

**Human Rights Council****Fifty-seventh session**

9 September–9 October 2024

Agenda item 3

**Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development****Arbitrary detention****Report of the Working Group on Arbitrary Detention***Summary*

In 2023, the Working Group on Arbitrary Detention, under its regular procedure, adopted 77 opinions concerning the detention of 173 persons in 39 countries. It also transmitted 71 urgent appeals to 28 Governments and, in 21 cases, to other actors, and 111 allegation letters and other letters to 56 Governments and, in 12 cases, to other actors, concerning at least 354 identified individuals. Some States informed the Working Group that they had taken measures to remedy the situations of detainees and, in numerous cases, the detainees were released. The Working Group is grateful to those Governments that responded to its appeals and took steps to provide it with the information requested concerning the situation of detainees.

The Working Group conducted country visits to Mexico, from 18 to 29 September 2023, and to the Bahamas, from 27 November to 8 December 2023.

In the report, the Working Group examines the thematic issue of arbitrary detention and mandatory sentencing.

In its recommendations, the Working Group reiterates its call to States to continue to increase their cooperation as regards their responses to regular communications, by reporting through the follow-up procedure on the implementation of the Working Group's opinions (including on the provision of appropriate remedies and reparations to victims of arbitrary detention), and by providing positive responses to requests for country visits. It also urges States to review legislation imposing mandatory minimum sentencing and review sentences already imposed under a mandatory minimum sentencing scheme to ensure that each sentence complies with the requirements of necessity and proportionality, and to amend legislation and sentencing guidelines to provide for sentencing for drug-related offences that is proportionate. The Working Group further calls on States to provide adequate and predictable human resources in order to allow it to fulfil its mandate in an effective and sustainable manner. It urges States to heed the call by the United Nations High Commissioner for Human Rights to end arbitrary detention once and for all, and to release individuals arbitrarily detained.



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I. Introduction

1. The Working Group on Arbitrary Detention was established by the Commission on Human Rights in its resolution 1991/42. It was entrusted with the investigation of cases of alleged arbitrary deprivation of liberty according to the standards set forth in the Universal Declaration of Human Rights and the relevant international instruments accepted by the States concerned. The mandate of the Working Group was clarified and extended by the Commission in its resolution 1997/50 to cover the issue of administrative custody of asylum-seekers and immigrants. Pursuant to General Assembly resolution 60/251 and Human Rights Council decision 1/102, the Council assumed the mandate of the Commission. The mandate of the Working Group was most recently extended for a three-year period in Council resolution 51/8 of 6 October 2022.

2. During the period from 1 January to 31 December 2023, the Working Group was composed of Miriam Estrada-Castillo (Ecuador), Matthew Gillett (New Zealand), Priya Gopalan (Malaysia), Mumba Malila (Zambia) and Ganna Yudkivska (Ukraine).

3. Ms. Estrada-Castillo served as Chair-Rapporteur of the Working Group from April 2022 to April 2023, and Mr. Malila as Vice-Chair. At the ninety-sixth session of the Working Group, in April 2023, Ms. Gopalan was elected as Chair-Rapporteur, Mr. Gillett was elected as Vice-Chair on communications and Ms. Yudkivska was elected as Vice-Chair on follow-up.

II. Activities of the Working Group

4. During the period from 1 January to 31 December 2023, the Working Group held its ninety-sixth, ninety-seventh and ninety-eighth sessions.

5. The Working Group conducted country visits to Mexico, from 18 to 29 September 2023,¹ and to the Bahamas, from 27 November to 8 December 2023.²

6. In order to facilitate outreach and information-sharing, the Working Group met with a group of non-governmental organizations during its ninety-eighth session to gather information on issues relating to arbitrary deprivation of liberty and to enhance civil society's understanding of the Working Group's methods of work³ and its operations.

A. Handling of communications addressed to the Working Group during 2023

1. Communications transmitted to Governments

7. At its ninety-sixth, ninety-seventh and ninety-eighth sessions, the Working Group adopted a total of 77 opinions concerning 173 persons in 39 countries (see the table below).

2. Opinions of the Working Group

8. Pursuant to its methods of work, in addressing its opinions to Governments, the Working Group drew their attention to Commission on Human Rights resolutions 1997/50 and 2003/31 and Human Rights Council resolutions 6/4, 24/7, 42/22 and 51/8, in which those bodies requested States to take account of the Working Group's opinions and, where necessary, to take appropriate steps to remedy the situation of persons arbitrarily deprived of their liberty and to inform the Working Group of the steps that they had taken. Upon the expiry of a 48-hour deadline following transmission of the opinions to the Governments concerned, the opinions were transmitted to the relevant sources.

¹ See [A/HRC/57/44/Add.1](#).

² See [A/HRC/57/44/Add.2](#).

³ [A/HRC/36/38](#).

Opinions adopted at the ninety-sixth, ninety-seventh and ninety-eighth sessions of the Working Group

<i>Opinion No.</i>	<i>State(s)</i>	<i>Government reply</i>	<i>Person(s) concerned</i>	<i>Opinion</i>	<i>Follow-up information received</i>
1/2023	Cameroon	No	Thomas Awah Jr.	Detention arbitrary, categories I, II, III and V	No action taken by the Government to implement the opinion. (Information from the source)
2/2023	Bahrain	Yes	Abduljalil Abdulla Yusuf and Ahmed al-Singace	Detention arbitrary, categories I, II, III and V	Mr. Al-Singace is serving his sentence and no compensation was paid to him. An investigation was conducted into allegations of torture, which established that they were not supported by any concrete evidence. He has access to medical care and his physical and mental health are stable. (Information from the Government)
3/2023	Türkiye	Yes	Ali Ünal	Detention arbitrary, categories I, II, III and V	No action taken by the Government to implement the opinion. (Information from the source)
4/2023	Algeria	Yes	Hamid Soudad	Detention arbitrary, categories I, II, III and V	Released on 20 July 2023 by a presidential decree on the sixty-first anniversary of the independence of Algeria. Mr. Soudad does not fulfil the requirements for compensation; he benefited from all his rights and freedoms; and national laws comply with international obligations. (Information from the Government) No action taken by the Government to implement the other recommendations in the opinion. (Information from the source)
5/2023	Cambodia	No	Seng Chan Theary	Detention arbitrary, categories I, III and V	None
6/2023	China	No (late)	Naghmat Hamit, Tajinisa Yimin and Dilixiati Wulibaiyi	Detention arbitrary, categories I, III and V	No action taken by the Government to implement the opinion. (Information from the source)
7/2023	Pakistan	No	Malik Zaheer Ahmad	Detention arbitrary, categories I, III and V	No action taken by the Government to implement the opinion. (Information from the source)

<i>Opinion No.</i>	<i>State(s)</i>	<i>Government reply</i>	<i>Person(s) concerned</i>	<i>Opinion</i>	<i>Follow-up information received</i>
8/2023	India	No	Khurram Parvez	Detention arbitrary, categories I, II, III and V	No action taken by the Government to implement the opinion. (Information from the source)
9/2023	Equatorial Guinea and Togo	No	Sahil Bahaba Madi, Moubarak Hamed, Francisco Micha Obama, Desiderio Ndong Abeso Abuy, Adolfo Secundino Esono Mba Oyana and Lucas Ntutumu Otogo Ayecaba	Equatorial Guinea: Sahil Bahaba Madi, Moubarak Hamed, Francisco Micha Obama, Desiderio Ndong Abeso Abuy, Adolfo Secundino Esono Mba Oyana et Lucas Ntutumu Otogo Ayecaba: detention arbitrary, categories I and III Sahil Bahaba Madi and Moubarak Hamed: detention arbitrary, category V Togo: detention arbitrary, category I	No action taken by the Governments of Equatorial Guinea and Togo to implement the opinion. (Information from the source)
10/2023	Eritrea	No	Dawit Isaak	Detention arbitrary, categories I, II, III and V	No action taken by the Government to implement the opinion. The whereabouts and situation of Mr. Isaak remain unknown. (Information from the source)
11/2023	Kazakhstan	Yes	Zhanbolat Mamai	Detention arbitrary, categories I and II	Mr. Mamai is still detained and serving his sentence. The issues relating to the observance of his rights during detention, as well as his claims of unlawful detention, received a proper legal assessment by the court. Compensation was not paid to Mr. Mamai. (Information from the Government)
12/2023	Egypt	Yes	Safwan Thabet and Seif Thabet	Detention arbitrary, categories I, III and V	No action taken by the Government to implement the opinion. (Information from the source)
13/2023	Israel	No	Salah Hammouri	Detention arbitrary, categories I, II, III and V	None

