



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. 7/2024, concerning José Rubén Zamora Marroquín (Guatemala)***

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,¹ on 28 November 2023 the Working Group transmitted to the Government of Guatemala a communication concerning José Rubén Zamora Marroquín. The Government replied to the communication on 29 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, 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).

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

¹ [A/HRC/36/38](#).



1. Submissions

(a) Communication from the source

4. José Rubén Zamora Marroquín is a national of Guatemala, born on 19 August 1956. He is a journalist and the former chief executive of *elPeriódico* newspaper.

i. Context

5. The source states that, in 1996, *elPeriódico* began publishing articles on cases of corruption, impunity and abuse of power. Mr. Zamora's reports and *elPeriódico* shed light on hundreds of acts of corruption within the different governments of Guatemala between 2012 and 2023.

6. Mr. Zamora has been the beneficiary of precautionary measures implemented by the Inter-American Commission on Human Rights since 2003 in view of the risk to his life and personal integrity posed by the threats and physical assaults directed at him in the exercise of his journalistic activities, as well as the backdrop of violence against journalists in Guatemala.

7. The context of these attacks has worsened since 2018. Since then, dozens of prosecutors, judges, journalists and activists have been threatened and criminally prosecuted by the State. A number of human rights bodies and special procedure mandate holders have expressed concern about attacks on the independence of judges, prosecutors, and human rights and anti-corruption officials.²

8. The specific case against *elPeriódico* and its team is part of a general pattern of criminalization targeting prosecutors, journalists and other persons involved in combating corruption, especially if they have ties with the International Commission against Impunity in Guatemala, an international body backed by the United Nations that was active in the country until 2019.

9. Over the course of 144 weeks of the previous Government's term of office, *elPeriódico* published 144 reports on corruption linked to that administration. Weeks before Mr. Zamora's arrest, this newspaper published details of investigations involving persons close to the then President of Guatemala.

ii. Arrest and trial proceedings

10. Mr. Zamora was arrested at his home on 29 July 2022 by members of the National Civil Police and the Public Prosecution Service. The officers did not produce an arrest warrant and drove unlicensed vehicles. On that day, the house was searched for more than six hours, during which time Mr. Zamora and his family did not think that he was going to be arrested.

11. During this time, the family members were put under pressure to sign a document. One family member refused to do so because he believed that the information contained in it was false, given that they had not permitted the search and had not been informed of the reasons for it or that Mr. Zamora would be arrested.

12. The source states that Mr. Zamora was arrested without explanation.

13. On 29 July 2022, the head of the Office of the Special Prosecutor against Impunity used social networks to confirm Mr. Zamora's arrest and state that the arrest warrant had been issued by a judge presiding over the Seventh Court of First Instance for Criminal Offences at the request of the Office of the Special Prosecutor against Impunity. In the same statement, the Office of the Prosecutor clarified that the investigation was confidential.

² See communication GTM 3/2021, available at <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=26291>. See also <https://oacnudh.org.gt/2021/07/01/guatemala-los-principales-jueces-sufren-amenazas-y-deben-ser-protegidos-experto/>.

14. On 30 July 2022, the Public Prosecution Service issued a court order confirming the arrest.

15. According to the source, the judge who ordered the arrest is on friendly terms with members of the supervisory board of *Fundación contra el Terrorismo* in Guatemala. The lawyer for the *Fundación* was the complainant's legal representative and the main witness for the Public Prosecution Service against Mr. Zamora. The chair of the *Fundación* and his lawyer are on the Engel List of the United States of America for obstructing investigations into corruption in Guatemala.

16. On 1 August 2022, the arraignment hearing was postponed because the judge had not received the case file and Mr. Zamora was not transferred to the court. The State did not initiate the arraignment hearing until five days after the arrest.

17. On 3 August 2022, the arraignment hearing began. However, the public prosecutor's office informed the court that, at 8 a.m., it had launched an investigation into two of Mr. Zamora's lawyers. The judge gave Mr. Zamora five minutes to discuss his ongoing representation with his lawyers, after which Mr. Zamora decided to seek new counsel. The judge gave him four days to do this and postponed the arraignment hearing to 8 August.

