.

35. According to the information provided by the source, which the Government has failed to rebut, Mr. Al-Mukhanqi and Mr. Attiah were arrested without a warrant and were not promptly informed of the reasons for their arrest or of the charges against them, in

violation of article 9 of the Universal Declaration of Human Rights and articles 14 (2), 14 (3) and 16 (1) of the Arab Charter on Human Rights.

36. The Working Group underlines that the right to liberty and security of the person, enshrined in article 3 of the Universal Declaration of Human Rights, applies to everyone and is further guaranteed through article 9, which prohibits arbitrary arrest and detention. Both provisions are deeply entrenched human rights norms, reflected in both State practice and the jurisprudence of international bodies, including this Working Group. The Working Group recalls for instance the statement made by the International Court of Justice that to wrongfully deprive human beings of their freedom and to subject them to physical constraint in conditions of hardship is in itself manifestly incompatible with the principles of the Charter of the United Nations, as well as with the fundamental principles enunciated in the Universal Declaration of Human Rights.<sup>2</sup> The Working Group also recalls that the prohibition of arbitrary detention is part of customary law, which bears an absolute character in international law and is therefore binding upon all States, irrespective of their treaty obligations.

37. The Working Group notes with concern that it has been seized of a series of cases over the past few years in which the Government of the United Arab Emirates has subjected its citizens and foreign nationals to secret detention or incommunicado detention.<sup>3</sup> The Working Group recalls that such practices of secret and/or incommunicado detention effectively place the victims outside the protection of the law and deprive them of any legal safeguards.<sup>4</sup> In the present case, the source has also alleged that Mr. Al-Mukhanqi and Mr. Attiah were held incommunicado in a secret location by the State Security Department for seven months, which placed them outside the protection of the law, in violation of article 6 of the Universal Declaration of Human Rights. Such detention also prevented the two individuals from being brought promptly before a judge or any other officer authorized by law to exercise judicial power and from taking proceedings before a court that would have ruled without delay on the lawfulness of their detention.

38. The Working Group therefore considers that the arrest and prolonged incommunicado detention of Mr. Al-Mukhanqi and Mr. Attiah by the State Security Department lack any legal basis, in violation of articles 3, 6 and 9 of the Universal Declaration of Human Rights and articles 14 (1), 14 (2), 14 (3) and 16 (1) of the Arab Charter on Human Rights. The Working Group thus concludes that their arrest and subsequent detention are arbitrary, falling within category I.

39. The Working Group notes with grave concern the credible allegation that Mr. Al-Mukhanqi and Mr. Attiah have been subjected to torture while no investigation was ordered. In that connection, even though their confessions were collected in such circumstances, they were accepted by the judge to establish their guilt. Such practices constitute violations of articles 5, 6, 8, 9 and 10 of the Universal Declaration of Human Rights; articles 8, 12, 13 and 16 of the Arab Charter on Human Rights; articles 2, 12, 13 and 15 of the Convention against Torture; rules 1, 43 (1), 57 (2) and 57 (3) of the Nelson Mandela Rules; and principles 6 and 33 (4) of the Body of Principles. The Working Group recalls that the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment has deemed that prolonged incommunicado detention in a secret place may amount to torture as described in article 1 of the Convention against Torture (A/56/156, para. 14). The Working Group is of the view that the prolonged incommunicado detention of Mr. Al-Mukhanqi and Mr. Attiah for seven months in a secret prison negatively affected their right to a fair trial and the presumption of innocence, in violation of articles 10 and 11 of the Universal Declaration of Human Rights and articles 8, 12, 13 and 16 of the Arab Charter on Human Rights. Furthermore, the fact that the tribunal was informed of the allegation of torture and did not take any action supports a conclusion that the tribunal lacks independence, in violation of article 10 of the Universal Declaration of Human Rights and articles 12 and 13 (1) of the Arab Charter on Human Rights.

<sup>2</sup> *United States Diplomatic and Consular Staff in Tehran, Judgment, I.C.J. Reports 1980*, p. 3, para. 91.

<sup>3</sup> See opinions No. 30/2018, No. 21/2017, No. 51/2015, No. 35/2015, No. 56/2014 and No. 12/2014.

<sup>4</sup> Opinion No. 76/2017, para. 51.

