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## Human Rights Council Working Group on Arbitrary Detention

### Opinions adopted by the Working Group on Arbitrary Detention at its ninety-ninth session, 18–27 March 2024

#### Opinion No. 14/2024 concerning Carlos Alejandro Seco Almeida, Félix Abimael Dager Sifontes, Briceidys Javierlys González Camacho and César Augusto Itriago Rebolledo (Bolivarian Republic of Venezuela)\*

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 51/8.
2. In accordance with its methods of work,<sup>1</sup> on 24 October 2023, the Working Group transmitted to the Government of the Bolivarian Republic of Venezuela a communication concerning Carlos Alejandro Seco Almeida, Félix Abimael Dager Sifontes, Briceidys Javierlys González Camacho and César Augusto Itriago Rebolledo. The Government replied to the communication on 25 January 2024. 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,

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\* Miriam Estrada Castillo did not participate in the discussion of the case.

<sup>1</sup> [A/HRC/36/38](#).



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).

## 1. Submissions

### (a) Communication from the source

4. Carlos Alejandro Seco Almeida is a national of the Bolivarian Republic of Venezuela and a farmer.
5. Félix Abimael Dager Sifontes is a national of the Bolivarian Republic of Venezuela and works for an event planning agency.
6. Briceidys Javierlys González Camacho is a national of the Bolivarian Republic of Venezuela and sells clothes.
7. César Augusto Itriago Rebolledo is a national of the Bolivarian Republic of Venezuela and a merchant.

#### i. Context

8. The four individuals were arrested by State officials on 20 and 21 April 2022, during a police operation called “Operation Thunder”, in the parish of Altigracia de Orituco, located in the municipality of José Tadeo Monagas in the State of Guárico.
9. On 14 and 15 April 2022, the José Tadeo Monagas town hall hosted some recreational activities at the Guanapito beach resort, near the base of operations of the Tren del Llano criminal gang. Although the authorities were present, armed individuals, presumed to be members of the gang, came to use the resort facilities. A few days later, the authorities launched “Operation Thunder” to find collaborators or accomplices of the gang. The operation began on 20 April 2022, when approximately 800 officers from various security forces arrived in Altigracia de Orituco.
10. On that day, dozens of raids were carried out on the homes of local merchants and campesinos. In the first week of the operation, more than 40 arrests were made. An unknown number of people were released after officers extorted money from them. The Minister of People’s Power for Internal Affairs, Justice and Peace posted on social media that the operation was part of a national plan against criminal gangs, terrorists and drug traffickers and that, on the President’s orders, several terrorists had been captured.

#### ii. Arrests and criminal proceedings

Mr. Seco Almeida

11. At 4 p.m. on 21 April 2022, Mr. Seco Almeida was at home with his family when officers of the Bolivarian National Police entered unexpectedly, without a warrant. The officers had come to search the house and found Mr. Seco Almeida asleep. They woke him up and questioned him. They asked him whether he had been in prison, to which he answered yes. They then asked what the offence had been, and he answered straightforwardly that it had been homicide. A member of Mr. Seco Almeida’s family found his release order, which showed that his release had been unconditional, and brought it to the officers’ attention. The officers, however, tore up the order and took Mr. Seco Almeida into custody. His family begged that he not be taken to jail, and the officers said they were only going to check his criminal record and would bring him back immediately.
12. They pushed him into a van, covered his face and severely mistreated him. That was the last time his family saw him free. They heard nothing from him in the hours that followed. They later learned that he had been driven through San Miguel, in Altigracia de Orituco, and then taken out of the van in the Botalón neighbourhood, where he was beaten severely.
13. At 6 p.m., Mr. Seco Almeida’s family went to the premises of the National Anti-Extortion and Kidnapping Unit in Altigracia de Orituco. They thought that Mr. Seco Almeida was there, but officers of the Bolivarian National Police told them only that

everyone at that police facility was going to “travel” and then told them to leave the premises. At 9 p.m., Mr. Seco Almeida’s family spotted him getting into a vehicle bound for the Bolivarian National Police facility in San Juan de los Morros, where they were able to visit and talk to him.

14. On 22 April 2022, Mr. Seco Almeida was taken to offices of the Guárico Criminal Circuit, where he met with a public defender. At midnight, he was taken to the Bolivarian National Police facility in San Juan de los Morros. When Mr. Seco Almeida’s family spoke directly with the public defender, he confirmed that Mr. Seco Almeida had not been involved in an alleged act of terrorism but said that the Bolivarian National Police wanted to implicate him in some way because he was still wanted for homicide, even though he had a release order and was free.

15. Mr. Seco Almeida remained at the same facility until 24 April 2022. During that time, family visits were not allowed. The Bolivarian National Police officers charged US\$ 10 to allow a visit. On 25 April, he was taken to Caracas. On 26 April, he was taken to a court but was not brought before a judge. On 27 April, he appeared before the special terrorism judge. It was during this hearing that Mr. Seco Almeida first learned the acts and offences of which he was accused. He was ordered to be placed in detention, and the Bolivarian National Police facility in La Yaguara, located in the municipality of Libertador in the Capital District, was designated as the place of detention.

16. On 2 May 2022, a family member went to visit Mr. Seco Almeida and take him food. At his current place of detention, officers charge \$400 to take the food and inspect it and to allow people to visit him, take him clothing and ensure that he is there and unharmed.

Mr. Dager Sifontes

17. At 10.15 a.m. on 21 April 2022, nine officers of the National Anti-Extortion and Kidnapping Unit and the Bolivarian National Police got out of a white van and arrested Mr. Dager Sifontes. There were three vans without licence plates that bore the initials of the Bolivarian National Police. Some 15 officers were involved in his arrest. They were dressed in black, wore ski masks and carried long guns.