18. On 8 August 2022, at the arraignment hearing, Mr. Zamora's third lawyer reported that some of the evidence presented by the public prosecutor's office at the hearing had not been shared with the defence. The source states that, until the hearing was resumed on 9 August, it was reported that the arrest had taken place for the possible commission of the offences of money-laundering, blackmail and influence peddling. The source adds that Mr. Zamora's lawyer reported that the chain of custody had been broken and bank seals had been concealed and destroyed. However, the judge and, subsequently, the Eighth Trial Court, ignored the complaint.

19. The source states that, on 9 August 2022, the Seventh Court ordered Mr. Zamora's arrest on the grounds that he might hinder the investigation although it lacked any basis for concluding this and did not consider less onerous measures. According to the Seventh Court, Mr. Zamora, being the "boss" of *el Periódico*, could obstruct justice by putting pressure on his employees with a view to influencing their testimonies. According to the source, there were no allegations of any past or present behaviour that would give weight to the suggestion that Mr. Zamora was likely to interfere with witnesses. Furthermore, no evidence of similar pressure being applied was put forward and no consideration was given to the defence's request for the court to take into account factors such as the low level of dangerousness of the offence, Mr. Zamora's age (65 years at the time of his arrest), the absence of any criminal record, and his cooperation at all stages of the proceedings.

20. The case against Mr. Zamora was initiated by a complaint submitted by a former banker on 26 July 2022. The former banker has been investigated for money-laundering and other alleged offences. Days before the arrest, the former banker had requested the Office of the Special Prosecutor against Impunity to release around US\$ 4 million that it had frozen in connection with an earlier case of corruption. According to the source, a prosecutor attached to the Public Prosecution Service had asked the former banker for 15 per cent of the total amount and to report on people who caused trouble for the regime.

21. According to the source, the former banker claimed that Mr. Zamora had asked him to launder 300,000 quetzales (Q) in cash, and that he "assumed" that Mr. Zamora "had blackmailed third parties to obtain the money". However, there was no evidence that Mr. Zamora had spoken to anyone in order to blackmail him or her and no person whom he might have blackmailed has been identified. According to the Public Prosecution Service, Mr. Zamora blackmailed people by using information about the Service's cases that he had obtained unlawfully, negotiating with an assistant prosecutor of the Office of the Special Prosecutor against Impunity to obtain procedural benefits for the persons being blackmailed. The assistant prosecutor was arrested on 29 July 2022 and acquitted on 14 June 2023 since it was not proven that she had leaked information to Mr. Zamora.

22. Mr. Zamora claimed that he had obtained the cash from the sale of a work of art to businessmen who did not want to be publicly identified as the Government persecute persons who fund independent journalism. Fearing possible reprisals from the Government, and

wishing to conceal the identities of those who had supported him, Mr. Zamora offered the cash to the former banker, with whom he had a long-standing business relationship, on the condition that he would send a cheque for the same amount to the company that managed *elPeriódico*.

23. The source states that the Seventh Court excluded all evidence that showed the lawful origin of the funds; refused to admit the witnesses proposed by the defence, namely, the person who had bought the work of art and given the cash to Mr. Zamora; refused to admit the contract for the sale of the work of art that was the source of the money; and omitted the report relating to the breach of the chain of custody caused by the disappearance of the bank seals. In addition, the Public Prosecution Service rejected Mr. Zamora's request for the bank seals to be investigated. Consequently, the public prosecutor's office used the autonomous nature of the offence of money-laundering to state that it did not need a conviction for an offence relating to the source of the money: since Mr. Zamora had not demonstrated the licit origin of the funds, they must be illicit.

24. On 12 August 2022, Mr. Zamora submitted an appeal against the order for his pretrial detention. However, this was declared inadmissible on 25 August 2022.

25. Prior to the trial, Mr. Zamora's third lawyer left the country for personal reasons. He is facing threats and has learned that pressure is being put on the Bar Association to revoke his license to practise in Guatemala.

26. On 22 October 2022, a fourth lawyer assumed Mr. Zamora's defence.

27. During the hearing held on 8 December 2022, the public prosecutor threatened to bring criminal proceedings against a witness and the defence lawyer. On 14 December, the defence lawyer posted the following tweet: "Today I was informed that the Seventh Court's complaint against me has been filed with the Public Prosecution Service. The reason given is that I am defending Chepe Zamora".

