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Human Rights Council
Working Group on Arbitrary Detention

Opinions adopted by the Working Group on Arbitrary Detention at its seventy-ninth session, 21-25 August 2017

Opinion No. 46/2017 concerning Hatem Al Darawsheh (Jordan)

1. The Working Group on Arbitrary Detention was established in resolution 1991/42 of the Commission on Human Rights, which extended and clarified the Working Group's mandate in its resolution 1997/50. Pursuant to General Assembly resolution 60/251 and Human Rights Council decision 1/102, the Council assumed the mandate of the Commission. The mandate of the Working Group was most recently extended for a three-year period in Council resolution 33/30 of 30 September 2016.

2. In accordance with its methods of work (A/HRC/33/66), on 17 May 2017, the Working Group transmitted to the Government of Jordan a communication concerning Hatem Al Darawsheh. The Government replied to the communication on 25 August 2017. Jordan 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. Hatem Al Darawsheh is a 19-year-old high school student. Prior to his detention, Mr. Al Darawsheh resided in Amman.
5. On 19 January 2016, Mr. Al Darawsheh was arrested at his home by members of the General Intelligence Directorate, some in military uniforms and others in civilian clothes. According to the source, no arrest warrant issued by a judicial authority was produced at the time of the arrest. Mr. Al Darawsheh was taken to the Directorate premises in Jandawil district in Wadi Sir, Amman.
6. On 21 January 2016, Mr. Al Darawsheh was brought before the Public Prosecutor of the State Security Court, a military judge sitting at the premises of the General Intelligence Directorate, who accused him of being “a supporter of Islamic State”. According to the source, Mr. Al Darawsheh denied the charges.
7. The source reported that Mr. Al Darawsheh had not been permitted any visits from his family during the first three weeks of his arrest, and was detained during this period without any contact with the outside world. Once Mr. Al Darawsheh’s relatives could visit him, however, they found that he had been subjected to torture. The source alleges that Mr. Al Darawsheh was severely beaten and thrown against the wall during interrogations in the premises of the Directorate until he answered questions in a way that was acceptable to his interrogators, who also promised that he would be released if he confessed. Mr. Al Darawsheh was allegedly forced to sign a document that included statements extracted under torture.
8. On 10 March 2016, after almost two months of detention on the General Intelligence Directorate, Mr. Al Darawsheh was transferred to Muwaqqar II, a maximum security prison. The source alleges that it was only then that his relatives were able to appoint a lawyer to act on his behalf. Previously, Mr. Al Darawsheh’s relatives had been repeatedly told by Directorate authorities that he would be “released soon”.
9. On 5 April 2016, the Public Prosecutor of the State Security Court indicted Mr. Al Darawsheh on charges of “promoting a terrorist organization” for allegedly supporting Islamic State under articles 3.5 and 7.3 of anti-terrorism law No. 66 of 2005 (as amended in 2014). The source alleges that Mr. Al Darawsheh was indicted on the sole basis of information extracted from him under torture.
10. According to the source, witnesses testified before the State Security Court that Mr. Al Darawsheh had always opposed Islamic State and that, indeed, he distributed leaflets criticizing the armed group and its actions. In addition, during a hearing on 15 August 2016, two fellow detainees held in the same cell as Mr. Al Darawsheh since his arrival at the premises of the General Intelligence Directorate testified that he bore signs of torture on his body following interrogation sessions. The two detainees recalled, for example, that Mr. Al Darawsheh had shown them an injury on his arm after an interrogation session, and explained that it had been caused by his interrogators, who beat him to force him to sign a confession. The source submits that, despite a request from his lawyer and the witnesses’ statements, no investigation was ever undertaken into Mr. Al Darawsheh’s allegations of torture.
11. On 5 December 2016, the State Security Court sentenced Mr. Al Darawsheh to three years of imprisonment for “promoting a terrorist organization” through his alleged support for Islamic State, pursuant to articles 3.5 and 7.3 of anti-terrorism law No. 66. On 3 January 2017, Mr. Al Darawsheh’s lawyer submitted an appeal against the sentence to the Court of Cassation.
12. Mr. Al Darawsheh has been deprived of his liberty for more than 18 months since his arrest on 19 January 2016. He remains detained in Muwaqqar II prison in an isolated cell.
13. The source submits that Mr. Al Darawsheh’s deprivation of liberty is arbitrary under category III of the categories applied by the Working Group owing to the severe violations

of his fair trial rights enshrined in articles 9 and 14 of the International Covenant on Civil and Political Rights. Specifically, the source submits that:

(a) The General Intelligence Directorate arrested Mr. Al Darawsheh on 19 January 2016 without an arrest warrant issued by a judicial authority, and did not give him any official reason for his arrest. This amounts to a violation of article 9(1) and 9(2) of the International Covenant on Civil and Political Rights.