18. His family went to look for him and asked for him at the Bolivarian National Police facility in Altagracia de Orituco. They were told that he was not there and that everyone who had been arrested was being taken to the premises of the National Anti-Extortion and Kidnapping Unit. The family went to those premises, where Unit members said they did not know whether the person in question was really being held there. Relatives of the persons arrested in the police sweep put together a list of the persons arrested and gave it to an officer so that he could confirm whether they were there. The officer said that he could not give out information and that they would have to wait. Another officer provided the information and confirmed that the people on the list, who were being held for “supposed inquiries”, were indeed there.

19. Mr. Dager Sifontes’ family remained at the premises of the National Anti-Extortion and Kidnapping Unit until 9 p.m., waiting for him to be released, since it was an inquiry. At that time, a bus carrying the detainees left for San Juan de los Morros.

20. Mr. Dager Sifontes was transferred to San Juan de los Morros at night because he was to go to court the following day. On 22 April 2022, Mr. Dager Sifontes was charged with criminal association and terrorism in the criminal courts of Guárico. The authorities alleged that he was carrying nine high-calibre bullets when they arrested him, which was untrue because all that he had on him was his telephone, athletic shorts without pockets and sandals.

21. In San Juan de los Morros, the detainees were moved in groups. Their faces were covered so that they would not be identified, and they had guns pointed at them. After reaching the Criminal Court Circuit, they were not allowed to have private attorneys. The public defender then indicated that he charged \$300 to talk to family members about a case.

22. Mr. Dager Sifontes’ family was distraught and wanted to speak with him. Police officers from the National Anti-Extortion and Kidnapping Unit asked for \$10 for his family to be able to talk to him for five minutes. Mr. Dager Sifontes was at the Criminal Court

Circuit for 12 hours and was then sent to the Unit's premises, where he was held for six days before being transferred to Caracas on 28 April 2022.

23. Mr. Dager Sifontes' family was able to visit him at the Bolivarian National Police facility in La Yaguara, Caracas, on 7 May 2022. A guard informed them that visits were allowed but that, in order to go in, they would have to pay \$2 for the visit and 2 bolívars to have their food inspected. On 8 May 2022, the family returned to the facility and once again "paid the price" of the visit. This time they were able to speak with Mr. Dager Sifontes. He told them that he was being asked to pay \$10,000 to be released or to give information about a person who was being investigated by the National Anti-Extortion and Kidnapping Unit and the Bolivarian National Police.

24. The officers interrogated Mr. Dager Sifontes. They asked him where the person's house was and asked him to take them there. When he refused, they beat him, threatened him and told him that if he did not tell them what they wanted to know, they would kill him. They pointed a gun at him and told him that he had five minutes to change his mind.

25. The officers asked Mr. Dager Sifontes' family to pay \$300 for him not to be transferred to another prison, 45 days after his arrest.

26. Prior to this arrest, Mr. Dager Sifontes had spent three and a half years in prison and then, on 6 July 2021, had been granted house arrest as an alternative to imprisonment. A few months earlier he had gone to San Juan de los Morros to be issued the order for his unconditional release.

Ms. González Camacho

27. At 1 a.m. on 20 April 2022, police forces made their way to the residence of Ms. González Camacho. All the officers involved were dressed in black, wore ski masks and could not easily be identified. Ms. González Camacho managed to see that some had identification bearing the initials of the Directorate General of Military Counter-Intelligence. They were there "by presidential order" and were looking for the Tren del Llano gang. They entered, without a search warrant, by smashing the glass on her door, broke the curtain rods and searched the rooms and drawers.

28. The officers of the Directorate General of Military Counter-Intelligence went directly in search of Ms. González Camacho but gave her no explanation as to why she was being taken away and assaulted. They took her telephone from her and hit her on the head with a rifle while yelling at her. She was taken to the Civil Defence facility in Altigracia de Orituco. There, they stripped her, had her kneel and told her that she had to show them her private parts. They also asked her where the criminals were, and when she said that she did not know, they cut off some of her hair and threatened to cut off all of it. At 3.30 a.m., the officers moved her from that facility to the premises of the National Anti-Extortion and Kidnapping Unit.

29. On 21 April 2022, Ms. González Camacho and other detainees were in San Juan de los Morros, in Guárico. The officers alleged that they had confiscated guns from her, but her pants did not have pockets.

30. On 24 April 2022, Ms. González Camacho was taken to the procedural court for criminal matters in San Juan de los Morros for her initial appearance. She alone was prohibited from having a private attorney, whereas other detainees were allowed to have one.

31. The judge noted that, because of the "presidential order", there was a mandatory detention order for Ms. González Camacho and others who had been arrested, and as the police force was from Caracas, they were transferred to the capital on 25 April 2022. On 28 April, they were brought before the special terrorism courts at the courthouse. They were charged with criminal association, terrorism and possession of illegal weapons. With respect to the facts, they were told that they had been found with high-calibre ammunition. They were assisted by a public defender.

32. When one of Ms. González Camacho's relatives spoke to the defence attorney, she was told that Ms. González Camacho and others were being detained "by presidential order"

and that, although Ms. González Camacho was not tied to any offence and was innocent, her detention was mandatory because of the presidential order.

33. The source reports having had to pay \$40 to have a telephone given to Ms. González Camacho in order to be able to communicate with her, having to pay \$5 every Friday so that Ms. González Camacho can have a telephone with her in her cell, having to pay up to \$2 to visit her for 15 minutes and having been asked by a police officer to pay \$1,500 so that Ms. González Camacho could sleep on a bed instead of on the floor.

Mr. Itriago Rebolledo

34. At 6.30 p.m. on 20 April 2022, officers of the Bolivarian National Intelligence Service entered Mr. Itriago Rebolledo's house without producing a warrant. Mr. Itriago Rebolledo was there with his family. The officers searched the entire house, causing damage. They stole a computer and cash and arbitrarily took Mr. Itriago Rebolledo's passport and visa for the United States of America.

35. The officers took Mr. Itriago Rebolledo away, supposedly because he had to give a statement pursuant to instructions they had received from the Ministry of People's Power for Internal Affairs, Justice and Peace. When Mr. Itriago Rebolledo was taken out of the house, he bore clear signs of having been hit. The officers did not indicate where they were taking him.