<i>Opinion No.</i>	<i>State(s)</i>	<i>Government reply</i>	<i>Person(s) concerned</i>	<i>Opinion</i>	<i>Follow-up information received</i>
14/2023	Australia	Yes	Gus Kuster	Detention arbitrary, categories I, II, IV and V	<p>Mr. Kuster is lawfully detained and his detention is not arbitrary. Accordingly, the Government has not acted upon and does not intend to act upon the recommendations pertaining to compensation and other reparations, or to a full and independent investigation. (Information from the Government)</p> <p>Mr. Kuster was more recently assessed as being impacted by the decision of the High Court of Australia in the matter of <i>NZYQ v. Minister for Immigration, Citizenship and Multicultural Affairs</i> [2023] HCA 37. He was thus released from immigration detention on 11 November 2023. (Information from the source)</p>
15/2023	Australia	Yes	Mohammad Dadashy	Detention arbitrary, categories I, II, IV and V	None
16/2023	Viet Nam	No	Nguyen Tuong Thuy	Detention arbitrary, categories I, II, III and V	No action taken by the Government to implement the opinion. (Information from the source)
17/2023	Saudi Arabia	Yes	Aïda al-Ghamdi and Adel al-Ghamdi	Detention arbitrary, categories I, II, III and V	No action taken by the Government to implement the opinion. (Information from the source)
18/2023	United States, Pakistan and Romania	United States: No Pakistan: No Romania: Yes	Mustafa Faraj Muhammad Masud al-Jadid al-Uzaybi	United States: detention arbitrary, categories I, III and V Pakistan and Romania: detention arbitrary, categories I and III	<p>Mr. Al-Jadid al-Uzaybi is lawfully detained. His writ of habeas corpus remains pending before the United States District Court for the District of Columbia. His most recent hearing before the Periodic Review Board was held in August 2023. (Information from the Government of the United States)</p> <p>The Government does not have further information other than that provided in response to the allegations sent to it. A draft law on ratification of the International Convention for the Protection of All Persons from Enforced Disappearance is currently in the inter-institutional approval procedure. (Information from the Government of Romania)</p>

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19/2023	United Arab Emirates	No	Omran Ali Hasan al-Radwan al-Harithi, Abdullah Abdulqader Ahmad Ali al-Hajiri, Ahmed Yousef Abdullah al-Zaabi, Mohammed Abdulrazzaq Mohammed al-Siddiq, Husain Moneif al-Jabri, Hasan Moneif al-Jabri, Sultan bin Kayed Mohammed al-Qasimi, Khalifa Hilal Khalifa Hilal al-Nuaimi, Ibrahim Ismail Ibrahim al-Yasi, Mohammed Abdullah al-Roken, Abdulsalam Mohammed Darwish al-Marzooqi and Fouad Mohammed Abdullah Hasan al-Hmadi	Detention arbitrary, categories I, II, III and V	None
20/2023	Egypt	No	Islam Atef Omar Jaballah and Abdelsamad Mahmoud Mohamed al-Fiqi	Detention arbitrary, categories I and III	Mr. Jaballah remains in pretrial detention and his detention is being renewed every 45 days. No action taken by the Government to implement the opinion. (Information from the source)
21/2023	Iran (Islamic Republic of)	No ^a	Saba Kord Afshari and Raheleh Ahmadi	Detention arbitrary, categories I, II, III and V	Upon the request of the Honourable Chief of the Judiciary, on the anniversary of the victory of the Islamic Revolution, Ms. Afshari was pardoned by the Supreme Leader and released on 8 February 2023. Ms. Ahmadi was released on 14 October 2022, after her sentence had been reduced. Both individuals were arrested and detained on the basis of solid legal foundations. (Information from the Government)
22/2023	Viet Nam	No	Đặng Đình Bách	Detention arbitrary, categories I, II, III and V	No action taken by the Government to implement the opinion. (Information from the source)

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23/2023	Morocco	Yes	Sidi Abdallah Abbahah, Mohamed El Bachir Boutangiza, Mohamed Bani, Abdel Jalil Laaroussi, Abdulahi Lakhfaoui, Ahmed Sbai, Sid'Ahmed Lemjaïd, Brahim Ismaili, Mohammed Khouna Babait, Mohamed Embareh Lefkir, Ennaâma Asfari, Mohamed Bouryal, Mohamed Lamin Haddi, El Hasane Azaoui, Abdellah Toubali, El Bachir Khadda, El Hassan Eddah and Mohamed Tahlil	Detention arbitrary, categories I and III ^b	No action taken by the Government to implement the opinion. All individuals remain in detention in deteriorating conditions, including isolation, lack of contact with their families and restricted access to medical care. (Information from the source)
24/2023	Guatemala	Yes	Lilian Virginia Laparra Rivas	Detention arbitrary, categories I and II	Ms. Laparra Rivas remains in detention and is waiting for a decision on her appeal. No action has been taken by the Government to implement the opinion, since criminal proceedings are pending. (Information from the Government) On 3 January 2024, Ms. Laparra Rivas' pretrial detention ceased and she was placed under house arrest. She was also prohibited from leaving the country and was required to provide biometric records every 15 days. (Information from the source)
25/2023	Bahrain	Yes	Ahmed Ali Ahmed Yusuf, Alaa Mansoor Mohamed Redha Ahmed Ansaif, Husain Ali Hasan Ali Mohamed Matar, Husain Ali Jaafar Mohamed Abdulla, Mohamed Ali Mohsen Abdulla Baddaw and Sayed Husain Saeed Alawi Ali Mohamed al-Khabbaz	Detention arbitrary, categories I and III	The Special Investigation Unit investigated the allegations made by all the persons concerned. The investigations were filed due to lack of evidence. (Information from the Government) On 9 April 2024, Mr. Matar's sentence was replaced with an alternative sanction. On 15 April 2024, Mr. Matar was conditionally released. He must serve alternative sanctions for the remainder of his sentence, which includes working as a field surveyor. On 8 April 2024, Mr. Abdulla was released through a royal decree pardoning him.

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					On 26 September 2023, Mr. Ansaif was sentenced to one year in prison on the charge of destruction, along with a fine of 50 dinars. Regarding Messrs. Yusuf, Baddaw and Al-Khabbaz: no action taken by the Government to implement the opinion. (Information from the source)
26/2023	Saudi Arabia	No (late)	Safar bin Abdulrahman al-Hawali	Detention arbitrary, categories I, II, III and V	No action taken by the Government to implement the opinion. (Information from the source)
27/2023	Saudi Arabia	Yes	Salma bint Sami bin Abdulmohsen al-Shehab and Nourah bin Saeed al-Qahtani	Detention arbitrary, categories I, II, III and V	None
28/2023	Kuwait	Yes	Bachar Kiwan	Detention arbitrary, categories I and III	No action taken by the Government to implement the opinion. (Information from the source) Mr. Kiwan did not file a request for compensation for his alleged arbitrary detention or file a criminal complaint with the competent authorities. Existing national domestic laws are compatible with international standards and do not require any amendments. (Information from the Government)
29/2023	Türkiye	Yes	Muhammet Şentürk	Detention arbitrary, categories I, II, III and V	None
30/2023	Hong Kong, China	No (late)	Hang Tung Chow	Detention arbitrary, categories I, II, III and V	No action taken by the Government to implement the opinion. (Information from the source)
31/2023	Egypt	Yes	Aya Kamal Aldin Hussein Sayed	Detention arbitrary, categories I, II, III and V	No action taken by the Government to implement the opinion. On 24 July 2024, Ms. Sayed's detention was once again renewed. She is still being held in poor detention conditions and being denied medical care. (Information from the source)