(b) During his first three weeks of detention on the premises of the General Intelligence Directorate, Mr. Al Darawsheh was held incommunicado with no contact with the outside world, including his family. Jordanian law does not include any provision protecting the right of individuals deprived of their liberty to contact their family. On the contrary, article 66 of the Criminal Code of Procedure provides that the Public Prosecutor may decide to prohibit a detainee from contacting others for a period of 10 days, renewable indefinitely. This provision violates international human rights law, particularly rules 43(3) and 58 of the United Nations Standard Minimum Rules on the Treatment of Prisoners (the Nelson Mandela Rules). Incommunicado detention, which places detainees completely outside the protection of the law, is a *prima facie* form of arbitrary detention that violates Mr. Darawsheh's right to be recognized as a person before the law under article 16 of the Covenant, and is highly conducive to torture.

(c) Mr. Al Darawsheh was denied access to legal counsel for the entire duration of his detention from 19 January to 10 March 2016 on the premises of the General Intelligence Directorate. He was not allowed to have his lawyer present during his interrogation nor to have legal assistance at that stage. Under Jordanian law, a person held in custody has no right to speak to a lawyer before being brought before the Prosecutor, who may decide to interrogate the suspect without the presence of a lawyer until the completion of the investigation. This violated Mr. Al Darawsheh's right to defence under article 14(3)(b) and 14(3)(d) of the International Covenant on Civil and Political Rights.

(d) During Mr. Al Darawsheh's interrogation on the premises of the General Intelligence Directorate, he was beaten and thrown against the wall. These acts amount to torture under article 7 of the Covenant and articles 1 and 2 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. Mr. Al Darawsheh was tortured in order to extract confessions from him that were later used at trial. He was forced to sign a document, including forced statements, in violation of article 14(3)(g) of the International Covenant on Civil and Political Rights and article 15 of the Convention. In addition, the investigative judge simply dismissed Mr. Al Darawsheh's allegations of torture, without opening an investigation, despite the testimony provided by his fellow inmates, a violation of article 12 of the Convention.

(e) Mr. Al Darawsheh was brought before the State Security Court, which, according to the State Security Court Law No. 17 of 1959, has jurisdiction over cases of terrorism. Mr. Al Darawsheh's trial before the Court could not meet the standard of a fair trial "by a competent, independent and impartial tribunal", as required by article 14(1) of the International Covenant on Civil and Political Rights, as it does not fulfil these three requirements. The members of the Court, two military and one civilian judge, are appointed by the Prime Minister and can be removed or replaced at any time by executive decision. The General Prosecutor of the Court has the rank of a military officer, and all judges act as members of the armed forces. The State Security Court cannot be considered a civilian court, and should not prosecute civilians. The Prime Minister may refer cases to the Court, regardless of the type or nature of the charges, even if they are not directly linked with security matters. This has allowed the Executive to use the Court as a tool to repress peaceful criticism.

Response from the Government

14. On 17 May 2017, the Working Group transmitted the allegations from the source to the Government under its regular communication procedure. The Working Group requested the Government to provide detailed information by 17 July 2017 regarding the current situation of Mr. Al Darawsheh, including any comment on the allegations made by the source. The Working Group also requested the Government to clarify the factual and legal

grounds justifying the continued deprivation of liberty of Mr. Al Darawsheh, and how this was compatible with the State's obligations under international human rights law, including with regard to the International Covenant on Civil and Political Rights and other treaties that it had ratified. It also called upon the Government to ensure Mr. Al Darawsheh's physical and mental integrity.

15. The Government submitted a very brief response on 25 August 2017, more than a month after the deadline for response and after the Working Group had adopted the present opinion. The Government had not requested an extension of the deadline in accordance with paragraph 16 of the Working Group's methods of work. The response in the present case is therefore considered late and, given the failure by the Government to request a time extension, the Working Group cannot accept the response as if it were presented within the time limit.

Discussion

16. 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.

17. 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 rests upon the Government if it wishes to refute the allegations (see A/HRC/19/57, para. 68). In the present case, the Government has not rebutted the prima facie credible allegations made by the source. It submitted a very brief response that did not address the allegations. Moreover, the Working Group has received several cases concerning Jordan in recent years that involved allegations similar to the present case, that is, allegations of arbitrary and incommunicado detention, denial of the right to legal assistance, and confessions extracted under torture (see for example opinions Nos. 17/2017, 39/2016 and 9/2016). In the present case, this pattern of conduct provides additional credibility to the source's claims.