36. A family member heard that the people who had been arrested were being taken to the premises of the National Anti-Extortion and Kidnapping Unit, so he went there and waited through the night and into the morning without being given information about Mr. Itriago Rebolledo's whereabouts. At 3 p.m. on 21 April, the officers acknowledged Mr. Itriago Rebolledo's detention and told his relative that they were going to keep him there until the following day because officials coming from Caracas were going to hold a press conference to mark the arrest of several "members of a criminal gang".

37. At the press conference, the heads of the strategic defence region and the strategic defence zone, under the Bolivarian National Armed Forces, described the detainees, including Mr. Itriago Rebolledo, as criminals and members of the criminal gang Tren del Llano.

38. Even though Mr. Itriago Rebolledo had been arrested on 20 April 2022, the officers pretended, and recorded in the police report, that the arrest had taken place on 21 April 2022, at a police checkpoint, when Mr. Itriago Rebolledo was travelling in a vehicle from which they allegedly seized firearms, ammunition, uniforms, radios and telephones. The same objects appear in almost all the police reports on arrests made that day, which suggests that a model report was being used to incriminate and detain the merchants in question.

39. On 23 April 2022, Mr. Itriago Rebolledo was transferred to San Juan de Los Morros, in Guárico. Both on the way to the prison and after his arrival there, he was mistreated by his guards, who charged his family to take food, water, a mat and personal hygiene items to him. He was beaten and locked in a cell of approximately 4 m<sup>2</sup> with 40 other inmates who were on trial for offences such as homicide, robbery and rape. As there was no bathroom, he had to relieve himself in bags in front of everyone.

40. On 24 April 2022, there was an attempt to bring Mr. Itriago Rebolledo before the procedural court for his initial appearance, but the judge refused to hear the case because he lacked jurisdiction, as Mr. Itriago Rebolledo had been accused of terrorism, criminal association and treason. The judge therefore referred the case to the courts that had jurisdiction over cases of terrorism, which were located in the Capital District.

41. On 26 April 2022, Mr. Itriago Rebolledo was brought before a judge at the courthouse in Caracas. He was not allowed to appoint a trusted attorney and instead had a public defender imposed on him. The judge allowed the preliminary charge and ordered that he be placed in pretrial detention. He was placed in the detention centre run by the Bolivarian National Police in La Yaguara. There, the guards constantly ask his family for money and threaten to transfer him to another prison outside the city, where it would be difficult to visit him.

42. On 10 June 2022, the Public Prosecution Service filed charges against Mr. Itriago Rebolledo on counts of financing of terrorism, criminal association and illicit trafficking of weapons and ammunition.

43. On 14 July 2022, a preliminary hearing was held for the four persons arrested. The judge allowed the charges of terrorism, criminal association and illicit trafficking of weapons and ammunition. After the preliminary hearing, the four persons had to wait until December 2022 for the trial to begin. In March 2023, because of actions taken by the current Government in connection with its anti-corruption operation, the judicial proceedings came to a standstill. To date, the trial has been postponed 10 times.

iii. *Legal analysis*

44. The source argues that the detentions of the four persons are arbitrary and fall under categories I and III of the Working Group. The cases of Mr. Seco Almeida and Mr. Itriago Rebolledo also fall under category V.

a. *Category I*

45. The source alleges that the arrests were not in line with domestic or international law, since none of the persons arrested were deprived of their liberty on the basis of a court order or because they had been caught in flagrante delicto. There was no evidence to support the arrests and subsequent refusal to release the four persons or to grant an alternative to deprivation of liberty. Under the charges filed by the public prosecutor's office on 10 June 2022, the four individuals face counts of terrorism, criminal association and illicit trafficking of weapons and ammunition. The basis for these charges is their alleged ties to the Tren del Llano gang, even though there is no evidence that they know or have any relationship with the gang. The arrests were not based on a clear, precise and detailed account of the facts that could provide support for any claim regarding their responsibility for or involvement in a crime. Thus, an arrest was made and pretrial detention ordered without sufficient evidence for the person reasonably to be suspected of criminal conduct or for it to be claimed that the detention was strictly necessary.

46. The charges indicate that the persons were arrested for illicit trafficking of weapons and ammunition, but at the time of their arrests they were not carrying any weapons or ammunition. There are no photographs or evidence of the presence of weapons or ammunition in the arrests of Mr. Seco Almeida and Mr. Dager Sifontes.

47. The source claims that the four individuals were subjected to enforced disappearance. On 20 April 2022, Ms. González Camacho was arrested and, at the time of her arrest, officers of the Directorate General of Military Counter-Intelligence refused to disclose her place of detention. Ms. González Camacho was taken to a Civil Defence facility, where she was interrogated and tortured, and during that time, her family did not know her whereabouts. In the case of Mr. Itriago Rebolledo, who was arrested by the Bolivarian National Intelligence Service, the arresting officers never informed his family of the arrest and, although his family knew that several of the people who had been arrested that day had been taken to the premises of the National Anti-Extortion and Kidnapping Unit in Altigracia de Orituco, the officers at that police facility refused to give his family any information. On 21 April 2022, Mr. Seco Almeida and Mr. Dager Sifontes were deprived of their liberty by police officers who, at the time of the arrests, did not provide any news about the victims to their families or lawyers, even refusing to reveal where they were being held.

48. The source points out that Mr. Seco Almeida was taken to an unknown area in Altigracia de Orituco, where he was interrogated and beaten before being taken to the premises of the National Anti-Extortion and Kidnapping Unit. The same happened to Mr. Dager Sifontes.

49. Mr. Itriago Rebolledo and Ms. González Camacho, who were arrested on 20 April 2022, were visited by their families on 24 April at the premises of the National Anti-Extortion and Kidnapping Unit, hours before they were transferred to Caracas. Mr. Seco Almeida and Mr. Dager Sifontes received their first visits from their families some time later, on 2 May 2022, 10 days after their arrest on 21 April 2022.

