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**Human Rights Council**  
**Working Group on Arbitrary Detention**

## **Opinions adopted by the Working Group on Arbitrary Detention at its ninety-second session, 15–19 November 2021**

### **Opinion No. 79/2021 concerning Zyad el-Elaimy and Louaya Sabri Alshahat Abdelhalim (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 42/22.
2. In accordance with its methods of work,<sup>1</sup> on 13 August 2021 the Working Group transmitted to the Government of Egypt a communication concerning Zyad el-Elaimy and Louaya Sabri Alshahat Abdelhalim. 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).

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<sup>1</sup> A/HRC/36/38.

## Submissions

### *Communication from the source*

4. The source presents the cases of two Egyptian citizens, namely, Zyad el-Elaimy and Louaya Sabri Alshahat Abdelhalim, charged in the case known as the Hope Coalition case by the Supreme State Security Prosecution. The case takes its name from the Hope Coalition, an emerging secular and civil association that a number of former parliamentarians, journalists, businesspersons, youth leaders, human rights defenders and labour rights activists attempted to establish in an effort to participate in the Egyptian parliamentary elections in 2020.

5. According to the information received, more than 83 individuals are accused of terrorism-related offences, including not only members of the Hope Coalition, like Mr. El-Elaimy. Most of those accused in the case are civilians who were not affiliated with the Hope Coalition or its members and did not engage in any political activities. This allegedly shows the large-scale crackdown by the Government on any opposition and its citizens in general in an attempt to inflict fear and prevent human rights groups and citizens from practising their rights and freedoms, hoping to make a change in their country. The large-scale arrest and detention of Hope Coalition members reportedly shows the alarming penalization of peaceful and lawful participation in the political process.

6. Mr. El-Elaimy is an Egyptian citizen, born in 1980. He is a human rights lawyer, former member of the Parliament, one of the leaders of the Egyptian Social Democratic Party and a founding member of the January 25 youth revolutionary coalition.

7. According to the information received, on 25 June 2019 at around 2 a.m., a number of national security agents in plain clothes arrested Mr. El-Elaimy upon leaving a friend's house in Cairo. The arrest happened simultaneously with the arrest of several other political activists, under the pretext of allegedly planning to commit violent acts financed by the Muslim Brotherhood, with the intention of causing chaos across the country, as announced by the Minister of Interior in a public statement that day.

8. Mr. El-Elaimy was reportedly brought before the Supreme State Security Prosecution on the same day and accused of sharing common goals with a terrorist group and publishing false news. The prosecution then ordered his pretrial detention in Tora prison for 15 days, pending investigations. Since then, Mr. El-Elaimy's pretrial detention in the case has been periodically renewed.

9. On 2 July 2019, the Public Prosecutor issued a decision to freeze the assets and ban the travel of 83 individuals in relation to the Hope Coalition case, including Mr. El-Elaimy. On 4 July, the Abdeen Felonies Court, Circuit No. 5, upheld the decision.

10. The source claims that, in January 2020, Mr. El-Elaimy learned that there was another case against him, in which a complaint had been filed stating that he had mentioned false news about Egypt aimed at tainting its reputation in the international community. On 10 March, the Mokattam Misdemeanour Court sentenced Mr. El-Elaimy to one year in prison in that case (No. 649/2020) and he received a fine of LE 20,000 (about \$1,270). The case is related to a television interview Mr. El-Elaimy gave to BBC News Arabic in July 2017, in which he spoke about large-scale arbitrary detention and human rights abuses in Egypt. Mr. El-Elaimy was sentenced according to articles 3/171 and 188 of the Egyptian Penal Code. His defence lodged an appeal against the sentence. On 2 June 2020, the Court of Appeals rejected the appeal and upheld the sentence.

11. On 17 April 2020, the Cairo Felonies Court allegedly added Mr. El-Elaimy, along with the names of 12 other detainees, to the country's terrorist list for a period of five years. The decision was reportedly taken in the absence of the defendants and their lawyers. Being added to this list reportedly means the imposition of travel bans and asset freezes and disbarment from the Lawyers Syndicate and from any political party. Subsequently, Mr. El-Elaimy was named in a new case, investigated by the Supreme State Security Prosecution and for which charges are reportedly unknown.

12. Mr. El-Elaimy is in pretrial detention in Tora prison. Since he completed his one-year sentence for one case, his pretrial detention has continued to be renewed approximately every

45 days in another case pending investigations. In July 2021, Mr. El-Elaimy's case was referred to the Cairo Felonies Court and registered under another number. However, the hearing was postponed to 17 August. The prosecution accused Mr. El-Elaimy of spreading false news, data and rumours inside and outside the country about the country's internal affairs. The prosecution based the charges on an article written and published by Mr. El-Elaimy on 22 November 2016 about the situation of Nubians in Egypt.

13. In addition, on 14 July 2021, the Court of Cassation upheld a decision by a lower court to include Mr. El-Elaimy on the terrorist list, banning him from engagement in political work and travel for five years.

14. According to the source, since the beginning of Mr. El-Elaimy's detention, his health has been severely deteriorating. He suffers from unstable blood pressure, asthma and a stomach ulcer, in addition to a rare autoimmune disease that requires treatment. He also suffers from pericardial effusion. Mr. El-Elaimy has been on the same doses of his medications since June 2019, although the doctor who had treated him outside the prison had emphasized that he needed frequent medical follow-up to adjust his doses. The defence has submitted several complaints concerning his deteriorating health conditions.

15. On 11 July 2019, Mr. El-Elaimy's defence submitted a complaint to the Public Prosecutor, requesting his release due to his deteriorated health conditions. He also submitted complaints to the Public Prosecutor and to the deputy minister of interior for prison administration, requesting a referral to a hospital or an examination by a specialist.