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32/2023	Mexico	Yes	Mario Almanza Cerriteño, Jose Hernández Mora and Sergio Rodríguez Rosas	Detention arbitrary, categories I and III	<p>All three individuals remain in detention and are waiting for an <i>amparo</i> to be resolved. On 29 June 2023, the Government and the detainees' legal representatives held a meeting to explore possible reparation measures. An investigation regarding the allegations of torture was conducted. The detainees did not raise the allegations of violations of their rights to due process, or of arbitrary detention, during the criminal proceedings. The Attorney General of the State of Tlaxcala instructed his Office to carry out actions to comply with opinion No. 32/2023 and disseminate the opinion on its web page. (Information from the Government)</p> <p>All three individuals remain in detention. No reparation measures have been awarded. The authorities that conducted the investigation on the allegations of torture decided not to pursue criminal action. (Information from the source)</p>
33/2023	Plurinational State of Bolivia	Yes	Aybe Huaranca Murillo	Detention arbitrary, categories I, II and III	None
34/2023	Iraq	No ^c	Adel Attia Khudair, Raad Mohsin Ghazi al-Hares and Bahaa Abdul Hussein Abdul Hadi	Detention arbitrary, categories I and III	Mr. Al-Hares was released and all charges against him were dropped. (Information from the source)
35/2023	Pakistan	No (late)	Rohan Ahmad, Usman Ahmad and Tariq Ahmad Shehza	Detention arbitrary, categories I, II, III and V	All three individuals were released on bail at the end of 2023. They are currently awaiting trial. (Information from the source)

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36/2023	Egypt	No	Islam Nasser Abdulnabi Abdulmoneim, Anas Hassan Ahmed Shafiq Mohamed Abu Zakary, Abdurahman Osama Mohamed Alaqeed, Mostafa Ahmed Ali Shaaban, Mohamed Ezzat Taha Omran, Mohamed Nasr Abdulhamid Ibrahim, Gehad Ayed Soliman Ayad, Mohamed Salah Ahmed Bayomi, Ahmed Yossri Rabea Abdulghany and Gehad Abdulkhaiq Awda Saeed	Detention arbitrary, categories I and III	None
37/2023	Iran (Islamic Republic of)	No	Olivier Vandecasteele	Detention arbitrary, categories I, III and V	Owing to Islamic leniency and in the framework of international law and regulations, Mr. Vandecasteele was released as part of a prisoner exchange on 26 May 2023. (Information from the Government)
38/2023	China	No	Maimaiti Abulaiti	Detention arbitrary, category I, II, III and V	No action taken by the Government to implement the opinion. (Information from the source)
39/2023	Togo	No	Abdoul Aziz Goma	Detention arbitrary, categories I, II and III	No action taken by the Government to implement the opinion. Mr. Goma remains in detention in poor conditions. His health has significantly deteriorated, and he has lost the use of both of his legs. He does not have access to the medical treatment he needs. He is yet to be given a date for his trial. (Information from the source)
40/2023	Egypt	No	Aya Mohamed Ibrahim al-Afifi	Detention arbitrary, categories I, II and III	No action taken by the Government to implement the opinion. Ms. Al-Afifi remains in pretrial detention. (Information from the source)
41/2023	Libya	No	Osama Muhammad Saleh al-Ghafir al-Obeid	Detention arbitrary, categories I, III and V	No action taken by the Government to implement the opinion. (Information from the source)
42/2023	Syrian Arab Republic	Yes	Muayad al-Obied and Abdulaziz al-Obied	Detention arbitrary, categories I, II, III and V	None

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43/2023	United Arab Emirates	Yes	Selim Diyaboğlu	Detention arbitrary, categories I and III	None
44/2023	Australia	Yes	Khaled el-Ali	Detention arbitrary, categories I, II, IV and V	<p>Mr. El-Ali was assessed as being impacted by the decision of the High Court of Australia in the matter of <i>NZYQ v. Minister for Immigration, Citizenship and Multicultural Affairs</i> [2023] HCA 37. He was thus released from immigration detention on a Bridging (Removal Pending) visa R (subclass 070) (BVR) on 11 November 2023. At no point before Mr. El-Ali's release did his detention become arbitrary. The Government has not acted upon and does not intend to act upon the recommendations pertaining to compensation and other reparations, or to a full and independent investigation. (Information from the Government)</p> <p>Mr. El-Ali was released from immigration detention on 11 November 2023, having been assessed as being impacted by the decision of the High Court of Australia in the matter of <i>NZYQ v. Minister for Immigration, Citizenship and Multicultural Affairs</i> [2023] HCA 37. (Information from the source)</p>
45/2023	Belarus	No	Igor Alyksandravich Losik	Detention arbitrary, categories I, II and III	None
46/2023	Dominican Republic	No (late)	Jean Alain Rodríguez Sánchez	Detention arbitrary, categories I and III	<p>No action taken by the Government to implement the opinion. The Government refused to release Mr. Rodríguez Sánchez. In November 2023, the Prosecutor solicited the rejection of his request for release, arguing that he had used the time he had been granted to work to produce videos about his case. In December 2023, the Government requested the United States to restrict his and his family's entry to its territory, despite Mr. Rodríguez Sánchez not having been tried or convicted. (Information from the source)</p>

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47/2023	Bahrain	Yes	Abduljabbar Isa Abdulla Hasan Mohamed, Fadhel Abbas Abdulla Hasan Mohamed, Ahmed Abdulla Marhoon Rashed, Hasan Ali Abdulla Rashed Ahmed Rashed, Mohamed Abduljabbar Mansoor Ali Husaini Sarhan and Faris Husain Habib Ahmed Salman	Detention arbitrary, categories I and III	Mr. Rodríguez Sánchez is lawfully detained in accordance with national law. No compensation will be afforded to him and no investigation will be conducted, as the allegations of human rights violations are unfounded. National legislation is in line with international human rights obligations. (Information from the Government) On 8 April 2024, Mr. Hasan Rashed was released through a royal decree pardoning him. (Information from the source)
48/2023	Libya	No	Ali Suleiman Masoud Abdel Sayed	Detention arbitrary, categories I and III	None
49/2023	Thailand	No	Tantawan Tuatulanon	Detention arbitrary, categories I, II and III	At the beginning of 2024, Ms. Tuatulanon was released on bail pending trial. She was arrested again on 13 February 2024 and was granted bail on 28 May 2024. She is currently facing additional charges. (Information from the source)
50/2023	Tunisia	No ^d	Mehdi Ben Gharbia	Detention arbitrary, categories I, II and III	None
51/2023	Cuba	No (late)	Roberto Pérez Fonseca	Detention arbitrary, categories I, II and III	No action taken by the Government to implement the opinion. (Information from the source)
52/2023	Belarus	No	Piotr Butsko	Detention arbitrary, categories I and II	None
53/2023	Algeria	No (late)	Abderrahmane Zitout	Detention arbitrary, categories I, II, III and V	Mr. Zitout was released on 4 April 2024, after completing his two-year sentence. Mr. Zitout never exercised his right to appeal and does not fulfil the requirements for compensation. He benefited from all his rights and freedoms; and national laws comply with international obligations. (Information from the Government).