## b. Category III

50. The source argues that under article 9 (3) of the Covenant, and in accordance with the Constitution, all persons deprived of their liberty must be brought promptly before a judge, who must rule on the legality of the detention. In addition, the detention must be overseen by a judicial authority with the independence to be able to monitor the legality of the detention.<sup>2</sup>

51. Mr. Itriago Rebolledo and Ms. González Camacho were neither shown an arrest warrant nor caught committing an offence that could have justified their arrest. They were also not brought before a court within a reasonable time. Instead, the officers modified the details regarding how, where and when they were arrested.

52. Mr. Itriago Rebolledo and Ms. González Camacho were arrested on 20 April 2022, and no attempt was made for them to have their initial appearance until 24 April, at the criminal court of San Juan de los Morros, which was four days after the arrest, longer than the 48-hour period set in the Constitution. The criminal court of San Juan de los Morros declared that it did not have jurisdiction, so it was not until 26 April 2022 that there was a court order for their pretrial detention, issued by the special terrorism court in Caracas. The time period had therefore been exceeded and the judicial safeguard violated. According to the source, the authorities infringed national and international law, since the judge at the initial appearance had a duty to exercise judicial oversight, nullify the proceedings in their entirety and order the detainees' unconditional release.

53. The source points out that, under article 14 of the Covenant, everyone is entitled to a fair and public hearing by a competent, independent and impartial tribunal in the determination of any criminal charge against them and to be presumed innocent until proved guilty according to law.<sup>3</sup> The Working Group has indicated that the requirements of competence, impartiality and independence are also applicable to prosecutors, as the latter have a key role in the administration of justice and the fight against crime.<sup>4</sup>

54. According to the source, the merchants and campesinos of Altagracia de Orituco are living in a climate of criminalization and harassment because of "Operation Thunder", and the accusations against the four individuals arose because of an alleged "instruction from the Ministry of the Interior and Justice" or "presidential order". As a result, during the investigation stage of the case, the individuals have been subjected to pretrial detention measures that do not meet legal requirements.

55. The source affirms that the judges' and prosecutors' lack of independence and impartiality has been demonstrated, as they did not monitor compliance with the particulars of the law during the arrests. They allowed the arrests to be carried out under a presidential order, which was not produced, instead of a court order, and they allowed the individuals concerned to be deprived of their liberty without there being any concrete evidence or reasonable grounds to believe that they were capable of obstructing the administration and enforcement of justice. In this sense, the right of the four individuals to be presumed innocent has been violated, which means that they are not being tried at liberty and that due process has been violated.

56. The source concludes that the facts described violate article 14 of the Covenant and principles 11 and 37 of the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment.

## c. Category V

57. The source states that the only reason for the arrests of Mr. Seco Almeida and Mr. Dager Sifontes was that both had criminal records. The officers who arrested them made use of that fact to extort money from them and their families by making demands for improper payments. The foregoing is tantamount to stigmatization and discrimination in violation of

<sup>2</sup> Opinion No. 41/2020, para. 60.

<sup>3</sup> Human Rights Committee, general comment No. 32 (2007).

<sup>4</sup> Opinion No. 20/2020, para. 88.

articles 2 and 26 of the Covenant and articles 1 and 7 of the Universal Declaration of Human Rights.

**(b) Response from the Government**

58. The Working Group, in accordance with its methods of work, transmitted the source's allegations to the Government of the Bolivarian Republic of Venezuela on 24 October 2023 and requested it to submit a response by 26 December 2023. The Government requested an extension of the time limit for its response, which was granted. The Working Group received the Government's response on 25 January 2024, within the established deadline.

59. The Government, in its response, states that the four individuals have been deprived of their liberty pursuant to a judicial decision, in the context of criminal proceedings against them for their alleged participation in and collaboration with an organized crime group called "Tren del Llano".

60. On 21 April 2022, Mr. Itriago Rebolledo, Mr. Seco Almeida and Mr. Dager Sifontes were arrested by uniformed officers bearing identification who were engaged in a security operation designed to allow for the full identification and arrest of members of Tren del Llano.

61. Mr. Itriago Rebolledo was stopped while in a vehicle. Officers asked him for identification as part of a routine police check and, when they noticed his demeanour, began running a check on his information and performed a body search, followed by a search of his vehicle. They found a cellular telephone during the body search and noticed a gun and shotgun inside the vehicle. A preliminary search of his telephone, conducted as a special measure, revealed photographs and contact information linked to the Tren del Llano gang.

62. Mr. Seco Almeida and Mr. Dager Sifontes were stopped at checkpoints in the State of Guárico. Bullets and a cellular telephone were confiscated from Mr. Dager Sifontes. Mr. Seco Almeida ignored the officers' order to stop and tried to flee, but they caught up with him and asked to see his identification, at which point he stated that he did not have his identity card. They performed a body search, during which they found a gun and three bullets on him. A check of the police information system then showed that he was wanted for homicide and trafficking in narcotic and psychotropic substances.

63. On 22 April 2022, Ms. González Camacho was apprehended under "Operation Thunder 2022" by officers of the Bolivarian National Police Force who were uniformed and bearing identification. The police officers saw Ms. González Camacho, who was with another woman, and called out for them to stop for an identity check. However, the two women attempted to flee, which led to a chase that ended in a house. Inside the house, the police officers asked Ms. González Camacho for her identification and performed a body search on her, during which they found 20 bullets in her clothing.