16. The source claims that no complaints were considered. Therefore, on 12 February 2020, Mr. El-Elaimy's defence resorted to the Administrative Court to appeal the negative decision to abstain from providing him with suitable health care. In the appeal, he demanded the transfer of Mr. El-Elaimy to an external hospital, at the expense of his family, in order to have radiology and a full check-up and to receive the necessary treatment. The claim remains pending.

17. Reportedly, Mr. El-Elaimy has been detained in inhumane conditions, in a small, humid cell, with poor ventilation and unhygienic facilities. On 10 July 2019, his family submitted a complaint to the National Council of Human Rights concerning the conditions of detention. The family received no response. In addition, Mr. El-Elaimy's defence submitted a request to transfer him to a cell with appropriate conditions, as prescribed by law. Thus far, the transfer has not taken place.

18. It is alleged that, on 21 July 2019, Mr. El-Elaimy was brought before the Prosecution for interrogation. During the interrogation, he reiterated the poor conditions of detention and the deterioration of his health and asked to be moved to any hospital for medical examinations and treatment, at his own expense. During the interrogation, Mr. El-Elaimy's defence pleaded that there was no reason for the detention on remand and requested his release.

19. The source claims that Mr. El-Elaimy has been denied his right to contact or meet with his lawyer, as the lawyer has not been allowed to visit him in prison. Mr. El-Elaimy's defence lawyer has not been permitted to have access to copies of the arrest record, the files on the investigations carried out by the Security Services, the charges or the legal documents pertaining to Mr. El-Elaimy's cases.

20. Between 10 March and 22 August 2020, under the pretext of the coronavirus disease (COVID-19) pandemic, all prison visits across Egypt were reportedly prohibited. Mr. El-Elaimy was prevented from being visited by his family or communicating with them through telephone calls or written letters. Despite the return of prison visits on 22 August, these have been occasional and under strict, difficult and degrading conditions.

21. In April 2020, Mr. El-Elaimy's defence filed a lawsuit before the Administrative Court, contesting the unlawful prohibition of his right to communicate with his family and lawyer. The claim is pending.

22. Ms. Abdelhalim is a 26-year-old Egyptian citizen, born in 1994. She lived in Khanka Region, Al-Qalyubiya, and was a fourth-year student at the faculty of social sciences at Al-Azhar University.

23. According to the information received, on 24 June 2019 at around 4 a.m., a number of police officers and national security agents, in both plain clothes and uniforms, stormed Ms. Abdelhalim's place of residence. Reportedly, they violently searched the house and took a number of mobile telephones, three laptop computers, gold earrings and LE 3,600. They then arrested Ms. Abdelhalim without showing an arrest warrant or providing a legal explanation, and dragged her to an unknown location, subjecting her to enforced disappearance.

24. Allegedly, after five days of enforced disappearance at the national security premises in Shubra al-Khaimah, Ms. Abdelhalim was brought before the Supreme State Security Prosecution on 29 June 2019 and accused of joining and financing a terrorist group and possessing political pamphlets.

25. The source claims that Ms. Abdelhalim's pretrial detention in the Al-Qanater women's prison was periodically renewed for the following one year and 8 months until, on 8 February 2021, when she was ordered to be released in that case. However, the release did not materialize. On the next day, 9 February, Ms. Abdelhalim was brought again before the Supreme State Security Prosecution, which accused her, in a new case, of organizing a secret cell from inside prison and communicating with leaders of a foreign terrorist group. Since then, Ms. Abdelhalim's pretrial detention in the Al-Qanater women's prison has been continually renewed for 15-day periods pending investigations.

26. According to the allegations of the source, during her enforced disappearance, Ms. Abdelhalim stayed in a dark room and was continuously threatened with being beaten and electrocuted. During investigations, one of the national security agents showed her the blood on the walls of the room she was detained in, indicating that it was the blood of two of Ms. Abdelhalim's neighbours, who had been killed. He reportedly threatened that she would undergo the same fate if she did not confess and provide the national security agents with some names.

27. Ms. Abdelhalim was able to see her family for the first time 21 days after her arrest. Currently, she is allowed visits once per week, but she is not allowed to exchange letters. She has also been totally prohibited from speaking with other detainees in prison.

28. The source claims that Ms. Abdelhalim has been detained in inhumane conditions, in a small and overcrowded cell, infested with insects and lacking ventilation. In addition, she has been denied her right to meet with or contact her lawyer, as he has not been allowed to visit her.

29. On 24 June 2019, Ms. Abdelhalim's family submitted several official complaints to the Public Prosecutor, the Attorney General and the Minister of Interior. They have received no response.

i. Category I

30. The source claims that Ms. Abdelhalim's and Mr. El-Elaimy's arrest and detention are arbitrary, falling within category I of the arbitrary detention categories referred to by the Working Group when considering cases submitted to it, as there is no legal basis or justification for them. The prohibition of arbitrary arrest under article 9 of the Universal Declaration of Human Rights is a protection of the right to liberty provided for under article 3.

31. In its general comment No. 35 (2014), the Human Rights Committee stated that any person was to be informed, at the time of arrest, of the reasons for the arrest and that that requirement applied broadly to the reasons for any deprivation of liberty.<sup>2</sup> Principle 10 of the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment states that anyone who is arrested is to be informed at the time of his or her arrest of the reason for the arrest and promptly informed of any charges against him or her. Article 14 (3) of the Arab Charter on Human Rights, ratified by Egypt, emphasizes that

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<sup>2</sup> Para. 24.

anyone who is arrested should be clearly informed of the reasons behind the arrest and of any charges against him or her.

32. The source alleges that, by examining the details of their cases, it is evident that Ms. Abdelhalim and Mr. El-Elaimy were arrested without being shown an arrest warrant or being provided with a legal explanation of the reasons behind their arrests; therefore, their right to liberty was violated.