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54/2023	Venezuela (Bolivarian Republic of)	Yes	María Fernanda Silva Beroes and Elizabeth Silva Beroes	Detention arbitrary, categories I and III	None
55/2023	Saudi Arabia	Yes	Awad bin Mohammed al-Qarni	Detention arbitrary, categories I, II, III and V	No action taken by the Government to implement the opinion. (Information from the source)
56/2023	Saudi Arabia	Yes	Salman Fahed Alodah and Khaled Alodah	Detention arbitrary, category I, II, III and V	No action taken by the Government to implement the opinion. (Information from the source)
57/2023	Iraq	No ^e	Ahmad Abdulrazzak Basha Kazim	Detention arbitrary, categories I and III	None
58/2023	Algeria	No	Azzedine Maache	Detention arbitrary, categories I, II, III and V	No action taken by the Government to implement the opinion. The Supreme Court overturned the Court of Appeals' judgment and ordered a retrial. Mr. Maache remains detained pending his retrial. (Information from the source)
59/2023	Nicaragua	No	Ronaldo José Álvarez Lagos	Detention arbitrary, categories I, II, III and V	No action taken by the Government to implement the opinion. On 14 January 2024, Mr. Álvarez Lagos was deported to Vatican City. (Information from the source)
60/2023	Israel	No	Jihad Maher Nafez Bani-Jaber	Detention arbitrary, categories I, III and V	Mr. Bani-Jaber was released from administrative detention on or around 30 August 2023. (Information from the source)
61/2023	Australia	No (late)	Peter Iruviere Mills	Detention arbitrary, categories I, II, IV and V	Mr. Mills was released from immigration detention on 16 February 2024. (Information from the source)
62/2023	Cuba	Yes	Dariel Ruiz García	Detention arbitrary, categories I, II and III	Mr. Ruiz García was granted conditional release on 27 October 2023, one month before the completion of his sentence. No further action has been taken by the Government to implement the opinion. (Information from the source)
63/2023	Angola	No (late)	Carlos Manuel de São Vicente	Detention arbitrary, categories I and III	No action taken by the Government to implement the opinion. (Information from the source)
64/2023	Belarus	No	Vitali Braginiec	Detention arbitrary, categories I, II, III and V	None

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65/2023	Pakistan	No	Shahzad Masih	Detention arbitrary, categories I, II, III and V	No action taken by the Government to implement the opinion. (Information from the source)
66/2023	Türkiye	No ^f	Cihangir Çenteli	Detention arbitrary, categories I and III	None
67/2023	Morocco	Yes	Khatri Dadda	Detention arbitrary, category III	No action taken by the Government to implement the opinion. (Information from the source)
68/2023	Cuba	Yes	Yandier García Labrada	Detention arbitrary, categories I, II, III and V	None
69/2023	Nicaragua	No	Adrián Alexander Arana, Ángel Sebastián Martínez Arana, Richard de Jesús Martínez Arana, Bryan Kessler Alemán, Carlos Antonio López Cano, Denis Antonio García Jirón, Fanor Alejandro Ramos, Francisco Xavier Pineda Guatemala, Gustavo Adolfo Mendoza Beteta, Jairo Lenin Centeno Ríos, Kaled Antonio Toruño Maradiaga, Luis Carlos Valle Tinoco, Manuel de Jesús Sobalvarro Bravo, Mauricio Javier Valencia Mendoza, Jhon Christopher Cerna Zúñiga, Nilson José Membreño, Osmar Ramón Vindell López, Richard Alexander Saavedra Cedeño, Víctor Manuel Díaz Pérez, Yader Antonio Polanco Cisneros, Michael David Caballero Ayala, Edgard Antonio Ayala Valle and Michael Rodrigo Samorio Anderson	Adrián Alexander Arana, Ángel Sebastián Martínez Arana, Richard de Jesús Martínez Arana, Bryan Kessler Alemán, Luis Carlos Valle Tinoco, Mauricio Javier Valencia Mendoza, Jhon Christopher Cerna Zúñiga, Richard Alexander Saavedra Cedeño, Yader Antonio Polanco Cisneros and Michael Rodrigo Samorio Anderson, detention arbitrary, category I Carlos Antonio López Cano, Francisco Xavier Pineda Guatemala, Jairo Lenin Centeno Ríos, Kaled Antonio Toruño Maradiaga, Manuel de Jesús Sobalvarro Bravo, Nilson José Membreño, Osmar Ramón Vindell López, Víctor Manuel Díaz Pérez, Michael David Caballero Ayala and Edgard Antonio Ayala Valle, detention arbitrary, categories I and III	On 8 February 2023, by judicial decision, all individuals, except for Mr. Ramos, were released, stripped of their nationality, expelled from the country and declared traitors. Their property was confiscated. They have not received reparations and no investigation has been ordered regarding the violations of their rights. Mr. Ramos was not released because he refused to be expelled from the country. He was transferred to a maximum-security facility without his family being informed. For 43 days, his whereabouts were unknown. He faces poor detention conditions and his health has deteriorated. (Information from the source)

<i>Opinion No.</i>	<i>State(s)</i>	<i>Government reply</i>	<i>Person(s) concerned</i>	<i>Opinion</i>	<i>Follow-up information received</i>
				Denis Antonio García Jirón, Fanor Alejandro Ramos and Gustavo Adolfo Mendoza Beteta, detention arbitrary, categories I, II and III	
70/2023	Egypt	Yes	Hussein Abdelrazek Abdelhafez Ismail and Mohamed Abdelrazek Abdelhafez Ismail	Detention arbitrary, categories I and III	No action taken by the Government to implement the opinion. Both individuals remain detained, subjected to ill-treatment and poor detention conditions. (Information from the source)
71/2023	Australia	No (late)	Gema Chol and Zackaria Chol	Detention arbitrary, categories I, II, IV and V	Both individuals were released from immigration detention, on 10 and 11 November 2023 respectively, having been assessed as being impacted by the decision of the High Court of Australia in the matter of <i>NZYQ v. Minister for Immigration, Citizenship and Multicultural Affairs</i> [2023] HCA 37. (Information from the source)
72/2023	Cuba	No (late)	Luis Armando Cruz Aguilera	Detention arbitrary, categories I, II and III	None
73/2023	Cuba	Yes	Lorenzo Rosales Fajardo	Detention arbitrary, categories I, II, III and V	None
74/2023	Bahrain	Yes	Hasan Mushaima, Abdullah Isa Abdulla Mahroos, Abdulwahab Husain Ali Ahmed Ismaeel and Abduljalil Radhi Mansoor Makki	Detention arbitrary, categories I, II, III and V	No action taken by the Government to implement the opinion. Mr. Mushaima's health has deteriorated. (Information from the source)
75/2023	Russian Federation	No	Yaroslav Vladimirovich Timofeyev	Detention arbitrary, categories I, II, III and V	None
76/2023	Russian Federation and Belarus	No	Alexey Moskaev	Russian Federation: detention arbitrary, categories I, II and V Belarus: detention arbitrary, categories I and III	None

<i>Opinion No.</i>	<i>State(s)</i>	<i>Government reply</i>	<i>Person(s) concerned</i>	<i>Opinion</i>	<i>Follow-up information received</i>
77/2023	China	No (late)	Halemaimaiti Yiliyasi, Abudureheman Kuerwanjiang, Mevlude Hilal and Paliden Yasheng	Detention arbitrary, categories I, III and V	None

^a On 14 April 2023, the Government submitted a late response, after the adoption of the opinion.

^b On 15 March 2024, the Government of Morocco submitted a request for review of opinion No. 23/2023, which will be considered by the Working Group at a future session.

^c On 29 August 2023, the Government submitted a late response, after the adoption of the opinion.

^d On 4 February 2024, the Government submitted a late response, after the adoption of the opinion.

^e On 23 November 2023, the Government submitted a late response, after the adoption of the opinion.

^f On 20 February 2024, the Government submitted a late response, after the adoption of the opinion.

3. Follow-up procedure

9. The table above shows information received by the Working Group as at 30 June 2024 pursuant to the follow-up procedure adopted by the Working Group at its seventy-sixth session, held in August 2016.

10. The Working Group thanks the sources and the Governments for their responses in the context of its follow-up procedure and invites all parties to cooperate and provide such responses. It notes, however, that these responses do not necessarily confirm the full implementation of its opinions. The Working Group encourages sources and Governments to provide comprehensive information on the implementation of its opinions, including on the release of individuals who have been the subject of its opinions, as well as other information, such as on the payment of compensation and/or reparations, the investigation of alleged violations and any other changes in legislation or practices, in accordance with the recommendations made.

