
Advance Edited Version

Distr.: General
26 September 2019

Original: English

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. 41/2019 concerning Ebrahim Abdelmonem Metwally Hegazy (Egypt)

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 15 May 2019 the Working Group transmitted to the Government of Egypt a communication concerning Ebrahim Abdelmonem Metwally Hegazy. 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. Ebrahim Abdelmonem Metwally Hegazy is a 53-year-old citizen of Egypt. He is a lawyer and the founder of the Association of the Families of the Disappeared. Mr. Metwally Hegazy usually lives in the city of Riyadh, Kafr al-Shaykh Governorate, Egypt. He is married with children.

5. According to the source, Mr. Metwally Hegazy created the association in response to the enforced disappearance in 2013 of his son, who was arrested after a protest in Nasr City. Mr. Metwally Hegazy's son has not been seen since the arrest.¹

(a) Arrest and detention

6. The source explains that, on 10 September 2017, State security agents arrested Mr. Metwally Hegazy at 8 a.m. at Cairo International Airport; he was about to travel to Geneva. He was detained in the State security office at the airport until 8 p.m. He was then moved to the State security premises in Abbassia, Cairo Governorate and remained there until 12 September 2017.

7. At the State security premises in Abbassia, Mr. Metwally Hegazy was allegedly subjected to torture for two days. According to the source, he was tortured in order to "punish" him and to extract information about his work with the families of victims of enforced disappearance in Egypt and about his contact with the United Nations. The source reports that Mr. Metwally Hegazy was threatened, stripped of his clothes, shocked with electricity, sprayed with water, tied up and beaten severely.

8. The source indicates that Mr. Metwally Hegazy was not examined by a doctor at any point during or after the two days of alleged mistreatment and did not receive any treatment for the injuries caused by the torture. In addition, Mr. Metwally Hegazy began to suffer from pain in his spine, muscles and joints. Due to the lack of proper lighting in his cell, his eyesight is worsening. He has not been allowed to take the medicine he requires.

9. The source further indicates that, since 12 September 2017, Mr. Metwally Hegazy has been imprisoned in the Tora maximum security prison complex (in an area referred to, in Arabic, as the "Scorpion" wing) in solitary confinement. When he arrived, he was placed in a small solitary confinement cell. There is no direct source of light in the cell and the cell has water leaks. There is no bed for him to sleep on, and the prison administration took his personal clothes. He is not allowed access to a bathroom outside of his cell.

10. On 12 September 2017, Mr. Metwally Hegazy appeared before the Supreme State Security Prosecutor. Allegedly, he was forced to sign papers without being allowed to read what was written in them. Reportedly, Mr. Metwally Hegazy informed the prosecutor and consequently his lawyer, who was present, of the torture he had been subjected to. On that day, he was officially charged with leading an organization that had been established illegally, in reference to the Association of the Families of the Disappeared, with communicating with foreign entities, in reference to his contact with the Working Group on Enforced or Involuntary Disappearances, and spreading false news. The source explains that it is not possible to know whether there are other charges and what exactly Mr. Metwally Hegazy admitted to as neither Mr. Metwally Hegazy himself nor his lawyer have access to the case file and thus do not know what the exact charges are.

11. On 20 September 2017, Mr. Metwally Hegazy reportedly informed the prosecutor of his detention conditions. On the same day, his lawyer filed a complaint to the Office of the Supreme State Security Prosecutor about the torture his client had been subjected to, but no investigation or questioning was undertaken.

12. The source reports that, since the arrest, Mr. Metwally Hegazy's family and lawyer have not been allowed to visit or communicate with Mr. Metwally Hegazy. His lawyer has

¹ The case involving Mr. Metwally Hegazy's son is being considered by the Working Group on Enforced or Involuntary Disappearances (A/HRC/WGEID/109/1, para. 35 (p)).

only been allowed to see him at the Office of the Supreme State Security Prosecutor and has not spoken with him at all. On 26 September 2017, Mr. Metwally Hegazy's family sent telegrams to the Minister of the Interior and the Egyptian national human rights commission in which they complained about the prohibition on visiting him. They also submitted a complaint to the Prosecutor General. They received no response.