28. At the evidentiary hearing on 22 December 2022, the Seventh Court declared all the evidence exculpating Mr. Zamora to be inadmissible. In response, Mr. Zamora filed a request for review. The court also disallowed the witness who gave the cash to Mr. Zamora, with bank seals from Banco Industrial. Criminal proceedings were brought against him and the other witnesses for Mr. Zamora and, in order to avoid going to prison, they accepted the charges. The lawyer objected to the fact that the court prevented the investigation of the witness for the prosecution, while ordering an investigation into the witnesses for Mr. Zamora. He also objected to the fact that the Seventh Court refused to admit expert testimonies but accepted the expert reports drawn up by them, thus making it impossible for the expert to be questioned about his reports.

29. The defence requested alternative measures to deprivation of liberty on 8 and 22 December 2022.

30. On 19 January 2023, warrants for the arrest of Mr. Zamora's first two lawyers were issued on the basis of the investigation launched by the public prosecutor's office on 3 August 2022. The first lawyer was arrested on the same day. Mr. Zamora's fourth and fifth lawyers left his defence team as there were criminal proceedings against them and, on 20 April 2023, they were arrested. On 25 April, Mr. Zamora's second lawyer turned himself in and accepted the charge of conspiring to obstruct justice. He was sentenced to 6 years' imprisonment, but his sentence was reduced to 3 years and the remainder of the sentence was commuted to a fine.

31. On 2 May 2023, the trial of Mr. Zamora – who was represented by his sixth and seventh lawyers – began. The following day, when an expert report was presented, his seventh lawyer stated that she had not been aware of any expert report and did not know much about the case file, explaining that she had not requested an adjournment out of respect for the court's schedule. On 9 May, the sixth lawyer withdrew from the defence team, stating that he had health problems and that his withdrawal had been recommended by his doctor. On 11 May, at the end of the hearing, Mr. Zamora requested that the court assign him a lawyer (his eighth) from the Public Criminal Defence Institute since, for personal and financial reasons, he could not continue with his seventh lawyer.

32. On 15 May 2023, *elPeriódico* shut down for good, after having shut down its print version in December 2022 and laying off most of its staff. In explanation of the decision to shut it down completely, its directors cited “persecution” and “harassment directed at its advertisers”, which made it increasingly difficult to maintain operations.

33. On the same date, the Eighth Trial Court appointed the eighth lawyer, who was accused of influence peddling.

34. On 17 May 2023, one day before the resumption of the trial hearing, the Public Criminal Defence Institute appointed a ninth lawyer to replace the previous one, without Mr. Zamora being notified.

35. On 18 May 2023, Mr. Zamora’s ninth lawyer did not show up at the hearing, so Mr. Zamora met his new lawyer (the tenth) at the hearing itself, minutes before he took over Mr. Zamora’s defence in the middle of the oral proceedings. Mr. Zamora asked the Court whether the eighth lawyer could represent him again but was told that decisions relating to the appointment of public defenders were taken by the Public Criminal Defence Institute as an independent institution.

36. The tenth lawyer did not have time to prepare a strategy or to read more than 250 pages of the case file. That day – 18 May 2023 – was the key date of the trial since the complainant and main witness for the Public Prosecution Service against Mr. Zamora was to be questioned. Therefore, Mr. Zamora asked the lawyer to request an adjournment, but he did not do so.

37. According to the source, on 22 May 2023, Mr. Zamora’s tenth lawyer stated that he did not have access to evidence that previous lawyers may have intended to present at the trial because he had no contact with his predecessors.

38. On 30 May 2023, when the trial hearing resumed, the representative of the Public Prosecution Service requested a sentence of 40 years’ imprisonment for Mr. Zamora.

39. At the oral hearing in June 2023, Mr. Zamora had his final opportunity to address the court prior to the sentencing. In his final statement, he referred to the irregularities and violations of his rights that had occurred during the trial. However, the prosecutor interrupted him and asked the court to call him to order.