4. Release of the subjects of the Working Group's opinions

11. The Working Group notes with appreciation the information received during the reporting period on the release of the following 38 subjects of its opinions:

- Ahmed Abdulla Ebrahim (opinion No. 37/2014, Bahrain) – released on 8 April 2024 through a royal decree pardoning him.
- Ali Mahdi Hasan Saeed, Hasan Mahdi Hasan Saeed and Mahmood Mohamed Ali Mahdi (opinion No. 41/2015, Bahrain) – released on 8 April 2024 through a royal decree pardoning them.
- Mahmood Abdulredha Hasan al-Jazeera (opinion No. 55/2016, Bahrain) – released on 8 April 2024 through a royal decree pardoning him.
- Sayed Nazar Naama Baqquer Ali Yusuf Alwadaei (opinion No. 51/2018, Bahrain) – released on 8 April 2024 through a royal decree pardoning him.
- Hameed Abdulla Hasan al-Daqqaq (opinion No. 79/2018, Bahrain) – released on 8 April 2024 through a royal decree pardoning him.
- Minor D and minor G, whose names are known to the Working Group (opinion No. 73/2019, Bahrain) – released on 8 April 2024 through a royal decree pardoning them.
- Isa Jaber Ebrahim Habib Hasan (opinion No. 5/2020, Bahrain) – released on 8 April 2024 through a royal decree pardoning him.
- Husain Ali Hasan Khamis, Ali Husain Ahmed Salman Ahmed al-Aali and Ahmed Mohamed Hasan Merza Hasan Kadhem (opinion No. 41/2020, Bahrain) – released on 8 April 2024 through a royal decree pardoning them.
- Ali Mahdi Abdulhusain Mohamad Alaiwi, Hasan Asad Jasim Jasim Nesaif and Nooh Abdulla Hasan Ahmed Hasan al-Amroom (opinion No. 87/2020, Bahrain) – released on 8 April 2024 through a royal decree pardoning them.
- Verónica Razo Casales and Erick Iván Razo Casales (opinion No. 14/ 2021, Mexico) – acquitted and released on 3 January 2024.
- Abdelhakim Imbarak Muhammad Ali (opinion No. 62/2021, Libya) – released by the Special Deterrent Forces on 10 March 2024.
- Ahnaf Jazeem (opinion No. 22/2022, Sri Lanka) – acquitted on 12 December 2023 and unconditionally released. Mr. Jazeem remains on the Government's "List of Designated Persons" blacklist.
- Reza Khandan Mahabadi, Arash Ganji and Keyvan Bajan (opinion No. 46/2022, Islamic Republic of Iran) – Mr. Khandan Mahabadi and Mr. Ganji were released in February 2022 and Mr. Bajan was released in March 2022.
- Roland Carreño Gutiérrez (opinion No. 48/2022, Bolivarian Republic of Venezuela) – released on 19 October 2023 pending trial.

- Naji Fateel (opinion No. 65/2022, Bahrain) – released on 8 April 2024 through a royal decree pardoning him.
- Hamid Soudad (opinion No. 4/2023, Algeria) – released on 20 July 2023 by a presidential decree on the sixty-first anniversary of the independence of Algeria.
- Gus Kuster (opinion No. 14/2023, Australia) – released from immigration detention on 11 November 2023.
- Husain Ali Jaafar Mohamed Abdulla and Husain Ali Hasan Ali Mohamed Matar (opinion No. 25/2023, Bahrain) – Mr. Abdulla was released on 8 April 2024 through a royal decree pardoning him and Mr. Matar was released conditionally on 15 April 2024 with the obligation to serve alternative sanctions for the remainder of his sentence.
- Raad Mohsin Ghazi al-Hares (opinion No. 34/2023, Iraq) – released on 29 January 2024 with all charges against him dropped.
- Olivier Vandecasteele (opinion No. 37/2023, Islamic Republic of Iran) – released on 26 May 2023 as part of a prisoner exchange.
- Khaled el-Ali (opinion No. 44/2023, Australia) – released from immigration detention on 11 November 2023.
- Hasan Ali Abdulla Rashed Ahmed Rashed (opinion No. 47/2023, Bahrain) – released on 8 April 2024 through a royal decree pardoning him.
- Jihad Maher Nafez Bani-Jaber (opinion No. 60/2023, Israel) – released on 30 August 2023.
- Peter Iruviere Mills (opinion No. 61/2023, Australia) – released from immigration detention on 16 February 2024.
- Dariel Ruiz García (opinion No. 62/2023, Cuba) – released conditionally on 27 October 2023.
- Gema Chol and Zackaria Chol (opinion No. 71/2023, Australia) – released from immigration detention on 10 and 11 November 2023 respectively.

12. The Working Group expresses its gratitude to those Governments that released detainees who had been the subject of its opinions, although it notes that such releases do not always imply the full implementation of its opinions. It regrets that various States have not cooperated in implementing the opinions and urges those States to do so as a matter of urgency. The Working Group recalls that the continuous detention of those individuals is a continued violation of their right to liberty under articles 3 and 9 of the Universal Declaration of Human Rights and, for States parties, under article 9 of the International Covenant on Civil and Political Rights.

5. Reactions from Governments concerning previous opinions

13. During the reporting period, the Working Group received several reactions from Governments concerning its previous opinions.

14. In a note verbale dated 28 July 2023, the Government of the Islamic Republic of Iran contested opinion No. 46/2022. It informed the Working Group that Mr. Khandan Mahabadi and Mr. Ganji had been released in February 2022 and Mr. Bajan in March 2022. The Government stated that all individuals had been arrested and convicted on the basis of relevant articles of the Islamic Penal Code, that legal procedures had been duly followed and that the defendants had been afforded the right to legal counsel and to appeal. The Government stated that no one was prosecuted merely for holding a particular opinion or for belonging to a particular class, group or profession.

15. In a note verbale dated 28 August 2023, the Government of Cameroon rejected the factual assertions and legal conclusions made in opinion No. 59/2022, concerning 15 individuals. It asserted that all the individuals had been detained on a valid legal basis, with no discriminatory grounds. It noted that, in line with the principles of judicial independence and separation of powers, the Government could not instruct judges on the release of individuals. It added that it was not aware of any offence committed by the

Government prejudicing the subjects of the opinion, and noted that, under the Criminal Procedure Code, they could lodge a complaint.

16. In a note verbale dated 28 August 2023, the Government of Cameroon rejected the factual assertions and legal conclusions made in opinion No. 63/2022, concerning 10 individuals. It asserted that all the individuals had been detained on a valid legal basis, due to the commission of offences, and had benefited from a fair trial. It noted that, in line with the principles of judicial independence and separation of powers, the Government could not order the release of individuals detained in the context of judicial proceedings. It added that it was not aware of any offence committed by the Government prejudicing the subjects of the opinion, and noted that, under the Criminal Procedure Code, they could lodge a complaint. The Government asserted that the opinion did not reflect the reality or the domestic legal framework.

17. In relation to opinion No. 66/2022, concerning Zayn al-Abidin Muhammad Husayn (Abu Zubaydah):

(a) In a note verbale dated 31 May 2023, the Government of Thailand reiterated its response dated 4 July 2022, stating that the relevant agencies did not have information or records regarding the “creation of a CIA secret detention center”, or regarding the allegations of detention and torture of Mr. Husayn and of his transfer and extradition to and/or from Thailand. It noted that the authorities stood ready to investigate further and to verify any concrete information that the Working Group may have regarding the perpetrator(s) or the location of Mr. Husayn’s detention in Thailand. The Government also noted the entry into force of the Prevention and Suppression of Torture and Enforced Disappearance Act B.E. 2565 on 22 February 2023.

(b) In a note verbale dated 31 August 2023, the Government of Lithuania informed the Working Group that Mr. Husayn was still detained in Guantánamo Bay. It added that the compensation awarded by the European Court of Human Rights had been paid to the accounts indicated by Mr. Husayn with the assistance of Lithuanian diplomats. The Government detailed the ongoing investigation that it had opened following the judgment of the European Court of Human Rights. The Government added that, on 22 June 2023, it had adopted Law No. XIV-2085 on amendments to articles 100-1, 100-3 and 113-1 of the Criminal Code, to bring its national law into conformity with the International Convention for the Protection of All Persons from Enforced Disappearance. The Government noted that it continued to explore ways to remedy the situation of Mr. Husayn.

(c) In a letter dated 27 September 2023, the Government of the United Kingdom of Great Britain and Northern Ireland stated that Mr. Husayn was bringing civil proceedings against it, and it would therefore not be appropriate for the Government to respond on the particulars of his case. The Government rejected the notion that it had delayed the legal process and asserted that it continued to engage with the ongoing proceedings. It noted its revised guidance for British personnel working with detainees held by others, which set out the standards expected from personnel working for the Government.