33. In addition, the right not to suffer enforced disappearance is considered one of the non-derogable rights, even in a state of emergency.<sup>3</sup> According to the International Convention for the Protection of All Persons from Enforced Disappearance, people deprived of liberty must be held only in a place of detention that is officially recognized (art. 17 (2) (c)). States must ensure that no one is held secretly in detention (art. 17 (2) (c)) and provide the detainee's family and lawyer with accurate information on the detention (art. 18).

34. The source claims that Ms. Abdelhalim was forcibly disappeared for five days, before she appeared before the Supreme State Security Prosecution, preventing her family from knowing her fate and whereabouts.

35. Moreover, the cases of Ms. Abdelhalim and Mr. El-Elaimy allegedly show a pattern of systematic violation of rights practised by the authorities, which consists of subjecting individuals to prolonged arbitrary detention on baseless charges to deprive them of their liberty indefinitely.

36. Reportedly, after being granted a release in the Hope Coalition case, Ms. Abdelhamid was accused in a new case, involving fabricated charges, including organizing a secret cell from prison and communicating with the leaders of a foreign terrorist group. Ms. Abdelhamid was accused of these crimes allegedly committed while she was in detention at the Al-Qanater women's prison, which confirms their baselessness.

37. Mr. El-Elaimy has allegedly been accused in several cases, involving fabricated charges, based solely on his political activism and freedom of expression, including the Hope Coalition case. Reportedly, the authorities have been systematically accusing political prisoners in several cases, so that, if they are granted release in one, they will continue to be detained in one or more other cases.

38. The source claims that the cases of Ms. Abdelhamid and Mr. El-Elaimy are both illustrative of a systematic practice that has come to be known as the rotation of cases. Through this practice, the authorities accuse political prisoners in several cases, or directly after their release, they are accused in a new case (or cases) to keep them in indefinite detention. In most of the new cases, the charges are a revived version of the charges in the previous cases.

ii. Category II

39. The source claims that Mr. El-Elaimy's detention is arbitrary, falling within category II, because it is derived directly from his political work and freedom of expression.

40. Article 25 of the Covenant states that every citizen has the right and the opportunity to take part in the conduct of public affairs and to vote and to be elected at genuine periodic elections. According to the Human Rights Committee, as stated in its general comment No. 25 (1996), the conduct of public affairs relates to the exercise of political power, in particular the exercise of legislative, executive and administrative powers.<sup>4</sup>

41. The source alleges that details of Mr. El-Elaimy's Hope Coalition case reveal that his arrest and detention, along with those of other political figures and activists in June 2019, are linked to their involvement in establishing a peaceful political party to run for parliamentary election. This is a violation of their right to participate in public affairs, protected by article 25 of the Covenant.

<sup>3</sup> International Convention for the Protection of All Persons from Enforced Disappearance, art. 1 (2); and A/HRC/13/42, para. 50.

<sup>4</sup> Para. 5.

42. Moreover, article 19 of the Universal Declaration of Human Rights states that everyone has the right to freedom of opinion and expression. This right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers. In addition, article 19 of the Covenant guarantees the right of freedom of expression to everyone.

43. In this respect, the Human Rights Committee established that restrictions on this right must not be overbroad. The Committee observed, in its general comment No. 27 (1999), that restrictive measures must conform to the principle of proportionality, be appropriate to achieve their protective function, be the least intrusive instrument among those that might achieve the desired result and be proportionate to the interest to be protected. The principle of proportionality has to be respected not only in the law that frames the restrictions but also by the administrative and judicial authorities in applying the law. The principle of proportionality must also take account of the form of expression at issue, as well as the means of its dissemination. For instance, the value placed by the Covenant upon uninhibited expression is particularly high in the circumstances of public debate in a democratic society concerning figures in the public and political domain.<sup>5</sup>

44. The source argues that the conviction in one of the cases, for which Mr. El-Elaimy was sentenced to one year in prison, is in violation of his freedom of expression, as it is directly related to his television interview with BBC News Arabic in 2017, in which he spoke about the human rights violations committed by the Egyptian authorities.

### iii. Category III

45. The source claims that Ms. Abdelhalim's and Mr. El-Elaimy's detention are arbitrary under category III, given that they have allegedly been denied their right to a fair trial with guarantees of due process.

46. Principle 15 of the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment provides that communication of the detained or imprisoned person with the outside world, and in particular his or her family or counsel, is not to be denied for more than a matter of days. In its general comment No. 32 (2007), the Human Rights Committee provided that a detainee had the right to have prompt access to legal counsel,<sup>6</sup> which means that a lawyer is to be granted the right to have private communication and meetings with the detainee and to attend all the hearings and other evidence collection procedures without interference or restrictions.

47. The detainee should also have access to an effective counsel, which means, according to principle 21 of the Basic Principles on the Role of Lawyers, it is the duty of the competent authorities to ensure lawyers have access to appropriate information, files and documents in their possession or control in sufficient time to enable lawyers to provide effective legal assistance to their clients. Such access should be provided at the earliest appropriate time. The effectiveness of the legal counsel is related to the principle of equality of arms, as enshrined in article 11 of the Universal Declaration of Human Rights, which draws on the right of detainees to be given the time and facilities necessary to prepare and present their defence, with legal counsel.

48. In the cases of Ms. Abdelhalim and Mr. El-Elaimy, the source alleges that the right to prompt and effective legal counsel has been totally denied by the authorities. They have been completely prevented from communicating with their lawyers during their detention.

49. According to the source, the Supreme State Security Prosecution is a special branch of the Public Prosecution that has more powers when it comes to detaining suspects.<sup>7</sup> When indicted, defendants are referred to one of three categories of special courts: emergency State security courts, terrorism circuits or military courts.

<sup>5</sup> Human Rights Committee, general comment No. 34 (2011).