18. The Working Group considers that there have been several violations of article 9 of the International Covenant on Civil and Political Rights during the arrest and detention of Mr. Al Darawsheh. Article 9(1) requires States to ensure that procedures for carrying out deprivation of liberty, such as the presentation of an arrest warrant, be established by law and followed.¹ The source alleged that Mr. Al Darawsheh was arrested on 19 January 2016 by General Intelligence Directorate officers without an arrest warrant. The Government could have, but did not, rebut this allegation by providing a copy of any arrest warrant issued under Jordanian law.

19. The source also alleged that the arresting officers did not inform Mr. Al Darawsheh of the reasons for his arrest. Article 9(2) of the International Covenant on Civil and Political Rights requires the reasons for arrest to be given immediately at the time of arrest. One major purpose of requiring that all arrested persons be informed of the reasons for the arrest is to enable them to seek release if the reasons given are invalid or unfounded.² Furthermore, it appears that Mr. Al Darawsheh was informed of the charges against him only on 5 April 2016, when he was formally indicted, almost three months after his arrest, in violation of his right under article 9(2) of the Covenant to be promptly informed of the charges against him. Mr. Al Darawsheh's rights under article 9, paragraphs 1 and 2 of the Covenant were therefore violated. By failing to present an arrest warrant, to give reasons for the arrest, or to promptly notify Mr. Al Darawsheh of the charges against him, the authorities failed to invoke a legal basis justifying his detention.

20. Moreover, Mr. Al Darawsheh's right to be brought promptly before a judge or other officer authorized by law to exercise judicial power under article 9(3) of the Covenant, and to take proceedings before a court under article 9(4) were been violated in this case. As the Working Group explained in the United Nations Basic Principles and Guidelines on

¹ Human Rights Committee, general comment No. 35 on article 9 (Liberty and security of person), para. 23.

² Ibid, para. 25.

Remedies and Procedures on the Right of Anyone Deprived of Their Liberty to Bring Proceedings Before a Court (see A/HRC/30/37, annex), military judges and military prosecutors do not meet the fundamental requirements of independence and impartiality, and are not competent to review the arbitrariness and lawfulness of the detention of civilians (guideline 4, para. 55).³ While the Working Group was referring to article 9(4), the reasoning is equally applicable to article 9(3). Mr. Al Darawsheh was brought before the Public Prosecutor of the State Security Court (a military judge sitting at the premises of the General Intelligence Directorate) on 21 January 2016. Instead of considering the legality of Mr. Al Darawsheh's detention, the Public Prosecutor accused him of being a supporter of Islamic State. This process cannot be considered an independent judicial review of the legal basis for Mr. Al Darawsheh's detention that would satisfy article 9(3) of the Covenant. For the same reasons, it is also clear that there was no independent means of assessing the lawfulness of Mr. Al Darawsheh's detention, had he or his family attempted to initiate such a review under article 9(4) of the Covenant. The State Security Court, and its lack of independence from the Executive, is discussed further below.

21. The Working Group therefore finds that there was no legal basis invoked to justify the arrest and detention of Mr. Al Darawsheh; his deprivation of liberty thus falls within category I of the categories applied by the Working Group.

22. In addition, the source's allegations reveal violations of Mr. Al Darawsheh's right to a fair trial. The source alleges that Mr. Al Darawsheh was detained incommunicado for the first three weeks of his detention on the premises of the General Intelligence Directorate. The Working Group has consistently argued that holding persons incommunicado is not permitted under international human rights law because it breaches the right to challenge the lawfulness of detention before a judge.⁴ Furthermore, the Committee against Torture has made it clear that prolonged incommunicado detention creates the conditions that may lead to violations of the Convention against Torture (see A/54/44, para. 182(a)),⁵ which has proven to be true in the present case. The Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment has also argued that the use of incommunicado detention is prohibited under international law (see A/HRC/13/39/Add.5, para. 156).

23. For these reasons, the Working Group considers that the incommunicado detention of Mr. Al Darawsheh violates articles 9, 10 and 11(1) of the Universal Declaration of Human Rights and articles 9 and 14 of the International Covenant on Civil and Political Rights. In this case, Mr. Al Darawsheh was not able to challenge his detention because he was being held incommunicado, and was therefore placed outside the protection of the law. The Working Group finds that this violated Mr. Al Darawsheh'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. Moreover, the restrictions placed on Mr. Al Darawsheh's contact with his family amount to a violation of the right to contact the outside world under applicable standards, such as rules 43(3) and 58 of the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules) and principles 15, 16 and 19 of the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment.