64. The four persons were arrested in flagrante delicto. At the time of the arrests, officers of the Bolivarian National Police notified the four individuals of the reasons for their arrest and of their rights, as demonstrated by the copies of the record of notification of rights dated 21 April 2022, signed by Mr. Itriago Rebolledo, Mr. Seco Almeida and Mr. Dager Sifontes, and 23 April 2022, signed by Ms. González Camacho. The Human Rights Committee has specified that oral notification of the reasons for an arrest satisfies the requirement to notify the detainee.<sup>5</sup>

65. Mr. Dager Sifontes, Mr. Seco Almeida and Mr. Itriago Rebolledo were brought before the procedural court in the State of Guárico for their initial appearance, conducted orally, on 23 April 2022, within 48 hours of their arrests. At the hearing, Mr. Dager Sifontes, Mr. Seco Almeida and Mr. Itriago Rebolledo and their defence counsel had the opportunity to put forward everything that, in their view, could bolster their defence, but they did not raise the allegations regarding human rights violations, physical mistreatment, enforced disappearance, searches of their homes and acts of extortion by officers during their detention. These allegations are being made for the first time before the Working Group. The court decided not to exercise jurisdiction and referred the case to a court with nationwide jurisdiction to

<sup>5</sup> General comment No. 35 (2014).



hear cases involving terrorism-related offences. It also decided to keep the pretrial detention measure in place.

66. Mr. Seco Almeida stated that he did not have a private attorney who could represent him. The court therefore swore in a public defender to assist him, upholding due process and the right to a defence. The Government states that, as Mr. Itriago Rebolledo was assisted by two trusted private attorneys, the accusation that a public defender was imposed on him is false.

67. On 24 April 2022, Ms. González Camacho had her initial appearance, conducted orally, at the procedural court in the State of Guárico. During the hearing, Ms. González Camacho stated that she did not have a private attorney who could represent her. The court therefore swore in a public defender to assist her, fully upholding due process and the right to a defence. Ms. González Camacho and her defence counsel were able to put forward arguments that would bolster her defence, but they did not raise the allegations regarding human rights violations, physical mistreatment, sexual violence or acts of extortion by officers during her detention, which are being made for the first time before the Working Group. The court declined to exercise jurisdiction and referred the case to a court with nationwide jurisdiction to hear cases involving terrorism-related offences. It also kept the pretrial detention measure in place.

68. On 27 April 2022, the four persons were brought before the court for a hearing.

69. Ms. González Camacho, Mr. Seco Almeida and Mr. Dager Sifontes all stated that they did not have a private attorney who could represent them. The court therefore swore in public defenders for each of them.

70. The procedural court with nationwide jurisdiction over cases involving terrorism-related offences allowed the preliminary charges brought by the Public Prosecution Service against the four individuals on counts of terrorism, criminal association and illicit trafficking of weapons and ammunition. It also decided to follow the ordinary procedure and keep the pretrial detention measures against the four individuals in place.

71. In deciding on the pretrial detention measures, the court made a detailed assessment of whether the relevant requirements had been met. Specifically, there must be: (a) a punishable act warranting deprivation of liberty; (b) well-founded elements of proof that the accused has participated in the commission of the punishable act; and (c) a reasonable presumption, on evaluation of the particular circumstances of the case, that there is a risk of flight or of obstruction of the truth in a specific investigation.

72. On 10 June 2022, the Public Prosecution Service filed formal charges with the court against the four individuals. On 16 June 2022, the court scheduled the preliminary hearing for 14 July 2022.

73. On 14 July 2022, the court held the preliminary hearing. At that hearing, the four defendants again had the opportunity to address the court and to raise any matters that they considered relevant to their defence. They testified as they had at their initial appearances.

74. At the preliminary hearing, the court allowed the charges filed by the Public Prosecution Service against the four individuals. It admitted all the evidence and testimony adduced by the Service, kept the pretrial detention measure in place and ordered that the proceedings move ahead to a public oral trial. Finally, the motions brought by the defence counsel to have the chain of custody and the police record declared invalid were denied.

75. On 10 August 2022, Special Court No. 2 of the Criminal Judicial Circuit of the Metropolitan Area of Caracas, which has exclusive nationwide jurisdiction to hear cases involving terrorism, filed a motion with the Court of Appeal to have it declared without jurisdiction with respect to the four individuals. On 23 August 2022, the Court of Appeal granted the motion.

76. On 7 December 2022, Mr. Itriago Rebolledo, Mr. Seco Almeida and Mr. Dager Sifontes informed the court that they wished to remove their defence counsel and appoint two new attorneys to serve as counsel for the defence. On 9 January 2023, Mr. Itriago Rebolledo notified the court of his appointment of two new private defence attorneys to assist him in the public oral proceedings.

77. The court decided that the public oral proceedings against the four individuals would begin on 22 January 2024. The defendants are currently being held, pursuant to a judicial decision, at facilities of the Bolivarian National Police.

78. The conditions in which the four people are being held have been found to be in compliance with national and international standards, including the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules). Staff members of the Office of the United Nations High Commissioner for Human Rights visited the facilities where they were being detained and were able to see that the human rights of the persons deprived of liberty in those facilities were respected.

79. The Government asserts that the detention of the four individuals cannot be considered arbitrary because there is a legal basis for it. The criminal proceedings have been conducted in strict accordance with due process guarantees and the rights to a defence and to a fair and impartial trial, recognized in articles 10 and 11 of the Universal Declaration of Human Rights and articles 9 and 14 of the Covenant.

80. The four individuals have had legal representation throughout the proceedings. Both in the State of Guárico and in Caracas, when they said that they did not have private attorneys who could assist them, they were represented by public defenders. They have been given several fair hearings by competent, independent and impartial courts.

81. During the four individuals' time in detention, the authorities have upheld and safeguarded their right to integrity of the person and their right to be presumed innocent.

82. The detention of the four individuals does not constitute a violation of international law on the grounds of discrimination, based on their social status or criminal records, or on the grounds of extortion, since it was ordered because they are suspected of crimes. Accordingly, the detention cannot be considered arbitrary under category V of the Working Group.

**(c) Additional comments from the source**

83. The Working Group transmitted the Government's response to the source on 25 January 2024 and requested any final comments and observations, which were received on 17 February 2024.

84. In some additional comments, the source stresses that the Government's response relates facts that are based on falsified evidence insofar as it indicates that each of the four individuals was found in possession of weapons, ammunition or grenades at the time of their arrest. In addition, the source insists that the arrests did not take place on the dates given by the Government, but rather on the dates indicated in the source's initial communication.