<sup>6</sup> Para. 34.

<sup>7</sup> Amnesty International, *Permanent State of Exception: Abuses by the Supreme State Security Prosecution* (2019).

50. The source claims that special courts should not be created to displace the jurisdiction of ordinary courts.<sup>8</sup> They should not examine offences that fall within the jurisdiction of ordinary courts. In addition, when special courts exist, they must be independent and impartial and respect fair trial standards.<sup>9</sup> The Covenant and regional human rights treaties do not expressly prohibit the establishment of special or specialized courts. However, they require all courts to be competent, independent and impartial.<sup>10</sup> The Human Rights Committee, in its general comment No. 13 (1984) on the rights contained in article 14 of the Covenant, raised concerns about the nature of military or special courts, stating that quite often the reason for the establishment of such courts was to enable exceptional procedures to be applied that did not comply with normal standards of justice.

51. For the source, the reason for the exceptional character of the special courts is that fair trial rights are more likely to be violated before the special courts. Human rights bodies have raised concerns about procedures in such courts, which are inconsistent with fair trial rights, including the right to a trial before an independent, impartial court, the exclusion of evidence obtained by torture or other ill-treatment and the right to appeal to a higher tribunal.<sup>11</sup>

52. The source claims that Ms. Abdelhalim's and Mr. El-Elaimy's cases have been investigated by the Supreme State Security Prosecution. This is a form of special prosecution that refers cases to special security-related courts, where standards of fair trial, regard for evidence and due process have been violated to allow injustices, through which the Government allegedly aims to intimidate its opponents and prevent them from enjoying their rights and freedoms.

53. The source further claims that the rights of any detainee to communicate with the outside world and be visited by family are fundamental safeguards against any attempts by the authorities to engage in human rights violations against the detainee, including torture or any other ill-treatment and enforced disappearance.

54. According to article 17 (2) (d) of the International Convention for the Protection of All Persons from Enforced Disappearance, detained and imprisoned persons have the right to communicate with and be visited by their families. The right to receive visits applies to all detainees, regardless of the offence of which they are suspected or accused.<sup>12</sup> Under principle 19 of the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, this right can be subject only to reasonable conditions and restrictions that are appropriate to a legitimate aim.

55. The source claims that Mr. El-Elaimy has been allowed visits by his family only occasionally, under severe restrictions, with no legitimate aim.

56. In addition, the source argues that Ms. Abdelhalim was subjected to torture and other ill-treatment during the time she was subjected to enforced disappearance. She was detained in a dark room, while violently threatened with rape, electrocution and bodily harm, to coerce her to incriminate herself. These practices violate her right to be free from any act that could cause severe suffering, whether physical or mental, and that is inflicted intentionally on a person. This is reported as a violation of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.<sup>13</sup>

57. According to the source, the right to freedom from torture and other ill-treatment or punishment is absolute. This applies in all circumstances, and it may never be restricted, including during times of war or states of emergency. No exceptional circumstances whatsoever, including threats of terrorism or other violent crime, may be invoked to justify

<sup>8</sup> Principle 5 of the Basic Principles on the Independence of the Judiciary; and sections A (4) (e) and L (c) of the Principles and Guidelines on the Right to a Fair Trial and Legal Assistance in Africa.

<sup>9</sup> Commission on Human Rights, resolution 2005/30.

<sup>10</sup> Article 10 of the Universal Declaration of Human Rights; and article 14 of the Covenant.

<sup>11</sup> [A/63/223](#), paras. 24, 27 and 32; and [A/HRC/13/37/Add.2](#), paras. 32–35.

<sup>12</sup> Inter-American Commission on Human Rights, *Marc Romulus v. Haiti*, Case No. 1992, Resolution, 27 May 1977.

<sup>13</sup> Human Rights Committee, general comment No. 20 (1992), para. 3; and [A/57/44](#), para. 53 (i).

torture or other ill-treatment. Such prohibition applies irrespective of the offence allegedly committed by the accused person.<sup>14</sup>

58. Every detainee has the right to the highest attainable standard of physical and mental health.<sup>15</sup> This right extends not only to timely and appropriate health care, but also to underlying determinants of health, such as adequate food, water and sanitation.<sup>16</sup> Moreover, sick prisoners whose health conditions require specialist treatment are to be transferred to specialized institutions or to civil hospitals.<sup>17</sup> The failure to provide access to adequate health care has been held to violate the rights to health.<sup>18</sup>

59. The source claims that Mr. El-Elaimy's case shows an intentional practice maintained by the authorities to deny him his right to access medical care, which puts his life at serious risk of death or irreparable harm. Mr. El-Elaimy's health is reportedly at grave risk due to the intentional restrictions set by the prison authorities that prevent him from having a medical examination and accessing treatment inside or outside the prison.

#### *Response from the Government*

60. On 13 August 2021, the Working Group transmitted the allegations from the source to the Government under its regular communications procedure. The Working Group requested the Government to provide, by 12 October 2021, detailed information about the situation of Mr. El-Elaimy and Ms. Abdelhalim and to clarify the legal provisions justifying their continued detention, as well as its compatibility with the obligations of Egypt under international human rights law, and in particular with regard to the treaties ratified by the State. Moreover, the Working Group called upon the Government of Egypt to ensure their physical and mental integrity.

61. The Working Group regrets that the Government did not submit a reply nor did it request an extension in accordance with paragraph 16 of its methods of work<sup>19</sup>.

#### **Discussion**

62. 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.

63. In determining whether the detention of Mr. El-Elaimy and Ms. Abdelhalim was arbitrary, the Working Group has regard to the principles established in its jurisprudence to deal with evidentiary issues. If the source has established a prima facie case for breach of international law constituting arbitrary detention, the burden of proof should be understood to rest upon the Government if it wishes to refute the allegations.<sup>20</sup> In the present case, the Government has chosen not to challenge the prima facie credible allegations made by the source.