³ The Human Rights Committee has made similar statements in relation to article 9, paragraphs 3 and 4 of the International Covenant on Civil and Political Rights. With regard to article 9(3), the Committee stated that "it is inherent to the proper exercise of judicial power that it be exercised by an authority which is independent, objective and impartial in relation to the issues dealt with." The Committee added that a "public prosecutor cannot be considered as an officer exercising judicial power under paragraph 3." With regard to article 9(4), the Committee stated that, "exceptionally, for some forms of detention, legislation may provide for proceedings before a specialized tribunal, which must be established by law and must either be independent of the executive and legislative branches or enjoy judicial independence in deciding legal matters in proceedings that are judicial in nature": Ibid, paras. 32 and 45.

⁴ See opinions Nos. 53/2016 and 56/2016.

⁵ See *Official Records of the General Assembly, Fifty-fourth session, Supplement No. 44 (A/54/44)*, para. 182(a).

24. In addition, the Working Group finds that Mr. Al Darawsheh was denied access to legal assistance for the entire duration of his detention on the premises of the General Intelligence Directorate from 19 January to 10 March 2016. He was not allowed to have his lawyer present during his interrogation or to have legal assistance at that stage. This is a clear violation of Mr. Al Darawsheh's right to legal assistance under article 14(3)(b) of the International Covenant on Civil and Political Rights. As the Working Group clarifies in principle 9 of the United Nations Basic Principles and Guidelines, all persons deprived of their liberty should have the right to legal assistance by counsel of their choice, at any time during their detention, including immediately after the moment of apprehension.

25. Furthermore, the Working Group finds that Mr. Al Darawsheh was subjected to acts amounting to torture in violation of the absolute prohibition of torture as a peremptory norm of international law, of article 5 of the Universal Declaration of Human Rights and article 7 of the International Covenant on Civil and Political Rights. The acts of torture resulted in a confession and forced statements that were subsequently used at Mr. Al Darawsheh's trial, in violation of article 14(3)(g) of the Covenant. The acts of torture to which Mr. Al Darawsheh was subjected, the use of his confession and forced statements at trial and the failure by the investigative judge to open an investigation into his allegations of torture, despite the testimony provided by other inmates, also represent prima facie violations of articles 1, 2, 12, 13 and 15 of the Convention against Torture, to which Jordan is a party. Accordingly, the Working Group will refer this case to the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, and to the Special Rapporteur on the independence of judges and lawyers regarding the failure of the judge to investigate the allegations of torture.

26. Lastly, the Working Group considers that the State Security Court cannot be considered a civilian court. As the source pointed out, two of the three judges sitting on the Court are military judges, and all of the judges act as members of the armed forces. The General Prosecutor of the State Security Court also has the rank of a military officer. In addition, some of the officers who arrested Mr. Al Darawsheh were in military uniforms. The State Security Court is a special or quasi-military court that should not have tried Mr. Al Darawsheh. In the view of the Working Group, the trial of a civilian by a military or quasi-military court violates the International Covenant on Civil and Political Rights and customary international law, given that it is not consistent with the right to fair trial with due guarantees.⁶

27. The State Security Court is very closely associated with the Government of Jordan. Its judges are appointed by the Prime Minister and may be removed or replaced at any time by executive decision. The Prime Minister may refer cases to the State Security Court, regardless of the charges, even if they are not directly linked with security matters. The State Security Court therefore does not meet the standard established in article 10 of the Universal Declaration of Human Rights and in article 14(1) of the International Covenant on Civil and Political Rights, namely that of a "competent, independent and impartial tribunal". The State Security Court appears to have proven this point by its own actions in failing to open an investigation into Mr. Al Darawsheh's allegations of torture, and in relying on his confession, which it knew from witness testimony to have been extracted under torture.

28. The Working Group has, for the above reasons, emphasized the need for Jordan to abolish the State Security Court (see for example opinions Nos. 17/2017, 39/2016, 9/2016 and 53/2013). Similarly, the Human Rights Committee and the Committee against Torture have repeatedly called for the abolition of special courts, including the State Security Court.⁷ At the most recent universal periodic review of Jordan, in October 2013, several delegations also recommended that the State Security Court be abolished or that efforts be made to ensure that civilians are not tried under its jurisdiction (see A/HRC/25/9). The

⁶ See A/HRC/27/48, paras. 66-71, 85. See also A/68/285, paras. 46-56, and opinion No. 44/2016, para. 32.