40. The source states that, on 14 June 2023, the Court acquitted Mr. Zamora of the offences of blackmail and influence peddling. However, it sentenced him to 6 years’ imprisonment for the offence of money-laundering on the basis of an inference, without determining what offence or illicit act had given rise to the money. The source points out that, in accordance with the principle of the presumption of innocence, the burden of proving beyond reasonable doubt that the money came from the commission of an offence rests on the Public Prosecution Service, especially when the court had disallowed or omitted evidence that would have proved that cash had been used so that the buyer of the work would not be subjected to political persecution for helping *elPeriódico*, given that Mr. Zamora’s witnesses had been subjected to reprisals for testifying on his behalf.

41. The source claims that the State has allowed Fundación contra el Terrorismo, together with the Public Prosecution Service, to criminalize anyone providing professional services to Mr. Zamora, making it difficult for Mr. Zamora’s family to find lawyers.

42. The Public Prosecution Service and the Counsel General’s Office called for Mr. Zamora to be sentenced to 40 years’ imprisonment. Mr. Zamora filed an appeal requesting that he be acquitted of the offence of money-laundering as well. As the appeals are pending, Mr. Zamora remains in pretrial detention.

43. The source notes that the Office of the United Nations High Commissioner for Human Rights (OHCHR) has observed violations of due process in this case, involving the right to information on the nature of the charges, to a trial without undue delay, to a defence, to a public trial by an independent and impartial tribunal and to the presumption of innocence.³

³ A/HRC/52/23, para. 88.

iii. *Legal analysis*

44. In the opinion of the source, Mr. Zamora's detention is arbitrary under categories I, II, III and V.

a. Category I

45. Pretrial detention must be exceptional in nature and be limited by the principles of legality, presumption of innocence, necessity and proportionality. According to the source, the use of pretrial detention in this case is not in compliance with Guatemalan law and shows that the State did not take into account other factors to assess whether imprisonment should be applied, such as the low level of dangerousness of the offence, the defendant's age, or the fact that he had no criminal record and was willing to cooperate at all times with the investigations of the public prosecutor's office. Mr. Zamora has spent more than a year in pretrial detention, which shows that excessive use is being made of this measure.

46. The source believes that Mr. Zamora has been criminally prosecuted for exercising his freedom of expression. The source cites a statement made after the conviction by the Chief of the Office of the Special Prosecutor against Impunity, according to which "Zamora ran a media outlet (*el Periódico*) through which the honour and prestige of prosecutors, judges, magistrates and various members of civil society were denigrated and insulted".⁴

47. It also notes that the State did not inform Mr. Zamora or his lawyers of the reasons for the issuance of the arrest and search warrant until 9 August 2022, in contravention of articles 9 (2) and 14 (3) (a) of the Covenant.

b. Category II

48. The source claims that Mr. Zamora has been deprived of his liberty for exercising the freedoms guaranteed by article 19 of the Universal Declaration of Human Rights and article 19 of the Covenant. It believes that the purpose of Mr. Zamora's imprisonment is to silence and punish him for the reports on corruption published in *el Periódico*. Furthermore, the case was used to financially suffocate the newspaper, which was definitively shut down on 15 May 2023. Criminal proceedings have been brought against other journalists, columnists and administrative staff.

c. Category III

49. The source argues that Mr. Zamora's right to be assisted by counsel (Covenant, art. 14 (3) (d)) was violated, given that, to date, four of his lawyers have been convicted and six have had criminal proceedings brought against them. Furthermore, on the day when the main witness and complainant against Mr. Zamora was to be questioned, Mr. Zamora found that his public defender had been changed. The eighth lawyer was not removed because Mr. Zamora dismissed her or because she resigned but because Fundación contra el Terrorismo had initiated a campaign against her and announced that it would report her to the Public Criminal Defence Institute. In addition, a complaint of "influence peddling" was brought against her.

50. The source states that, in the present case, the right to a defence (Covenant, art. 14 (3) (b)) was not observed since the Eighth Court granted only a few minutes for the tenth defence lawyer to join the proceedings, meet Mr. Zamora, read more than 250 pages of the case file, agree on a strategy with the defendant, and prepare a strategy for questioning the complainant and main witness for the prosecution. In his concluding remarks at the trial, before the sentence was handed down, Mr. Zamora stated that he had had no more than 20 minutes in which to speak with his lawyer. In addition, his lawyers were not given immediate access to the evidence.