64. The source claims that the detention of Ms. Abdelhalim and Mr. El-Elaimy constitutes arbitrary deprivation of their liberty, falling within categories I, II and III of the arbitrary

<sup>14</sup> Human Rights Committee, general comment No. 20 (1992), para. 3; and A/57/44, para. 53 (i).

<sup>15</sup> Article 12 of the International Covenant on Economic, Social and Cultural Rights; article 16 of the African Charter on Human and Peoples' Rights; Committee on Economic, Social and Cultural Rights, general comment No. 14 (2000), paras. 34, 4, 11, 43 and 44; rules 25 and 27 of the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules).

<sup>16</sup> Council of Europe, European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), "Third general report on the CPT's activities", document CPT/Inf (93) 12, 4 June 1993, para. 53.

<sup>17</sup> First United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Standard Minimum Rules for the Treatment of Prisoners (1955), para. 22.

<sup>18</sup> African Commission on Human and Peoples' Rights, *Media Rights Agenda and Constitutional Rights Project v. Nigeria*, Cases No. 105/93, No. 128/94, No. 130/94 and No. 152/96, Decision, 31 October 1998; and African Commission on Human and Peoples' Rights, *International Pen, Constitutional Rights Project, Interights on behalf of Ken Saro-Wiwa Jr. and Civil Liberties Organisation v. Nigeria*, Cases No. 137/94, No. 139/94, No. 154/96 and No. 161/97, Decision, 31 October 1998.

<sup>19</sup> A/HRC/36/38.

<sup>20</sup> A/HRC/19/57, para. 68.



detention categories referred to by the Working Group when considering cases submitted to it.

*Category I*

65. In support of the claim that Ms. Abdelhalim's and Mr. El-Elaimy's arrest and detention are arbitrary under category I, the source submits that there is no legal basis or justification, as they were arrested without being shown an arrest warrant or being provided with a legal explanation for their arrests, violating their right to liberty.

66. From the information received from the source, when Mr. El-Elaimy was arrested, on 25 June 2019, by a number of national security agents in plain clothes, there was no indication that an arrest warrant was shown or that he was provided with a legal explanation of the reasons behind his arrest. Similarly, when plain clothed and uniformed security officers stormed Ms. Abdelhalim's place of residence and violently searched the house before arresting her, they did not show her an arrest warrant or provide a legal explanation for her arrest.

67. International law concerning the right to personal liberty allows restrictions to this right and includes the right to be presented with an arrest warrant in cases that do not involve arrests made in flagrante delicto, to ensure the objectivity of the arrest process. It is also required that the decision on whether the arrest is warranted be taken by an outside authority, that is, a competent, independent and impartial judiciary. This is procedurally inherent in the right to personal liberty and security and the prohibition of arbitrary deprivation under articles 3 and 9 of the Universal Declaration of Human Rights, and principles 2, 4 and 10 of the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment. Additionally, the Human Rights Committee, in its general comment No. 35 (2014), stated that any person is to be informed, at the time of arrest, of the reasons for the arrest and that that requirement applied broadly to the reasons for any deprivation of liberty.<sup>21</sup>

68. The Working Group finds that, in order to invoke a legal basis for deprivation of liberty, the authorities should have informed Ms. Abdelhalim and Mr. El-Elaimy of the reasons at the time of the arrest, as well as promptly informed them of the charges. Their failure to do so violates article 9 of the Universal Declaration of Human Rights and principle 10 of the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment. It also renders their arrest devoid of any legal basis.

69. The source's claim is that Ms. Abdelhalim was forcibly disappeared for five days, before she appeared before the prosecution, preventing her family from knowing her fate and whereabouts. The Working Group therefore considers that Ms. Abdelhalim was subjected to enforced disappearance during the five days. As the Human Rights Committee has held, enforced disappearance constitutes a particularly aggravated form of arbitrary detention.<sup>22</sup> Such deprivation of liberty, entailing a refusal to disclose the fate or whereabouts of the persons concerned or to acknowledge their detention, 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.<sup>23</sup> The Working Group refers the present case to the Working Group on Enforced or Involuntary Disappearances.

<sup>21</sup> Para. 24.

<sup>22</sup> General comment No. 35 (2014), para. 17.

<sup>23</sup> See article 1 of the Declaration on the Protection of All Persons from Enforced Disappearance, which condemns any act of enforced disappearance as a denial of the purposes of the Charter of the United Nations and as a grave and flagrant violation of the human rights and fundamental freedoms proclaimed in the Universal Declaration of Human Rights and reaffirmed and developed in international instruments in this field, as well as opinions No. 82/2018, para. 28; No. 18/2019, para. 33; No. 22/2019, para. 67; No. 26/2019, para. 88; No. 28/2019, para. 61; No. 29/2019, para. 54; No. 36/2019, para. 35; No. 41/2019, para. 32; No. 42/2019, para. 48; No. 51/2019, para. 58; No. 56/2019, para. 79; No. 6/2020, para. 43; No. 11/2020, para. 41; No. 13/2020, para. 52; No. 31/2020, para. 43; No. 32/2020, para. 35; No. 33/2020, paras. 58 and 73; and No. 34/2020, para. 49. See also article 22 of the Arab Charter on Human Rights.

70. The right not to suffer enforced disappearance is considered a non-derogable right, even in a state of emergency.<sup>24</sup> According to the International Convention for the Protection of All Persons from Enforced Disappearance, people deprived of liberty must be held only in a place of detention that is officially recognized (art. 17 (2) (c)). States must ensure that no one is held secretly in detention (article 17 (2) (c)) and are to provide the detainee's family and lawyer with accurate information on the detention (art. 18).