⁷ See CCPR/C/79/Add.35, para. 16, CCPR/C/JOR/CO/4, para. 12 and CAT/C/JOR/CO/3, para. 38.

Working Group will also refer the issue to the Special Rapporteur on the independence of judges and lawyers for further consideration.

29. The Working Group therefore concludes that these violations of the right to a fair trial are of such gravity as to give the deprivation of liberty of Mr. Al Darawsheh an arbitrary character, as described in category III of the categories applied by the Working Group.

30. The Working Group wishes to record its grave concern regarding the allegations that Mr. Al Darawsheh, a young man who had barely reached adulthood at the time of his arrest and is still a high school student, has been tortured during his detention, with visible injuries to his body, and that he is currently being held in an isolated cell. Such treatment violates Mr. Al Darawsheh's right, under article 10(1) of the International Covenant on Civil and Political Rights, to be treated with humanity and respect for his inherent dignity, and falls significantly short of the requirements of the United Nations Standard Minimum Rules on the Treatment of Prisoners, particularly rules 1 and 43. The Working Group calls upon the Government to release Mr. Al Darawsheh immediately and unconditionally.

31. The Working Group also calls upon the Government to put an end to the use of torture and ill-treatment, and to take the measures necessary to this end. In particular, an independent inquiry is required to investigate allegations of torture and ill-treatment, as recommended by the Committee against Torture in its most recent review of Jordan (CAT/C/JOR/CO/3, para. 24(a)), especially when the torture or ill-treatment is corroborated by witness testimony, as in the present case. Furthermore, given that cases involving allegations of torture of detainees in Jordan continue to be brought to its attention, the Working Group supports the recommendations made by the Committee that (a) video recording and surveillance facilities be installed and maintained in all areas of custodial facilities in Jordan where detainees may be present, except where detainees' right to privacy or to confidential communication with their lawyer or doctor may be violated; and (b) the Government unambiguously reaffirm the absolute prohibition of torture, and issue a public warning that anyone committing or complicit in acts of torture will be subject to investigation and criminal prosecution (*ibid.*, paras. 24(b) and (c)).

32. The Working Group urges the Government to accede to the Optional Protocol to the Convention against Torture, part IV of which requires each State party to establish a national preventive mechanism. Such a body could visit places where deprivation of liberty is practiced, including the premises of the General Intelligence Directorate, with a view to conducting a regular examination of the treatment of persons deprived of their liberty and to strengthening their protection against torture and ill-treatment.

33. The Working Group would welcome an invitation from the Government to undertake its first country visit to Jordan so that it can work constructively with the Jordanian authorities in addressing serious concerns relating to the arbitrary deprivation of liberty. It notes that the Government issued a standing invitation to all thematic special procedure mandate holders of the Human Rights Council on 20 April 2006. The human rights record of Jordan will be subject to review during the third cycle of the universal periodic review in November 2018, an opportunity for the Government to demonstrate its cooperation with the special procedures and to bring its laws and practices into conformity with international human rights law.

Disposition

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

The deprivation of liberty of Hatem Al Darawsheh, being in contravention of articles 5, 6, 9, 10 and 11 of the Universal Declaration of Human Rights and articles 7, 9, 10, 14 and 16 of the International Covenant on Civil and Political Rights, is arbitrary and falls within categories I and III.

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

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

37. The Working Group urges the Government of Jordan to ensure a full and independent investigation of the circumstances surrounding the arbitrary deprivation of liberty of Mr. Al Darawsheh, including an independent inquiry into his allegations of torture, and to take appropriate measures against those responsible for the violation of his rights.

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

Follow-up procedure

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

- (a) Whether Mr. Al Darawsheh has been released and, if so, on what date;
- (b) Whether compensation or other reparations have been made to Mr. Al Darawsheh;
- (c) Whether an investigation has been conducted into the violation of Mr. Al Darawsheh's rights and, if so, its outcome;
- (d) Whether any legislative amendments or changes in practice have been made to harmonize the laws and practices of Jordan with its international obligations, in accordance with the present opinion;
- (e) Whether any other action has been taken to implement the present opinion.

40. The Working Group invites the Government of Jordan to inform it of any difficulties that 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.

41. The Working Group requests the source and the Government of Jordan to provide the above information within six months of the date of the transmission of the present opinion. It reserves, however, 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, and any failure to take action.

42. The Working Group recalls that the Human Rights Council, in its resolution 33/30, encouraged all States to cooperate with the Working Group, and 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 that they have taken.

[Adopted on 22 August 2017]