(d) In a letter dated 29 September 2023, the Government of the United States of America rejected the factual assertions and legal conclusions made in the opinion. It noted that it had made significant progress towards responsibly reducing the detainee population and closing the Guantánamo Bay detention facility and that Mr. Husayn was one of three detainees who remained eligible for review by the Periodic Review Board. The Government added that Mr. Husayn’s petition for a writ of habeas corpus was being litigated in federal court.

(e) In a note verbale dated 11 October 2023, the Government of Morocco expressed its complete disagreement with the opinion and stated that the Working Group had not given due consideration to the information and evidence that the Government had provided. It reiterated the observations that it had transmitted in response to the communication and, having conducted investigations, affirmed that Mr. Husayn had never been in Morocco.

18. In relation to opinions No. 69/2022, No. 14/2023 and No. 44/2023, the Government of Australia maintained that the subjects of the opinions had been lawfully detained and that

their detention was not arbitrary. Regarding opinions No. 14/2023 and No. 44/2023, the Government explained that on 8 November 2023, the High Court of Australia had held⁴ that sections 189 and 196 did not validly authorize the continuation of immigration detention once there no longer existed a real prospect of the detainee's removal becoming practicable in the reasonably foreseeable future.

19. In relation to opinion No. 72/2022, concerning Abd al-Rahim Hussein al-Nashiri:

(a) In a note verbale dated 11 October 2023, the Government of Morocco expressed its complete disagreement with the opinion and stated that the Working Group had not given due consideration to the information and evidence that the Government had provided. It reiterated the observations that it had transmitted in response to the communication and, having conducted investigations, affirmed that Mr. Al-Nashiri had never been in Morocco.

(b) In a note verbale dated 31 October 2023, the Government of Lithuania stated that it was not aware of any complaints filed by Mr. Al-Nashiri against Lithuania in the European Court of Human Rights or with any United Nations human rights treaty body. The Government noted that all appeals by Mr. Al-Nashiri's representatives to have him declared a victim in national jurisdictions had been dismissed due to insufficient evidence that he had been subjected to any material, physical or moral damage as a result of illegal acts committed by the Government of Lithuania.

(c) In a note verbale dated 24 November 2023, the Government of Romania informed the Working Group that it had no additional information other than what it had communicated in the context of the monitoring by the Committee of Ministers of the Council of Europe of the execution of the European Court of Human Rights judgment. The Government noted that a law on the ratification of the International Convention for the Protection of All Persons from Enforced Disappearance had been drafted and been published on 20 February 2023 on the website of the Ministry of Foreign Affairs.

20. In a note verbale dated 21 August 2023, the Government of Kuwait informed the Working Group that Samih Maurice Twadros Bowles, the subject of opinion No. 74/2022, had not filed any compensation claim or criminal complaint with the competent authorities regarding his alleged arbitrary detention. It noted that existing legislation provided effective protection against all forms of attacks against persons and any violations of personal freedoms, and that it was therefore not necessary to make any new amendments to existing legislation. It highlighted the provisions of chapter III of Act No. 31 of 1970, amending some provisions of the Criminal Code, related to the ill-treatment of individuals.

21. In a note verbale dated 15 September 2023, the Government of Algeria contested the findings in opinion No. 79/2022. It noted that the subject of the opinion, Mohamed Baba Nadjar, had been detained, prosecuted and convicted in accordance with national law and had benefited from all his rights. The Government rejected the Working Group's recommendations to release Mr. Nadjar and afford him compensation, and noted that it complied with all international treaties by reviewing its domestic legislation when it ratified any international treaty or instrument.

22. In a note verbale dated 8 October 2023, the Government of Uzbekistan denied factual assertions made in opinion No. 83/2022 and provided further details regarding the proceedings against the subject of the opinion, Otabek Sattoriy. The Government affirms that Mr. Sattoriy was detained and sentenced in accordance with domestic laws. It detailed measures taken to ensure the effective protection of civil rights and freedoms, including the right to security of person; to prevent cases of torture and cruel, degrading and humiliating treatment of detained persons by law enforcement agencies; and to improve the operation of penal establishments, including by installing surveillance cameras in detention facilities and in investigation rooms.

23. In a letter dated 15 November 2023, the Government of Bahrain provided comments on opinion No. 2/2023, concerning Mr. Al-Singace. It affirmed that all inmates could

⁴ High Court of Australia, *NZYQ v. Minister for Immigration, Citizenship and Multicultural Affairs* [2023] HCA 37.

communicate with their families on an equal basis and without discrimination, and that records indicated that Mr. Al-Singace had been able to make and receive phone calls and to receive visits, contrary to the assertions made in the opinion. Regarding the allegations concerning the confiscation of Mr. Al-Singace's research materials, the Government asserts that a review was conducted and the materials were handed back to Mr. Al-Singace who refused to receive them.

24. In a note verbale dated 18 October 2023, the Government of Kazakhstan contested opinion No. 11/2023, concerning Mr. Mamai, and provided an explanation about his situation and the proceedings against him. It detailed the steps taken to simplify the registration procedure for political parties and to improve the electoral process, as part of the country's political modernization. The Government also informed the Working Group that it was carrying out large-scale work, within the framework of political reform, including to refine criminal and administrative legislation, and noted that relevant amendments, including those raised in the opinion, would be considered to improve the criminal and administrative legislation.

25. In a note verbale dated 24 October 2023, the Government of the Islamic Republic of Iran rejected the findings in opinion No. 37/2023, concerning Mr. Vandecasteele. The Government stated that Mr. Vandecasteele had been detained and convicted under sharia standards and procedural regulations, and in conformity with international law. He had been found guilty and sentenced following a fair trial and had subsequently been released as part of a prisoner exchange on 26 May 2023.

26. On 15 June 2024, the Government of the Dominican Republic informed the Working Group that it rejected the factual and legal statements made in opinion No. 46/2023, concerning Mr. Rodríguez Sánchez. It noted that Mr. Rodríguez Sánchez was legally detained under national law and that judges in the Dominican Republic were independent and therefore internal domestic remedies should have been exhausted before Mr. Rodríguez Sánchez submitted his case to the Working Group. The Government added that the opinion constituted a serious interference that threatened the independence of the judiciary of the Dominican Republic.

6. Requests for review of opinions adopted

27. The Working Group considered the requests for review of the following opinions:

- Opinion No. 70/2021 concerning Robert Pether and Khalid Radwan (Iraq)
- Opinion No. 5/2022 concerning Abdullah Ahmed Faleh Ahmed al-Taei (Iraq)
- Opinion No. 29/2022 concerning Omar, Salem and Sarah Aljabri (Saudi Arabia)
- Opinion No. 30/2022 concerning Abdulrahman al-Sadhan (Saudi Arabia)
- Opinion No. 31/2022 concerning Soulaïmane Raïssouni (Morocco)
- Opinion No. 36/2022 concerning Hussein Abu al-Kheir (Saudi Arabia)
- Opinion No. 50/2022 concerning Sultana and Luara Khaya (Morocco)
- Opinion No. 57/2022 concerning Karim Massimov (Kazakhstan)
- Opinion No. 62/2022 concerning Hussein bin Abdulla bin Yusuf al-Sadeq (Saudi Arabia)
- Opinion No. 84/2022 concerning Abdelrhman Mohammed Farhanah (Saudi Arabia)
- Opinion No. 11/2023 concerning Zhanbolat Mamai (Kazakhstan)
- Opinion No. 17/2023 concerning Aida al-Ghamdi and Adel al-Ghamdi (Saudi Arabia)
- Opinion No. 26/2023 concerning Safar bin Abdulrahman al-Hawali (Saudi Arabia)
- Opinion No. 27/2023 concerning Salma bint Sami bin Abdulmohsen al-Shehab and Nourah bin Saeed al-Qahtani (Saudi Arabia)
- Opinion No. 39/2023 concerning Abdoul Aziz Goma (Togo)
- Opinion No. 52/2023 concerning Piotr Butsko (Belarus)

28. After examining the requests for review, the Working Group decided to maintain its opinions on the basis that none of the requests met the criteria outlined in paragraph 21 of its methods of work.