13. The source indicates that, on 4 November 2017, the Ministry of the Interior authorized the family of Mr. Metwally Hegazy to visit him. They were allowed to visit for five minutes. Since then, family members have been allowed to visit him once a month (not once a week, as stipulated by law), for a duration of five minutes and with a State security agent next to them. They have thus not been able to talk to him freely.

14. Since his arrest, Mr. Metwally Hegazy has remained in custody. The most recent prosecution hearing was on 2 May 2018, during which the prosecution renewed his detention for another 45 days.

(b) Legal analysis

15. The source claims that the deprivation of liberty of Mr. Metwally Hegazy is related to his work as founder and coordinator of the Association of the Families of the Disappeared. In that capacity, he documented cases of enforced disappearance in Egypt and provided United Nations human rights mechanisms, non-governmental organizations and media with that information. The source submits that Mr. Metwally Hegazy's detention is related to his exercise of rights and freedoms guaranteed under the Universal Declaration of Human Rights, and thus falls under categories II and III.

(i) Deprivation of liberty under category II

16. The source recalls Human Rights Council resolution 36/21, in which the Council condemned all acts of intimidation or reprisal against individuals who cooperated with the United Nations. In particular, the source recalls that Mr. Metwally Hegazy was arrested while on his way to meet the Working Group on Enforced or Involuntary Disappearances, which suggests that the arrest was an act of reprisal for his cooperation with a United Nations human rights mechanism and an obstruction of his legitimate human rights advocacy, namely, seeking to establish the fate and whereabouts of his son and other individuals subjected to enforced disappearance in Egypt.

(ii) Deprivation of liberty under category III

17. The source claims that Mr. Metwally Hegazy's detention is arbitrary, as before trial the Office of the Supreme State Security Prosecutor did not respect his rights as set out in the Universal Declaration of Human Rights, in particular the right set out in article 9. The source recalls that a fundamental aspect of that right is the possibility of contesting the legality of one's detention.

18. The source also recalls that detainees have the rights to communicate with the outside world and to receive visits. These are fundamental safeguards against human rights violations, including torture or other ill-treatment and enforced disappearance. Their violation also affects the ability of an accused to prepare his defence.

19. The source claims that Mr. Metwally Hegazy's right to communicate with his family has been violated. This is based on the fact that Mr. Metwally Hegazy's family could not see him for a long period following his arrest. Since he has been allowed to receive visits, they have been permitted only once a month, as opposed to once a week (the frequency prescribed by law), they have been limited to about five minutes and they have been conducted in the close presence of a State security agent. Mr. Metwally Hegazy and his family are thus not able to speak freely. The source further specifies that, according to the regulations, a detainee should be able to receive family visits as of 11 days following the day of deprivation of liberty.

20. In addition, the source argues that, during the first interrogation by the prosecutor, Mr. Metwally Hegazy was not assisted by his lawyer. The lawyer, however, was allowed to attend the subsequent interrogations.

21. The source also claims that Mr. Metwally Hegazy was subjected to torture – a violation of the International Covenant on Civil and Political Rights. In addition, Mr. Metwally Hegazy underwent psychological torture during his enforced disappearance period, as he heard other detainees being shocked with electricity.

22. Several special procedure mandate holders sent an urgent appeal (EGY 14/2017) to the Government regarding Mr. Metwally Hegazy on 3 October 2017.² The Government replied to the urgent appeal on 8 November 2017.³

Response from the Government

23. On 15 May 2019, the Working Group transmitted the allegations made by the source to the Government through its regular communication procedure. The Working Group requested the Government to provide, by 15 July 2019, detailed information about the current situation of Mr. Metwally Hegazy and any comments on the source's allegations. Moreover, the Working Group called upon the Government to ensure Mr. Metwally Hegazy's physical and mental integrity.

24. On 17 July 2019, the Government requested an extension of the deadline for its response. The extension was not granted, due to the fact that the request was made after the deadline for a response.⁴

Discussion

25. 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.

26. 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.