71. Following his appearance before the Supreme State Security Prosecution, Mr. El-Elaimy underwent pretrial detention in Tora prison for 15 days, and the detention was periodically renewed pending investigations. Since completing his one-year sentence in one case, Mr. El-Elaimy has been in pretrial detention at Tora prison in another case pending investigations. His detention continues to be renewed approximately every 45 days.

72. Equally, Ms. Abdelhalim's pretrial detention in the Al-Qanater women's prison was periodically renewed for one year and 8 months following her arrest until, on 8 February 2021, when it was ordered that she be released in that case. Since her reappearance before the Supreme State Security Prosecution on 9 February 2021 in a new case, Ms. Abdelhalim's pretrial detention in the Al-Qanater women's prison has been continually renewed for 15-day periods pending investigations.

73. Both Mr. El-Elaimy and Ms. Abdelhalim have endured pretrial detention for varying periods. The Working Group recalls that, in accordance with article 9 (3) of the Covenant, pretrial detention is to be the exception rather than the norm and is to be ordered for the shortest time possible.<sup>25</sup> In other words, liberty is protected under article 9 (3) of the Covenant as the core consideration, with detention as an exception. Detention pending trial must therefore be based on an individualized determination that it is reasonable and necessary for such purposes as to prevent flight, interference with evidence or the recurrence of crime.

74. With regard to Mr. El-Elaimy and Ms. Abdelhalim, the Working Group finds that the Government has violated articles 3 and 9 of the Universal Declaration of Human Rights, article 9 of the Covenant, and principles 11, 37 and 38 of the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment.

75. The Working Group therefore concludes that the detention of Mr. El-Elaimy and Ms. Abdelhalim lacks a legal basis and is therefore arbitrary, falling under category I.

### *Category II*

76. The source claims that Mr. El-Elaimy's and Ms. Abdelhalim's detention is arbitrary in accordance with category II, because it is derived directly from political work and freedom of expression. The two were originally charged under the case known as the Hope Coalition case of the Supreme State Security Prosecution. In that case, the arrests and detention of the two, along with other political figures and activists, are linked to their involvement in establishing a peaceful political party to run for parliamentary election.

77. After being granted a release in the Hope Coalition case, both Mr. El-Elaimy and Ms. Abdelhalim were accused under new cases in the phenomenon called case rotation. The new cases include, in the case of Ms. Abdelhalim, allegedly organizing a secret cell from inside prison and communicating with leaders of a foreign terrorist group and, in the case of Mr. El-Elaimy, fabricated charges based solely on his political activism and the exercise of his freedom of expression.

78. The Working Group is satisfied with the source's explanation that deprivation of liberty of Mr. El-Elaimy and Ms. Abdelhalim results from the exercise of universally recognized human rights, in particular the right to freedoms of opinion, expression and peaceful assembly. Freedoms of opinion and expression and of peaceful assembly are fundamental human rights enshrined in articles 19 and 20 of the Universal Declaration of Human Rights and articles 19 and 21 of the Covenant.<sup>26</sup> The Government must respect, protect and fulfil the right to hold and express opinions, including those that are not in

<sup>24</sup> A/HRC/13/42, para. 50.

<sup>25</sup> A/HRC/19/57, paras. 48–58.

<sup>26</sup> *Yong Joo-Kang v. Republic of Korea* (CCPR/C/78/D/878/1999), annex, para. 7.2.

accordance with its official policy, and to think and manifest personal convictions at odds with its official ideology, under the preemptory norms of customary international law.<sup>27</sup>

79. The Human Rights Committee has stated that restrictions on freedom of expression must not be overbroad and must conform to the principle of proportionality, be appropriate to achieve their protective function, be the least intrusive instrument among those that might achieve their protective function and be proportionate to the interest to be protected.<sup>28</sup> It is worth noting that the value placed by the Covenant upon uninhibited expression is particularly high in the circumstances of public debate in a democratic society concerning figures in the public and political domain.

80. Furthermore, article 25 of the Covenant states that every citizen is to have the right and the opportunity to take part in the conduct of public affairs and to vote and to be elected at genuine periodic elections. According to the Human Rights Committee, in its general comment No. 25 (1996), the conduct of public affairs relates to the exercise of political power, in particular the exercise of legislative, executive and administrative powers.<sup>29</sup>

81. Consequently, the Working Group is of the opinion that the deprivation of liberty of Mr. El-Elaimy and Ms. Abdelhalim, being motivated by the Government's intention to prevent freedom of expression and the right to participate in public affairs, protected by the Universal Declaration of Human Rights and the Covenant, falls under category II violations.

### *Category III*

82. With regard to the detention of Ms. Abdelhalim and Mr. El-Elaimy being arbitrary under category III, the source submits that the two have been denied their right to a fair trial and due process guarantees. In particular, the source notes that Mr. El-Elaimy's right to promptly have recourse to effective legal counsel has been totally denied by the authorities. Both have been completely prevented from communicating with their lawyers during their detention and were not tried before impartial and independent tribunals. Family visitation was severely restricted in the case of Mr. El-Elaimy, and Ms. Abdelhalim was subjected to torture and other ill-treatment during her enforced disappearance. As has been noted, these allegations have not been rebutted by the Government.

83. Given its findings that the detention of Ms. Abdelhalim and Mr. El-Elaimy is arbitrary under category I, the Working Group considers that there was total or partial non-observance of the international norms associated with the right to a fair trial, established in the Universal Declaration of Human Rights and the relevant international instruments to which the States concerned are a party.

84. In addition, and in relation to the right to counsel, the source alleges that Mr. El-Elaimy was denied his right to contact or meet with his lawyer, as the lawyer has not been allowed to visit him in prison. His lawyer has not been permitted to have access to copies of the arrest record, the record of the investigations carried out by the Security Services, the charges or official legal documents pertaining to Mr. El-Elaimy's cases.