7. Reprisals and intimidation against individuals who cooperate with the Working Group

29. The Working Group notes with grave concern that it continues to receive information, including in the context of its follow-up procedure, about reprisals and intimidation suffered by individuals who have been the subject of an urgent appeal or an opinion or whose cases have given effect to a recommendation of the Working Group. The Working Group emphasizes that any such acts are absolutely unacceptable and calls upon all States to cease such actions immediately.

30. During the reporting period, the Working Group received allegations of reprisals and/or intimidation against:

- Alexey Gorinov (opinion No. 78/2022, Russian Federation)⁵
- Hang Tung Chow (opinion No. 30/2023, Hong Kong, China)⁶
- Roberto Pérez Fonseca (opinion No. 51/2023, Cuba)⁷

31. The Working Group recalls that the Human Rights Council, in its resolutions 12/2 and 24/24, urged all States to prevent and refrain from all acts of intimidation or reprisal against those who sought to cooperate or had cooperated with the United Nations, its representatives and its mechanisms in the field of human rights, or who had provided testimony or information to them. The Working Group encourages States to take all measures possible to prevent reprisals.

8. Urgent appeals

32. During the period from 1 January to 31 December 2023, the Working Group sent 71 urgent appeals to 28 Governments and, in 21 cases, to other actors, and 111 allegation letters and other letters to 56 Governments and, in 12 cases, to other actors, concerning at least 354 identified individuals.

33. The list of States and others concerned by urgent appeals is as follows: Algeria (1), Australia (1), Austria (1), Bangladesh (2), Belarus (5), Belgium (1), Canada (1), China (2),

⁵ Following the adoption of opinion No. 78/2022, the authorities reportedly increased punitive measures against Mr. Gorinov. In February 2023, he was subjected to a special administrative procedure for people prone to escaping, pursuant to which he must proceed to a presentation report every two hours during which he was required to admit that he is prone to escaping, including at night. Additionally, Mr. Gorinov was placed in the punitive segregation unit from 7 September to 25 October 2023. At the end of September 2023, the Investigative Committee of the Russian Federation for the Vladimir region initiated a second criminal case against Mr. Gorinov on charges related to terrorism.

⁶ In its late reply to the communication, the Government states that any interference with the case of Ms. Chow would be inconsistent with the principle of sub judice. The Government also stated, in its late reply, that there were “fallacies” throughout the source’s submission, and that under common law, publishing statements that were intended to interfere with or obstruct the due administration of justice, or performing acts with the same intention, may constitute “criminal contempt of court” and give rise to criminal liabilities. According to information received, there are concerns that the source’s submission to the Working Group regarding the detention of Ms. Chow may give rise to criminal liability and may constitute “criminal contempt of court”, in the light of the Government’s reply.

⁷ After it was notified of the opinion, the Government reportedly did not release Mr. Pérez Fonseca and his situation worsened. In October and November 2023, the authorities allegedly suspended his right to telephone communications for several weeks. On 15 January 2024, following a health emergency, Mr. Pérez Fonseca was denied medical assistance until 9 February 2024. In January 2024, Mr. Pérez Fonseca found a note on his bed containing a threat to kill him. That same threat was reiterated verbally by inmates who are members of the penitentiary establishment’s Disciplinary Council. Mr. Pérez Fonseca reportedly faces persistent harassment by an official of the Ministry of the Interior, including through summonses and interrogations under duress, without legal counsel present. Allegedly, the authorities have indicated that Mr. Pérez Fonseca will not be released early.

Egypt (1), Ethiopia (1), Germany (1), Iran (Islamic Republic of) (9), Israel (1), Morocco (1), Netherlands (1), Nicaragua (1), Republic of Korea (1), Russian Federation (1), Saudi Arabia (4), Singapore (2), South Africa (1), South Sudan (1), Spain (1), Sudan (1), Türkiye (1), United Arab Emirates (1), United Kingdom (2) and United States (4); and other actors (21).⁸

34. In conformity with paragraphs 22 to 24 of its methods of work, the Working Group, without prejudging whether a detention was arbitrary, drew the attention of each of the Governments concerned to the specific case as reported and appealed to them, often jointly with other special procedure mandate holders, to take the measures necessary to ensure that the detained persons' rights to life, liberty and physical and psychological integrity were respected.

35. When an appeal made reference to the critical state of health of certain persons or to particular circumstances, such as failure to execute a court order for release or to give effect to a previous opinion of the Working Group seeking the release of the person, the Working Group requested that all the measures necessary for the immediate release of the detained person be taken. In accordance with Human Rights Council resolution 5/2, the Working Group integrated into its methods of work the prescriptions of the Code of Conduct for Special Procedure Mandate Holders of the Human Rights Council relating to urgent appeals, and applies them.

36. During the period under review, the Working Group also sent 111 allegation letters and other letters to other actors (12) and to 56 States, namely: Argentina (1), Azerbaijan (1), Bahrain (3, including 1 other letter), Bangladesh (2), Belarus (3), Cambodia (1), Chile (1 other letter), China (6), Colombia (1), Cuba (1), Dominican Republic (1), Egypt (3), El Salvador (2), Ethiopia (1), France (2), Germany (1), Greece (1), Honduras (2), India (3, including 1 other letter), Indonesia (1), Iran (Islamic Republic of) (4), Japan (1 other letter), Jordan (1), Lao People's Democratic Republic (1), Libya (1), Mali (1 other letter), Mexico (4), Nicaragua (1), Niger (1), Nigeria (1), Pakistan (2), Peru (1), Qatar (1), Russian Federation (7, including 1 other letter), Rwanda (1), Sao Tome and Principe (1), Saudi Arabia (2), Senegal (1), Serbia (1), Sierra Leone (1), Spain (1), Sri Lanka (5, including 2 other letters), Sweden (1), Syrian Arab Republic (2), Tajikistan (2, including 1 other letter), Thailand (1), Tunisia (2), Türkiye (1), Uganda (1), United Kingdom (3, including 1 other letter), United Republic of Tanzania (1), United States (2), Uzbekistan (2), Venezuela (Bolivarian Republic of) (1), Viet Nam (2) and Zimbabwe (1).

37. The Working Group wishes to thank those Governments that responded to its appeals and that took steps to provide it with information on the situation of the individuals concerned, especially the Governments that released such individuals. The Working Group recalls that the Human Rights Council, in paragraph 4 (f) of the annex to its resolution 5/1, encouraged all States to cooperate and engage fully with the United Nations human rights mechanisms.

B. Country visits

1. Requests for visits

38. During 2023, the Working Group sent reminders of its earlier requests to visit Colombia (16 January 2023), Australia (30 October 2023), the Republic of Korea (30 October 2023), Kazakhstan (31 October 2023), Türkiye (31 October 2023), Uzbekistan (31 October 2023) and Tunisia (2 November 2023).

2. Responses of Governments to requests for country visits

39. In a note verbale dated 6 February 2023, the authorities of Canada indicated their willingness to host a visit of the Working Group from 27 November to 8 December 2023. As the Working Group was not in a position to conduct the visit during that period, potential

⁸ The full text of urgent appeals will be made available at www.ohchr.org/EN/HRBodies/SP/Pages/CommunicationsreportsSP.aspx.

dates for 2024 were discussed. In a note verbale dated 22 May 2023, the Government extended an invitation to the Working Group to undertake the visit from 13 to 24 May 2024, which was accepted by the Working Group.

40. In 2023, the Working Group and representatives of the Permanent Mission of Australia to the United Nations Office and other international organizations in Geneva discussed potential dates for a country visit. On 14 November 2023, the representatives of the Permanent Mission of Australia indicated the willingness of the Government of Australia to host a visit of the Working Group in March 2025.

41. On 30 October 2023, following previous exchanges between the Working Group and the Permanent Mission of the Republic of Korea to the United Nations Office and other international organizations in Geneva in 2022, the Working Group reiterated its interest in undertaking an official visit to the Republic of Korea and suggested that the visit take place during the second half of 2024. On 29 November 2023, the Permanent Mission informed the Working Group that it could conduct a country visit to the Republic of Korea in the second half of 2025, with specific dates to be determined.