Category I

27. The Working Group will first consider whether there have been violations under category I, which concerns deprivation of liberty without any legal basis being invoked.

28. The source submits, and the Government does not contest, that Mr. Metwally Hegazy was not presented with an arrest warrant or informed of the reasons for his arrest at the time of his arrest on 10 September 2017, and that he was not promptly informed of any charges against him.

29. The Working Group recalls that the right to be presented with an arrest warrant, to ensure the exercise of effective control by a competent, independent and impartial judicial authority, is procedurally inherent in the right to liberty and security of person and the prohibition of arbitrary deprivation under articles 3 and 9 of the Universal Declaration of Human Rights, article 9 (1) of the Covenant, and principle 10 of the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment.⁵ In order for deprivation of liberty to have a legal basis, it is not sufficient that there is a law that may authorize the arrest. The authorities must invoke that legal basis and apply it to the circumstances of the case through an arrest warrant and by following other procedures, including by providing the reasons for the arrest and giving prompt notification of any

² See <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=23351>.

³ See <https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=33769>.

⁴ The Working Group recalls that it rejects requests for extensions of deadline that are received after the deadline for a response. See, for example, opinion No. 62/2012.

⁵ See, for example, opinions No. 76/2017, para. 55; No. 51/2018, para. 80; No. 63/2018, para. 27.

charges.⁶ In view of the facts presented by the source, the Working Group considers that the lack of arrest warrant violates this right.

30. The Working Group also finds that, in order to invoke a legal basis for deprivation of liberty, the authorities should have informed Mr. Metwally Hegazy of the reasons for his arrest at the time of arrest, and should have promptly informed him of the charges against him. Their failure to do so violates article 9 of the Universal Declaration of Human Rights and article 9 (2) of the Covenant, as well as principle 10 of the Body of Principles.

31. The Working Group also notes that Mr. Metwally Hegazy was not brought promptly before a judge, or afforded the right to take proceedings before a court so that it might decide without delay on the lawfulness of his detention in accordance with articles 3, 8 and 9 of the Universal Declaration of Human Rights, articles 2 (3) and 9 (1), (3) and (4) of the Covenant and principles 11, 32, and 37 of the Body of Principles. In addition, in paragraphs 2 and 3 of its report on the United Nations Basic Principles and Guidelines on Remedies and Procedures on the Right of Anyone Deprived of Their Liberty to Bring Proceedings Before a Court (A/HRC/30/37), the Working Group indicates that the right to challenge the lawfulness of detention before a court is a self-standing human right, the absence of which constitutes a human rights violation, and is essential to preserve legality in a democratic society. This right, which is in fact a peremptory norm of international law, applies to all forms and situations of deprivation of liberty.⁷

32. The source alleges, and the Government does not contest, that Mr. Metwally Hegazy was held incommunicado from 10 to 12 September 2017, and that during that time he was subjected to torture. Such deprivation of liberty, entailing a refusal to disclose the fate or whereabouts of or to acknowledge the detention of a person lacks any valid legal basis under any circumstance and is inherently arbitrary as it places the person outside the protection of the law, in violation of article 6 of the Universal Declaration of Human Rights and article 16 of the Covenant.

33. The Working Group notes that Mr. Metwally Hegazy's detention has been renewed every 45 days by the prosecution. However, the Working Group considers that such near automatic extensions of detention by a prosecutor do not amount to regular periodic reviews by an independent body to decide whether continued detention is justified.⁸ The Working Group thus finds a violation of article 9 (4) of the Covenant.

34. The Working Group therefore considers that Mr. Metwally Hegazy's deprivation of liberty lacks a legal basis and is thus arbitrary, falling under category I.

Category II

35. The Working Group recalls that freedom of opinion and expression and freedom of association are fundamental human rights guaranteed in articles 19 and 20 (1) of the Universal Declaration of Human Rights and articles 19 (1) and (2) and 22 (1) of the Covenant.

36. The source alleges, and the Government does not contest, that Mr. Metwally Hegazy was arrested by security agents at the airport on his way to Geneva to meet United Nations human rights experts. The Working Group is thus convinced that he has been deprived of liberty for exercising his right to freedom of expression, including the freedom to hold opinions without interference.