40. The Working Group is concerned that the incommunicado detention of Mr. Al-Mukhanqi and Mr. Attiah also entailed the denial of their right to have, notify and communicate with a legal counsel in accordance with principles 15 to 19 of the Body of Principles, and their right to be brought promptly before a judge and to be tried within a reasonable time, as stipulated in principles 37 and 38 of the Body of Principles and rule 61 (1) of the Nelson Mandela Rules.

41. According to the source, Mr. Al-Mukhanqi and Mr. Attiah were tried by the State Security Chamber of the Federal Supreme Court. The Working Group has consistently expressed concerns about the lack of independence of the judicial body.<sup>5</sup> The Working Group reiterates those concerns and findings that the Court is not independent and impartial. Furthermore, the Working Group notes that there is no possibility to appeal the judgment of the Court, in violation of articles 8 and 10 of the Universal Declaration of Human Rights, and articles 12, 13 and 16 (7) of the Arab Charter on Human Rights.

42. Finally, the two individuals in this case are citizens of Yemen. Both the United Arab Emirates and Yemen are parties to the Vienna Convention on Consular Relations. Yet, nothing indicates that the United Arab Emirates complied with its obligations to notify Yemen to ensure due consular assistance to its nationals. Principle 16 (2) of the Body of Principles recognizes the importance of consular assistance for a detained or imprisoned foreign national by specifically mentioning his or her right to communicate by appropriate means with a consular post or the diplomatic mission of the State of which he or she is a national. Moreover, the Working Group has issued numerous opinions in which it also recognizes the violation of the consular right as part of the fairness of the trial.<sup>6</sup>

43. In the light of the factual and legal considerations noted above, the Working Group considers that the Government's failure to respect Mr. Al-Mukhanqi's and Mr. Attiah's right to consular protection under customary international law, as codified in article 36 of the Vienna Convention on Consular Relations, during their initial arrest and detention, is in violation of article 9 of the Universal Declaration of Human Rights and principle 16 (2) of the Body of Principles.

44. In the light of the foregoing, the Working Group concludes that the non-observance of the international norms relating to the right to a fair trial is of such gravity as to give the deprivation of liberty an arbitrary character, falling under category III.

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

### **Disposition**

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

The deprivation of liberty of Abdulmalik Mohammad Ahmad Mohammad al-Mukhanqi and Abdullah Mohammad Ahmad Attiah, being in contravention of articles 3, 5, 6, 8, 9, 10 and 11 of the Universal Declaration of Human Rights, is arbitrary and falls within categories I and III.

47. The Working Group requests the Government of the United Arab Emirates to take the steps necessary to remedy the situation of Mr. Al-Mukhanqi and Mr. Attiah without delay and bring it into conformity with the relevant international norms, including those set out in the Universal Declaration of Human Rights.

48. The Working Group considers that, taking into account all the circumstances of the case, the appropriate remedy would be to release Mr. Al-Mukhanqi and Mr. Attiah immediately and accord them an enforceable right to compensation and other reparations, in accordance with international law.

<sup>5</sup> See, for example, opinions No. 34/2011, para. 11; No. 64/2011, paras. 23–24; No. 60/2013, para. 23; and No. 21/2017, paras. 48–54.

<sup>6</sup> See, for example, opinion No. 28/2016, No. 45/2017 and No. 58/2017.

49. The Working Group urges the Government to ensure a full and independent investigation of the circumstances surrounding the arbitrary deprivation of liberty of Mr. Al-Mukhanqi and Mr. Attiah and to take appropriate measures against those responsible for the violation of their rights.

50. The Working Group encourages the Government to ratify the International Covenant on Civil and Political Rights and the Optional Protocols thereto.

51. 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.

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

#### **Follow-up procedure**

53. 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. Al-Mukhanqi and Mr. Attiah have been released and, if so, on what date;

(b) Whether compensation or other reparations have been made to Mr. Al-Mukhanqi and Mr. Attiah;

(c) Whether an investigation has been conducted into the violation of Mr. Al-Mukhanqi's and Mr. Attiah'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 the United Arab Emirates with its international obligations in line with the present opinion;

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

54. 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.

55. 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.

56. 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>7</sup>

*[Adopted on 16 August 2019]*

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<sup>7</sup> Human Rights Council resolution 33/30, paras. 3 and 7.