85. As the Working Group has stated, 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 apprehension, and must be promptly informed of this right upon apprehension. Access to legal counsel should not be unlawfully or unreasonably restricted.<sup>30</sup>

86. A detainee should also have access to effective counsel, which, according to principle 2 of the Basic Principles on the Role of Lawyers, means that it is the duty of the competent authorities to ensure lawyers access to appropriate information, files and documents in their

<sup>27</sup> Opinions No. 94/2017, para. 59; No. 88/2017, para. 32; No. 83/2017, para. 80; and No. 76/2017, para. 62.

<sup>28</sup> General comment No. 34 (2011).

<sup>29</sup> Para. 5

<sup>30</sup> [A/HRC/30/37](#), annex, paras. 12–15 and 67–71.

possession or control in sufficient time to enable lawyers to provide effective legal assistance to their clients. Such access should be provided at the earliest appropriate time. The effectiveness of legal counsel is related to the principle of equality of arms, as enshrined in article 11 of the Universal Declaration of Human Rights, which draws on the right of detainees to be given the time and facilities necessary to prepare and present their defence, with legal counsel, at the trial.

87. In the view of the Working Group, the Government failed to respect Mr. El-Elaimy's right to legal assistance at all times. The Working Group emphasizes that legal assistance should be available at all stages of criminal proceedings, namely, during pretrial, trial, retrial and appellate stages, to ensure compliance with fair trial guarantees. Any denial of access to lawyers is therefore a breach of article 14 (3) (b) of the Covenant. This violation substantially undermined and compromised Mr. El-Elaimy's capacity to defend himself in the judicial proceedings.

88. The Working Group notes the denial of Mr. El-Elaimy's right to be visited by his family, contrary to principles 15 and 19 of the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, and rules 43 (3) and 58 of the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules). Giving regular access to family members, as well as lawyers, is an essential and necessary safeguard for the prevention of torture, as well as protection against arbitrary detention and infringement of personal security.<sup>31</sup> Principle 15 of the Body of Principles provides that communication of the detained or imprisoned person with the outside world, and in particular his or her family or counsel, is not to be denied for more than a matter of days.

89. Regarding trial by special courts, the Working Group notes that special courts may not be created to displace the jurisdiction of ordinary courts.<sup>32</sup> They should not examine offences that fall within the jurisdiction of ordinary courts. In addition, when special courts exist, they must be independent and impartial and respect fair trial standards.<sup>33</sup> All courts, whether regular or special, must be competent, independent and impartial.<sup>34</sup> The Human Rights Committee, in its general comment No. 13 (1984) regarding the rights contained in article 14 of the Covenant, raised concerns about the nature of military or special courts, stating that quite often the reason for the establishment of such courts was to enable exceptional procedures to be applied that did not comply with normal standards of justice.

90. The source claims that the Supreme State Security Prosecution is a special branch of the Public Prosecution that has more powers when it comes to detaining suspects. When indicted, defendants are referred to one of three categories of special courts: emergency State security courts, terrorism circuits or military courts. The Working Group agrees that special courts should not examine offences that fall within the jurisdiction of ordinary courts.

91. The source claims that Ms. Abdelhalim's and Mr. El-Elaimy's cases have been investigated by the Supreme State Security Prosecution. This is a form of special prosecution that refers cases to special security-related courts, where standards of fair trial, regard for evidence and due process have been violated to allow injustices, through which the Government allegedly aims to intimidate its opponents and prevent them from enjoying their freedoms and rights.

92. Ms. Abdelhalim was under enforced disappearance for five days at the national security premises in Shubra Al-Khaimah, during which time she was allegedly kept in a dark room and continuously threatened with being beaten and electrocuted and subjected to forms

<sup>31</sup> Opinions No. 10/2018, para. 74; No. 30/2018, para. 47; No. 35/2018, para. 39; No. 39/2018, para. 41; No. 47/2018, para. 71; No. 22/2019, para. 71; No. 36/2019, para. 56; No. 44/2019, paras. 74–75; No. 45/2019, para. 76; No. 56/2019, para. 83; No. 65/2019, para. 68; No. 6/2020, para. 54; No. 11/2020, para. 54; No. 31/2020, para. 51; No. 32/2020, para. 59; No. 33/2020, para. 87; and No. 34/2020, para. 57.

<sup>32</sup> Principle 5 of the Basic Principles on the Independence of the Judiciary; and sections A (4) (e) and L (c) of Principles and Guidelines on the Right to a Fair Trial and Legal Assistance in Africa.

<sup>33</sup> Commission on Human Rights, resolution 2005/30.

<sup>34</sup> Article 10 of the Universal Declaration of Human Rights; and article 14 of the Covenant.

of torture and other inhuman treatment, which was allegedly a violation of the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment.<sup>35</sup> The right to freedom from torture and other ill-treatment or punishment is absolute. It applies in all circumstances and it may never be restricted, including during times of war or states of emergency. No exceptional circumstances whatsoever, including threats of terrorism or other violent crime, may be invoked to justify torture or other ill-treatment. Such prohibition applies irrespective of the offence allegedly committed by the accused person.<sup>36</sup>

93. The Working Group has repeatedly asserted that enforced disappearance violates the right to contest the legality of a detention before a court or tribunal.<sup>37</sup> Judicial oversight of any detention is a central safeguard for personal liberty<sup>38</sup> and is critical in ensuring that detention has a legitimate basis. The Working Group expresses its grave concern at the allegation of torture during Ms. Abdelhalim's enforced disappearance.

94. The source also claims that Mr. El-Elaimy was intentionally denied the right to access medical care, which put his life at serious risk or risked irreparable damage to his health. Mr. El-Elaimy is reportedly at a grave risk, due to the intentional restrictions by the prison authorities that prevent his access to a medical examination and treatment inside or outside the prison, at his family's expense.