37. Article 19 (3) of the Covenant provides for restrictions on the exercise of the right to freedom of expression such as are provided by law and are necessary: (a) for respect of the rights or reputations of others; and (b) for the protection of national security or of public order (*ordre public*), or of public health or morals. The Working Group, however, finds in the present case that Mr. Metwally Hegazy's work for the victims of enforced disappearance does not warrant any restrictions on the exercise of the right to freedom of expression.

⁶ See, for example, opinions No. 36/2018, paras. 39–40; and No. 46/2018, para. 48.

⁷ Opinion No. 39/2018, para. 35.

⁸ Human Rights Committee, general comment No. 35 (2014) on liberty and security of person, para. 21; see also para. 15.

38. The Working Group reminds the Government that the Human Rights Council, in its resolution 36/21, reaffirmed that free and unhindered access to and communication with individuals and civil society were indeed indispensable to enable the United Nations and its mechanisms to fulfil their mandates.

39. Furthermore, the formal criminal charge against Mr. Metwally Hegazy is establishing and leading an illegal organization, namely, the Association of the Families of the Disappeared. In view of the facts described by the source regarding the association, which appears, from its objectives, to be peaceful and aimed at the defence of human rights, and since the Government again does not offer any justification for the charge, the Working Group concludes that Mr. Metwally Hegazy's detention also resulted from his exercise of the right to freedom of association.

40. The Working Group is therefore of the opinion that Mr. Metwally Hegazy's deprivation of liberty is arbitrary, falling within category II, as it violates articles 19 and 20 (1) of the Universal Declaration of Human Rights and articles 19 (1) and (2) and 22 (1) of the Covenant.

Category III

41. Given its finding that Mr. Metwally Hegazy's deprivation of liberty is arbitrary under category II, the Working Group wishes to emphasize that Mr. Metwally Hegazy should never have been subjected to that detention. However, as the investigative and judicial processes for a criminal trial are under way, the Working Group will now consider whether the alleged violations of the right to a fair trial and due process are of such gravity as to give the deprivation of liberty an arbitrary character (category III).

42. The Working Group considers that the interrogations in the absence of Mr. Metwally Hegazy's lawyers during his incommunicado detention deprived him of his right to legal counsel at a critical stage of criminal proceedings and exposed him to a risk of coercion. The continuing inadequate communication between Mr. Metwally Hegazy and his lawyer, as well as the fact that Mr. Metwally Hegazy was not informed of the charges against him and did not have access to his case file, violate the essence of the right to legal assistance, preparation for defence and equality of arms guaranteed under articles 10 and 11 (1) of the Universal Declaration of Human Rights and article 14 (3) (b) of the Covenant. As the Working Group states in principle 9 and guideline 8 of the United Nations Basic Principles and Guidelines on Remedies and Procedures on the Right of Anyone Deprived of Their Liberty to Bring Proceedings Before a Court, persons deprived of their liberty have the right to legal assistance by counsel of their choice at any time during their detention, including immediately after the moment of apprehension, and such access is to be provided without delay. This violation substantially undermined and compromised Mr. Metwally Hegazy's capacity to defend himself in any court proceedings that could arise.

43. The Working Group further concludes that Mr. Metwally Hegazy's pretrial detention from 10 September 2017, for almost two years, without individualized judicial determination, was not properly constituted or reviewed, and undermines the presumption of innocence guaranteed under article 11 (1) of the Universal Declaration of Human Rights, article 14 (2) of the Covenant and principle 36 (1) of the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment.

44. The Working Group also expresses its gravest concern at the allegations of torture and ill-treatment, including solitary confinement, personal threats, stripping of clothes, electrocution, severe beatings and spraying of water, amounting to violations of articles 5 and 25 (1) of the Universal Declaration and articles 7 and 10 (1) of the Covenant. Such treatments constitute grave violations of the Body of Principles (principle 6) and of the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules) (rule 1). In the Working Group's view, not only is torture a grave violation of human rights per se, 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 not to be compelled to testify against oneself or to confess guilt under article 14 (3) (g) of the Covenant. The use of a confession extracted through ill-treatment also constitutes a violation of article 15 of the

Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and principle 21 of the Body of Principles.⁹

45. The Working Group therefore refers the present case to the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment for further consideration.