85. The source argues that the Government did no more than provide, in an annex, the "statement of the rights of the accused", which persons under arrest are, in most cases, forced to sign without their lawyer present. The source adds that the changes made to the dates of the arrests reflect a practice of the security forces; such changes are made in order to show that a person under arrest was brought before the courts within 48 hours. The security forces thereby prevent the arrest from being declared illegal and protect themselves from accusations of enforced disappearance.

86. Although the Government claims that due process was followed, the four individuals were not brought before the courts within a reasonable period of time. Mr. Itriago Rebolledo and Ms. González Camacho, who were arrested on 20 April 2022, did not make their initial appearance before a criminal court until 24 April, that is, four days after their arrests, a period longer than 48 hours.

87. It is also not true that the four individuals had access to a trusted lawyer during the criminal proceedings. They were isolated from the moment of arrest and were not allowed to make a telephone call or contact their families. Mr. Seco Almeida and Mr. Dager Sifontes did not have contact with their families until 2 May 2022, 10 days after their arrests on 21 April 2022. By that time, they had already been brought before the courts and been forced to have public defenders, a common practice in the terrorism courts of the Bolivarian Republic of Venezuela.

88. The source states that there are contradictions in the Government's response. According to the response, Mr. Dager Sifontes and Mr. Itriago Rebolledo had their own private attorneys at the hearing held in San Juan de los Morros; however, at the hearing held at the terrorism court, the State appointed public attorneys for them.

89. The national terrorism courts prohibit defendants from appointing lawyers and impose public defenders on them in order to limit their right to a defence and prevent communication with the outside world. This has been noted in the reports of the independent international fact-finding mission on the Bolivarian Republic of Venezuela, which indicate that judges consistently deny defendants the right to counsel of their choice at the initial appearance or subsequent investigation phase.<sup>6</sup>

## 2. Discussion

90. The Working Group thanks the source and the Government for their submissions.

91. The Working Group has in its jurisprudence established the ways in which it deals with evidentiary issues. If the source has established a prima facie case for breach of international requirements constituting arbitrary detention, the burden of proof should be understood to rest upon the Government if it wishes to refute the allegations.<sup>7</sup>

### a. Category I

92. The source asserts that the detentions of the four individuals are arbitrary under category I of the Working Group, as they have no legal basis. The source adds that the four persons were arrested in their homes by State authorities without a warrant and that they were not in the process of committing an offence. The source has provided statements from persons who witnessed the arrests and confirm the events.

93. In its response, the Government asserts that all the arrests were made in flagrante delicto by police officers deployed under "Operation Thunder 2022", the objective of which was to combat the actions of the criminal group Tren del Llano. In addition, it claims that the objects that tie the four individuals to Tren del Llano were confiscated on the day they were arrested. The Government maintains that their detention is in line with domestic law and article 9 (1) of the Covenant.

94. Considering the differences in the facts related by the parties, the Working Group must, in keeping with its practice, decide which version of the events it finds more credible on the basis of the information provided. It notes that the source has provided a detailed and coherent account, which it has, for each of the individuals involved, supported with witness statements. The Government, on the other hand, has not provided information supporting its version of the events and has responded only in part to the source's allegations. In particular, the Government has not responded to the allegations that the individuals were incriminated and has dismissed information provided by the source on the grounds that it was not mentioned at the first hearing. The Working Group notes, for example, that the record of notification of rights for Ms. González Camacho indicates that she signed it on 23 April, one day after the date on which the Government says she was arrested. The record does not indicate when she was arrested.

95. The Working Group observes that the Government's narrative is somewhat inconsistent, since it states that the detainees were arrested by uniformed officers bearing identification who were engaged in an operation to arrest members of Tren del Llano, while also indicating that three of the detainees were arrested at checkpoints because something unusual had happened or their behaviour had been evasive and that the fourth, Ms. González Camacho, was arrested because she fled from security forces who were in disguise. There is a remarkable series of coincidences. The accounts of the witnesses for the detainees, on the other hand, are logically consistent with an operation being carried out to arrest suspected members of Tren del Llano.

<sup>6</sup> A/HRC/48/69.

<sup>7</sup> A/HRC/19/57, para. 68.

96. Having examined the information provided by the parties, the Working Group considers that the Government has not provided a detailed and substantiated response that refutes the facts as presented by the source.

97. Under article 9 (1) of the Covenant and article 9 of the Universal Declaration of Human Rights, it is not sufficient that there is a law that may authorize the arrest. In order for a deprivation of liberty to have a legal basis, the authorities must invoke that legal basis and apply it to the circumstances of the case, typically through an arrest warrant.<sup>8</sup> This is crucial for ensuring the exercise of effective control by a competent, independent and impartial judicial authority, which is procedurally inherent in the right to liberty and security and the prohibition of arbitrary deprivation, under articles 3 and 9 of the Universal Declaration of Human Rights, articles 9 (1) and (2) and 14 (3) (a) of the Covenant and principles 2, 4 and 10 of the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment.<sup>9</sup>

98. The Working Group notes with concern that the four individuals were arrested in their own homes, without an arrest warrant, when they were not in the process of committing an offence. It therefore considers that their detention lacks any legal basis and constitutes arbitrary detention under category I.

99. The source notes that the four individuals were not brought before a court within a reasonable time, in violation of article 9 (3) of the Covenant. In its response, the Government notes that they were brought before a court for their initial appearances within 48 hours of their arrests.

100. The Working Group notes that the parties provide contradictory information regarding the time frame in which the four individuals made their initial appearances.

101. Regarding the allegation that each detainee was not brought before a judge immediately upon arrest, the information provided does not clearly demonstrate a violation with respect to Mr. Seco Almeida or Mr. Dager Sifontes, since they were brought before a procedural court within roughly two days or shortly thereafter. However, Ms. González Camacho was brought before a procedural court for criminal matters in San Juan de los Morros on 24 April, four days after her arrest, and then before the special terrorism court four days later. Mr. Itriago Rebolledo was brought before a procedural court for criminal matters, which refused to exercise jurisdiction, on 24 April, four days after his arrest (or 23 April, according to the Government), and three days after that he was brought before the special terrorism court.