III. Thematic issues

42. During the reporting period, the Working Group considered the following thematic issue raised in its jurisprudence and practice:

Arbitrary detention and mandatory sentencing

43. Mandatory minimum sentences are criminal sentences that involve minimum punishments determined by statutory law. According to the Human Rights Committee, mandatory minimum sentences are “based solely upon the category of crime for which the offender is found guilty, without regard to the defendant’s personal circumstances or the circumstances of the particular offence”.⁹

44. States enjoy a wide margin of discretion in determining which penal policies best serve the public interest in their jurisdictions. Nonetheless, while the imposition of a long term of imprisonment for an offence which would have received only a light or conditional sentence in another country is not automatically arbitrary, the Working Group is of the view that arbitrariness may still arise from mandatory sentencing regimes.

45. In order for a detention not to be arbitrary, it should only be imposed following an assessment of its reasonableness, necessity and proportionality in the light of the circumstances of the offender and of the particular offence.¹⁰ The Working Group has previously noted that the mandatory nature of a sentence prevents judicial authorities from making any such assessment and hampers judicial discretion in sentencing.¹¹

46. The Working Group is concerned about the negative impact of mandatory minimum sentences on the rights of the detained person and other detainees, as well as on the incarceration system more generally.¹² In particular, such sentences have a disproportionate and adverse impact on groups that are already particularly vulnerable, such as juveniles, persons with psychosocial disabilities, Indigenous groups, and racial minorities.¹³

47. The Working Group underscores the importance of promoting the use of non-custodial measures as an alternative to imprisonment. In accordance with the Standard Minimum Rules for Non-Custodial Measures (the Tokyo Rules), countries should develop non-custodial measures and make them available to the judiciary in order to provide greater

⁹ Human Rights Committee, *Thompson v. Saint Vincent and the Grenadines*, communication No. 806/1998, para. 8.2.

¹⁰ Human Rights Committee, general comment No. 35 (2014), para. 12.

¹¹ [A/HRC/54/51/Add.1](#), para. 47; and see, for example, opinion No. 5/2022, para. 101.

¹² [E/CN.4/2006/7/Add.3](#), paras. 63 and 64.

¹³ [A/HRC/36/28](#), para. 13; [CERD/C/USA/CO/7-9](#), para. 20; and [A/HRC/33/61/Add.2](#), para. 69; see also [CERD/C/304/Add.101](#), para. 16; and [CCPR/C/AUS/CO/6](#), para. 39.

flexibility to make sentences proportional to the nature and gravity of the offence, reduce the use of imprisonment, and take into account the rehabilitation needs of the offender.¹⁴ The Working Group is concerned that the use of mandatory minimum sentences runs counter to these requirements, and, in ignoring the individualized needs of each detainee, hinders their successful reintegration into society.

48. The Working Group further notes that drug-related offences remain punishable by death in over 30 States, and that the death penalty is often mandatory for offences other than murder.¹⁵ The Working Group has repeatedly stated that imposing the death penalty for drug-related offences is incompatible with international standards on the use of the death penalty.¹⁶ It emphasizes that States that have not yet abolished the death penalty may only impose it for the “most serious crimes”, involving intentional killing, and drug-related offences do not meet this threshold.¹⁷ In all cases involving the application of the death penalty, the personal circumstances of the offender, and the particular circumstances of the offence, including its specific attenuating elements, must be considered by the sentencing court. As expressed by the Human Rights Committee in its general comment No. 36 (2018), mandatory death sentences that leave domestic courts with no discretion as to whether to designate the offence as a crime warranting the death penalty, and whether to issue the death sentence in the particular circumstances of the offender, are arbitrary in nature.¹⁸

49. Mandatory minimum sentencing and disproportionately long sentences for drug-related offences have sometimes resulted in sentences that are longer than those handed down for serious violent crimes such as murder and rape. This leads to overincarceration and prison overcrowding,¹⁹ both of which call into question compliance with the right of all persons deprived of their liberty to be treated with humanity and with respect for the dignity of the human person, guaranteed by article 10 of the International Covenant on Civil and Political Rights as well as other standards such as the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules) and the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules).

50. The Working Group has called for reform to ensure that sentences for drug-related offences are proportionate. It has specifically recommended that States revise their penal policies and drug legislation with the aim of reducing minimum and maximum penalties and decriminalizing the personal use of drugs and minor drug offences.²⁰

51. In conclusion, while mandatory minimum sentences do not automatically render a detention arbitrary, they pose a significant risk of leading to situations that may be qualified as arbitrary. Due to the removal of judicial discretion during sentencing, mandatory minimum sentences are incompatible with the requirement that a deprivation of liberty be justified, adequate, necessary and proportional to the aim sought.

IV. Conclusions

52. In 2023, the Working Group continued to address the large number of submissions received, including through its regular communications procedure. The adoption of opinions was set as a priority, resulting in the adoption of a total of 77 opinions, concerning 173 persons in 39 countries.

53. The Working Group notes with concern the decline in the response rate from States under its regular communications procedure. In particular, States provided a

¹⁴ See rule 1.5.

¹⁵ See, for example, opinion No. 90/2018; and [E/CN.4/2006/7/Add.3](#), paras. 63 and 64.

¹⁶ [A/HRC/47/4](#), para. 41. See also opinion No. 36/2022, para. 109.

¹⁷ See <https://www.ohchr.org/en/press-releases/2022/12/saudi-arabia-un-experts-call-immediate-moratorium-executions-drug-offences>.

¹⁸ See para. 37.

¹⁹ United Nations Office on Drugs and Crime, *Handbook on Strategies to Reduce Overcrowding in Prisons* (2013), p. 26; and [E/CN.4/2006/7/Add.3](#), p. 2 and para. 63.

²⁰ [A/HRC/47/40](#), para. 38.

timely response to the Working Group's communications and requests for information in approximately 40 per cent of the cases in which it adopted an opinion in 2023. However, the Working Group received follow-up information from either the source or the relevant Government in approximately 69 per cent of the cases.

54. While the Working Group continues to respond to as many requests for its action as possible and to process cases in a timely and efficient manner in accordance with paragraph 16 of Human Rights Council resolution 51/8, it continues to face an ongoing backlog of cases.

55. Throughout the reporting period, the Working Group continued to explore various thematic issues to assist stakeholders in preventing arbitrary detention. This has included, in the present report, elaborating on the thematic topic of arbitrary detention and mandatory sentencing.

56. The Working Group notes with concern that the majority of cases brought before it involve the detention of political opponents, dissidents, and other individuals exercising their civil and political rights. It recalls that when a detention arises from the active exercise of these rights, there is a strong presumption that such detention constitutes a violation of international law, particularly on the grounds of discrimination based on political or other views.

V. Recommendations

57. The Working Group reiterates its call on States to continue to increase their cooperation with regard to responses to regular and other communications, by reporting through the follow-up procedure on the implementation of the Working Group's opinions (including on the provision of appropriate remedies and reparations to victims of arbitrary detention), and by responding positively to requests for country visits.

58. The Working Group calls on States to review legislation imposing mandatory minimum sentencing to ensure that judicial authorities are able to assess the proportionality of sentences against individual circumstances in each case and review sentences already imposed to ensure that they comply with the requirements of necessity and proportionality.

59. The Working Group reiterates its call on States to amend legislation and sentencing guidelines to provide for sentencing for drug-related offences that is proportionate.²¹ Courts should consider whether the person charged with a drug-related offence had a lesser or minor role and whether he or she is a victim of human trafficking or was subjected to coercion, or whether any other mitigating factors are present.

60. The Working Group exhorts States to end the use of detention as a tool against political opponents, dissidents, and other individuals exercising their civil and political rights.

61. The Working Group urges Member States to provide adequate and predictable human resources to allow it to fulfil its mandate in an effective and sustainable manner.

62. The Working Group once again echoes the call by the United Nations High Commissioner for Human Rights, made in January 2023, to end arbitrary detention once and for all. The Working Group calls upon Governments to take, without delay, the further steps necessary to remedy the situation of all individuals arbitrarily detained, including by ensuring their release and an enforceable right to compensation and other reparations.

²¹ A/HRC/47/40, para. 126 (l).