95. The Working Group reiterates that every detainee has the right to the highest attainable standard of physical and mental health.<sup>39</sup> This right extends not only to timely and appropriate health care, but also to underlying determinants of health, such as adequate food, water and sanitation.<sup>40</sup> Moreover, sick prisoners whose health conditions require specialist treatment are to be transferred to specialized institutions or to civil hospitals.<sup>41</sup> The failure to provide access to adequate health care has been held to violate the right to health.<sup>42</sup>

96. The Working Group considers that, in the deprivation of Mr. El-Elaimy's and Ms. Abdelhalim's liberty, there were multiple violations of the international norms relating to the right to a fair trial, established in the Universal Declaration of Human Rights and the Covenant, to such an extent as to give to the detention an arbitrary character under category III.

#### *Category V*

97. The source has not specifically made claims that the detention of Mr. El-Elaimy and Ms. Abdelhalim also constituted a category V violation. The Working Group has, however, made its assessment on the facts presented.

98. The Working Group considers that Mr. El-Elaimy and Ms. Abdelhalim were targeted because of their peaceful activities in the course of exercising their freedom of expression

<sup>35</sup> Human Rights Committee, general comment No. 20 (1992), para. 3; and [A/57/44](#), para. 53 (i).

<sup>36</sup> Human Rights Committee, general comment No. 20 (1992), para. 3; and [A/57/44](#), para. 53 (i).

<sup>37</sup> Opinions No. 16/2020, No. 15/2020, No. 45/2019, No. 44/2019, No. 9/2019, No. 35/2018, No. 46/2017 and No. 45/2017.

<sup>38</sup> United Nations Basic Principles and Guidelines on Remedies and Procedures on the Right of Anyone Deprived of Their Liberty to Bring Proceedings Before a Court; [A/HRC/30/37](#), para. 3; and [CAT/C/VNM/CO/1](#), para. 24.

<sup>39</sup> Article 12 of the International Covenant on Economic, Social and Cultural Rights; article 16 of the African Charter on Human and Peoples' Rights; Committee on Economic, Social and Cultural Rights, general comment No. 14 (2000), paras. 34, 4, 11, 43 and 44; and rules 25 and 27 of the Nelson Mandela Rules.

<sup>40</sup> Council of Europe, European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), "Third general report on the CPT's activities", document CPT/Inf (93) 12, 4 June 1993, para. 53.

<sup>41</sup> First United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Standard Minimum Rules for the Treatment of Prisoners (1955), para. 22.

<sup>42</sup> African Commission on Human and Peoples' Rights, *Media Rights Agenda and Constitutional Rights Project v. Nigeria*, Cases No. 105/93, No. 128/94, No. 130/94 and No. 152/96, Decision, 31 October 1998; and African Commission on Human and Peoples' Rights, *International Pen, Constitutional Rights Project, Interights on behalf of Ken Saro-Wiwa Jr. and Civil Liberties Organisation v. Nigeria*, Cases No. 137/94, No. 139/94, No. 154/96 and No. 161/97, Decision, 31 October 1998.

and association and the right to participate in the governance of their country within the framework of the Hope Coalition, which entailed joining with other activists in criticizing the State. In the discussion above concerning category II, the Working Group established that Mr. El-Elaimy's and Ms. Abdelhalim's detention had resulted from the peaceful exercise of their rights under international law. When a detention results from the active exercise of civil and political rights, there is a strong presumption that the detention also constitutes a violation of international law on the grounds of discrimination based on political or other views.<sup>43</sup>

99. The Working Group finds that Mr. El-Elaimy and Ms. Abdelhalim were deprived of their liberty on discriminatory grounds, that is, owing to their status as opposition of the Government, and on the basis of their political or other opinion. Their deprivation of liberty violated articles 2 and 7 of the Universal Declaration of Human Rights and articles 2 (1) and 26 of the Covenant and was arbitrary according to category V.

### **Disposition**

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

The deprivation of liberty of Ziad El-Elaimy and Louaya Sabri Alshahat Abdelhalim, being in contravention of articles 2, 3, 7, 6, 9, 11, 19 and 20 of the Universal Declaration of Human Rights and articles 2, 9, 14, 19, 21, 25 and 26 of the International Covenant on Civil and Political Rights, is arbitrary and falls within categories I, II, III and V.

101. The Working Group requests the Government of Egypt to take the steps necessary to remedy the situation of Mr. El-Elaimy and Ms. Abdelhalim 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 Covenant.

102. The Working Group considers that, taking into account all the circumstances of the case, the appropriate remedy would be to release Mr. El-Elaimy and Ms. Abdelhalim immediately and accord them an enforceable right to compensation and other reparations, in accordance with international law. In the current context of the global COVID-19 pandemic and the threat that it poses in places of detention, the Working Group calls upon the Government to take urgent action to ensure the immediate unconditional release of Mr. El-Elaimy and Ms. Abdelhalim.

103. The Working Group urges the Government to ensure a full and independent investigation of the circumstances surrounding the arbitrary deprivation of liberty of Mr. El-Elaimy and Ms. Abdelhalim and to take appropriate measures against those responsible for the violation of their rights.

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

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

### **Follow-up procedure**

106. 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. El-Elaimy and Ms. Abdelhalim have been released and, if so, on what date;
- (b) Whether compensation or other reparations have been made to Mr. El-Elaimy and Ms. Abdelhalim;

<sup>43</sup> Opinions No. 59/2019, para. 79; No. 13/2018, para. 34; and No. 88/2017, para. 43.

(c) Whether an investigation has been conducted into the violation of Mr. El-Elaimy's and Ms. Abdelhalim'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.

107. 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.

108. 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.

109. 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>44</sup>

[Adopted on 19 November 2021]

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<sup>44</sup> See Human Rights Council resolution 42/22, paras. 3 and 7.