102. Article 9 (3) of the Covenant provides that anyone arrested or detained on a criminal charge must be brought promptly before a judge or other officer authorized by law to exercise judicial power and is entitled to trial within a reasonable time or to release. In the light of the foregoing conclusions, the Working Group finds no violation of article 9 (3) due to a lack of opportunity to challenge the detention, except in the cases of Ms. González Camacho and Mr. Itriago Rebolledo, who appeared before a judge after four days in detention, that is, more than 48 hours after their arrests. Therefore, the Working Group concludes that there was a violation of article 9 (3) with respect Ms. González Camacho and Mr. Itriago Rebolledo, rendering their detention arbitrary under category I.

103. The source notes that, between the time of their arrests and the time of submission of the present communication, the detainees have been in pretrial detention, in violation of the due process rights and safeguards set out in article 9 (3) of the Covenant. The Government acknowledges that their pretrial detention was initially ordered by a court that did not have the power to decide on such matters and subsequently by the special court with jurisdiction in terrorism cases. According to the Government, the special court conducted a detailed assessment of the need for pretrial detention in the case at hand.

<sup>8</sup> Opinions No. 10/2018, para. 45; and No. 34/2020, para. 45.

<sup>9</sup> Opinion No. 45/2021, para. 72.

104. It is a well-established norm of international law that pretrial detention should be the exception, not the rule, and should be ordered for as short a duration as possible.<sup>10</sup> Article 9 (3) of the Covenant provides that it must not be the general rule that persons awaiting trial are detained in custody, but release may be subject to guarantees to appear for trial or at any other stage of the judicial proceedings. It follows that, in the interests of justice, liberty should be recognized as the principle and detention as the exception. Detention pending trial must be based on an individualized determination that it is reasonable and necessary, in the light of all the circumstances, for such purposes as to prevent flight, interference with evidence, or the recurrence of the offence.<sup>11</sup> In addition, courts must examine alternatives and, if an initial determination has been made that pretrial detention is necessary, it should be re-examined periodically to ensure that it continues to be reasonable and necessary in the light of possible alternatives.<sup>12</sup>

105. In the absence of any information as to why pretrial detention was deemed necessary in the specific cases at hand – as opposed to the general reference to the law provided by the Government – the Working Group considers that the rights of the four individuals under article 9 (3) of the Covenant have been violated. Consequently, the Working Group considers that the source has demonstrated a violation under category I of the Working Group. The violation has been compounded by the number of times the trial has been postponed and interrupted since it began in late 2022.

106. The source submits that the four individuals were subjected to enforced disappearance and adds that there was a deprivation of liberty carried out by State officials followed by a refusal to acknowledge the detainees' whereabouts, which exacerbates the unlawful character of the detention. At 1 a.m. on 20 April 2022, Ms. González Camacho was arrested by officers of the Directorate General of Military Counter-Intelligence who took her to a house belonging to the Civil Defence where she was interrogated, tortured and threatened, during which time her family did not know where she was. According to one witness statement, her family found out where she was after she was moved to the premises of the National Anti-Extortion and Kidnapping Unit at around 3.30 a.m.

107. Mr. Itriago Rebolledo was arrested on 20 April 2022. According to the testimony of a family member, the authorities took Mr. Itriago Rebolledo away in a vehicle that day and refused to reveal where they were going; it was not until around 3 p.m. the next day that the authorities finally gave him information about Mr. Itriago Rebolledo's whereabouts.

108. The source states that Mr. Seco Almeida was arrested at around 4 p.m. on 21 April 2022. According to the testimony of a family member, the authorities refused to provide information about Mr. Seco Almeida's whereabouts, and it was not until 9 p.m. that his family could see that he was being taken to the Bolivarian National Police facility.

109. Mr. Dager Sifontes was arrested at around 10.15 a.m. on 21 April 2022. According to the testimony of a family member, the officers refused to provide information about Mr. Dager Sifontes's whereabouts, and it was not until around 9 p.m. that an officer confirmed that he was at the premises of the National Anti-Extortion and Kidnapping Unit.

110. In its response, the Government denies the source's allegations. The Working Group notes that, in each case, the authorities informed the detainees' families of the detention and the locations where the detainees were being held within hours. Under these circumstances, the Working Group does not consider that it has been shown that there was an enforced disappearance. However, the absence of enforced disappearance does not erase the other violations that occurred during the detention and that rendered it arbitrary, as established in other parts of the present opinion.

111. In the light of the foregoing, the Working Group considers that the detention of the individuals has been carried out without the guarantees set forth in article 9 of the Universal

<sup>10</sup> Human Rights Committee, general comment No. 35 (2014), para. 38; opinion No. 8/2020, para. 54; and [A/HRC/19/57](#), paras. 48–58.

<sup>11</sup> *Marinich v. Belarus* (CCPR/C/99/D/1502/2006), para. 10.4.

<sup>12</sup> Human Rights Committee, general comment No. 35 (2014), para. 38.

Declaration of Human Rights and article 9 of the Covenant and that their detention is therefore arbitrary and falls within category I.

**b. Category III**

112. The source asserts that the four individuals' right to be presumed innocent has been violated, rendering their detention arbitrary under category III. The source states that they were detained under a supposed presidential order, rather than a court order, and that there was therefore no presumption of their innocence during the investigation.

113. In response, the Government asserts that the officers who carried out the arrests were authorized to do so under domestic law and that the arrests made during "Operation Thunder" were therefore compatible with international law. The Government does not respond to the allegation that the order to arrest the individuals was a presidential one and not a judicial one.

114. The Working Group considers that there was insufficient judicial oversight of the arrests and the placement of the arrested persons in pretrial detention. As a consequence, as mentioned above with respect to category I, their right to personal liberty was violated.

115. The source asserts that Mr. Seco Almeida, Mr. Dager Sifontes and Ms. González Camacho could not be represented by lawyers of their choosing. However, the Government has stated that, in each case, when there was no private defence attorney, public attorneys were provided. The source's additional comments reiterate that the detainees could not have lawyers of their choosing at all stages of the proceedings. The source maintains that, although the detainees were represented during the proceedings, they were prevented from having their attorneys of choice present at various stages.