46. 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. Metwally Hegazy's deprivation of liberty an arbitrary character that falls within category III.

47. The Working Group notes that, since 12 September 2017, Mr. Metwally Hegazy has been imprisoned in the Tora maximum security prison 2 in solitary confinement, in cell where no direct source of light is provided and that has water leaks. The Working Group wishes to express its grave concern at the health condition of Mr. Metwally Hegazy and the dire condition of his confinement. The Working Group refers the present case to the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health.

Category V

48. The Working Group will now examine whether Mr. Metwally Hegazy's deprivation of liberty constitutes illegal discrimination under international law for the purpose of category V.

49. The Working Group notes that Mr. Metwally Hegazy is a lawyer and the founder of the Association of the Families of the Disappeared, which he created in response to his own son's arrest and enforced disappearance in 2013. The Working Group considers that Mr. Metwally Hegazy is entitled to protection as a human rights defender.¹⁰

50. In the above discussion on the application of category II to the present case, the Working Group established that Mr. Metwally Hegazy's deprivation of liberty resulted from his exercise of rights and freedoms guaranteed under articles 19 and 20 (1) of the Universal Declaration of Human Rights and articles 19 (1) and (2) and 22 (1) of the Covenant.

51. Notably, Mr. Metwally Hegazy was arrested on his way to meet with human rights experts in Geneva. The Working Group also finds, in this regard, that his detention amounts to an act of retaliation for his cooperation with a United Nations human rights mechanism, as well as for his legitimate human rights advocacy, namely, seeking to establish the fate and whereabouts of victims of enforced disappearance in Egypt.

52. For these reasons, the Working Group considers that Mr. Metwally Hegazy's deprivation of liberty constitutes a violation of articles 2 and 7 of the Universal Declaration of Human Rights on the grounds of discrimination based on his status as a human rights defender. His deprivation of liberty therefore falls under category V.

53. The Working Group notes that the present opinion is only one of many other opinions issued in the past five years in which the Working Group has found the Government to be in violation of its international human rights obligations.¹¹ The Working Group is concerned that this indicates a systemic problem with arbitrary detention in Egypt, which, if it continues, may amount to a serious violation of international law.¹² The Working Group recalls that, under certain circumstances, widespread or systematic imprisonment or other severe deprivation of liberty in violation of the rules of international law may constitute crimes against humanity.

⁹ See also opinions No. 48/2016, No. 3/2017, No. 6/2017, No. 29/2017 and No. 39/2018.

¹⁰ See Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, arts. 9 and 12.

¹¹ See, for example, opinions No. 6/2016, No. 7/2016, No. 41/2016, No. 42/2016, No. 54/2016, No. 60/2016, No. 30/2017, No. 78/2017, No. 83/2017, No. 26/2018, No. 27/2018, No. 47/2018, No. 63/2018, No. 82/2018, No. 87/2018, No. 21/2019 and No. 29/2019.

¹² Opinion No. 47/2018, para. 85.

Disposition

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

The deprivation of liberty of Ebrahim Abdelmonem Metwally Hegazy, being in contravention of articles 2, 3, 5, 6, 7, 9, 11 (1), 19, 20 (1) and 25 (1) of the Universal Declaration of Human Rights and articles 7, 9 (1) and (4), 10 (1), 14 (2) and (3) (g), 19 (1) and (2) and 22 (1) of the International Covenant on Civil and Political Rights, is arbitrary and falls within categories I, II, III and V.

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

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

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

58. In accordance with paragraph 33 (a) of its methods of work, the Working Group refers the present case to the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment and the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, for appropriate action.

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

Follow-up procedure

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

61. 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.

62. 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.

63. 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.¹³

[Adopted on 14 August 2019]

¹³ Human Rights Council resolution 33/30, paras. 3 and 7.