116. The Working Group has reviewed the submissions from the source and the Government. It observes that the detainees were represented by a combination of private attorneys and court-appointed public defenders at various points in the proceedings. It should be noted that they were represented by an attorney at all important points in the proceedings. The source's claim that Mr. Itriago Rebolledo was denied private counsel at one point requires further explanation, particularly given the multiple references to the fact that he was represented by a private attorney during the proceedings. Given the varying accounts put forward by both the source and the Government as to whether the four individuals were able to exercise their right to be represented by a lawyer of their choosing, the Working Group considers that it cannot make a definitive decision as to whether or not this right has been violated. However, the Working Group reiterates the importance of the right held by all persons deprived of liberty to receive legal assistance from counsel of their choosing at any time during their detention, and in particular immediately after their arrest.<sup>13</sup>

117. In the light of the foregoing, the Working Group does not conclude that the deprivation of liberty is arbitrary under category III.

**c. Category V**

118. The Working Group notes the source's assertion that the arrests of Mr. Seco Almeida and Mr. Dager Sifontes occurred because they were being discriminated against on the basis of their criminal records. The Government denies this, arguing that they were arrested and tried on the basis of evidence of their involvement in serious crimes.

119. In view of the information received, the Working Group is not convinced that the arrest and detention of Mr. Seco Almeida and Mr. Dager Sifontes were based on discrimination, in violation of articles 2 and 26 of the Covenant and articles 2 and 7 of the Universal Declaration of Human Rights. It can be seen in the present case that the four arrests were arbitrary in the same ways with respect to how they were carried out. The Working Group does not consider that there are discriminatory motives behind the proceedings against Mr. Seco Almeida and Mr. Dager Sifontes.

<sup>13</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, principle 9; and opinion No. 4/2018, para. 54.

#### d. Concluding remarks

120. This case is one of a number of cases brought before the Working Group in recent years concerning detention in the Bolivarian Republic of Venezuela.<sup>14</sup> This is indicative of a systematic practice of depriving people of their liberty in violation of the rights and guarantees enshrined in international law.<sup>15</sup> The arrests in this case represent only four of the several arrests that were made by police officers during “Operation Thunder” in 2022.<sup>16</sup> The Working Group is very troubled by this operation, during which, as noted by the independent international fact-finding mission on the Bolivarian Republic of Venezuela, numerous arbitrary detentions and acts of extortion, torture, ill-treatment and gender-based violence were carried out against members of the affected communities.<sup>17</sup>

121. The Working Group notes the worrying trend with respect to acts of extortion committed against detainees and their families. The source points to several cases in which detainees or their families have been asked to pay for telephone calls, visits, better facilities (including beds) and guarantees that a detainee will be held in a detention centre close to his or her family. The Government does not address these issues in its response. It should be noted that all prisoners are entitled to the foregoing under the Nelson Mandela Rules. The evidence of extortion raises concerns about the equality and treatment of detainees and their ability to adequately defend themselves.

122. The Working Group notes with concern the source’s claims that the four individuals were subjected to ill-treatment and torture following their arrests. For example, Mr. Seco Almeida alleges that he was beaten by officers in the Botalón neighbourhood until they wore themselves out. Mr. Dager Sifontes claims that he was beaten and threatened with death. Ms. González Camacho reports that she was subjected to cruel, degrading and inhuman treatment when she was stripped and threatened. Mr. Itriago Rebolledo bore clear signs of having been hit on the day of his arrest.

123. The Working Group recalls that article 7 of the Covenant and article 5 of the Universal Declaration of Human Rights enshrine the right not to be subjected to torture. In addition, under the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, to which the Bolivarian Republic of Venezuela is a party, the State must criminalize torture and ensure that acts of torture are investigated and punished.

### 3. Disposition

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

The deprivation of liberty of Carlos Alejandro Seco Almeida, Félix Abimael Dager Sifontes, Briceidys Javierlys González Camacho and César Augusto Itriago Rebolledo, being in contravention of articles 9, 10 and 11 of the Universal Declaration of Human Rights and articles 9 and 14 of the International Covenant on Civil and Political Rights, is arbitrary and falls within category I.

125. The Working Group requests the Government of the Bolivarian Republic of Venezuela to take the steps necessary to remedy the situation of the four individuals 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.

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

<sup>14</sup> Opinions No. 87/2022, No. 73/2020, No. 57/2020, No. 20/2020, No. 81/2019, No. 75/2019, No. 39/2019 and others.

<sup>15</sup> Opinion No. 87/2020, para. 129.

<sup>16</sup> Ibid.

<sup>17</sup> See

[https://www.ohchr.org/sites/default/files/documents/hrbodies/hrcouncil/ffmv/A\\_HRC\\_54\\_CRP9\\_EN\\_260923.pdf](https://www.ohchr.org/sites/default/files/documents/hrbodies/hrcouncil/ffmv/A_HRC_54_CRP9_EN_260923.pdf), para. 59.

127. The Working Group urges the Government to ensure a full and independent investigation of the circumstances surrounding the arbitrary deprivation of liberty of the four individuals and to take appropriate measures against those responsible for the violation of their rights.

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

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

129. 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 the four individuals have been released and, if so, on what date;
- (b) Whether compensation or other reparations have been made to the four individuals;
- (c) Whether an investigation has been conducted into the violation of the rights of the four individuals and, if so, the outcome of the investigation;
- (d) Whether any legislative amendments or changes in practice have been made to harmonize the laws and practices of the Bolivarian Republic of Venezuela with its international obligations in line with the present opinion;
- (e) Whether any other action has been taken to implement the present opinion.

130. 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.

131. 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 of any failure to take action.

132. 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>18</sup>

*[Adopted on 20 March 2024]*

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<sup>18</sup> Human Rights Council resolution 51/8, paras. 6 and 9.