51. The source considers that this violated the right to examine witnesses or have them examined (Covenant, art. 14 (3) (e)).

⁴ Jose Zamora (@jczamora), available at: <https://twitter.com/i/status/1670838184501035018>.

52. The source argues that, in violation of article 14 (3) (b) and (e) of the Covenant, the right to due process was violated in that the Seventh Court disallowed evidence proving the lawful origin of the money and also rejected the request for review of the decision to disallow the evidence. It also disallowed the contract relating to the source of the money and the testimony of the person who handed over the money, among other evidence.

53. The source alleges that the right to an impartial tribunal (Universal Declaration of Human Rights, art. 10, and the Covenant, art. 14 (1)) was violated because: (a) friendly relations, or signs of such relations, existed between the prosecutor, the Seventh Judge, the Counsel General's Office and the body associating itself with the prosecution (Fundación contra el Terrorismo); (b) the Seventh Judge allowed the lawyer for Fundación contra el Terrorismo, who was representing the plaintiff and complainant, to act disrespectfully towards Mr. Zamora; (c) the Seventh Court approved the criminalization of Mr. Zamora's lawyers; and (d) the Eighth Court interrupted Mr. Zamora, ordered him to conclude his speech and rejected his written conclusions and motions.

54. The right to the presumption of innocence (Covenant, art. 14 (2)) was violated since the conviction handed down by the Eighth Trial Court was based on an inference.

55. The source alleges that the right to a trial without undue delay (Covenant, arts. 9 (3) and 14 (3) (c)) was also violated owing to the delay in starting the arraignment hearing, in that the 24-hour time limit established in Guatemalan law for bringing a person detained for the first time before the procedural courts was exceeded, and there were undue delays in processing the oral applications filed by Mr. Zamora's defence to obtain his release.

d. Category V

56. According to the source, Mr. Zamora's deprivation of liberty constitutes discrimination on the basis of his political opinions. The source states that independent investigative journalists who uncover cases of corruption have been seen by the State as enemies, as have other judges, prosecutors, activists and justice officials in general.

57. It also states that Mr. Zamora's detention is a form of reprisal, or a way of silencing his voice and intimidating the press, and that it involves a violation of article 26 of the Covenant since he has not been allowed to practice journalism under equal conditions.

(b) Response from the Government

58. The Working Group, in accordance with its methods of work, transmitted the source's allegations to the Government on 28 November 2023, and requested it to submit a response by 29 January 2024.

59. In its response of 29 January 2024, the Government states that, on 26 July 2022, the Office of the Special Prosecutor against Impunity received a criminal report implicating Mr. Zamora in a money-laundering operation. According to the Government, the complainant explained that he knew the defendant (Mr. Zamora) in connection with a blackmail that had occurred in 2004 and 2005 and the criminal report was based on a request for assistance with "money-laundering" that Mr. Zamora had sent to the complainant on 19 July 2022. This assistance would consist of the complainant receiving the money (initially Q 100,000) and writing a cheque for Mr. Zamora to deposit in one of his company's accounts so as not to arouse any suspicion about the origins of the money.

60. The complainant did not know where the money came from but it was clear to him that it came from blackmail since, in his opinion, Mr. Zamora obtained the money to support himself and the media outlet that he managed from media campaigns based on smears and blackmail. According to the Government, the complainant stated that he was certain that Mr. Zamora obtained confidential information on cases from the Public Prosecution Service and from persons collaborating with the former Chief of the Office of the Public Prosecutor against Impunity.

61. At the time of the facts, the complainant was linked to proceedings relating to a case in which, according to a then ongoing investigation, the assistant prosecutor was reporting directly to the aforementioned former Chief of the Office of the Public Prosecutor against

Impunity. Among other offences, the complainant was linked to a trial for money-laundering, which is why he did not want to get involved in events that could worsen his legal situation.

62. According to the Government, on 28 July 2022, the complainant contacted the public prosecutor's office again to inform it that Mr. Zamora was insisting that he help him launder the money, which now amounted to Q 300,000 in cash, and which Mr. Zamora intended to illicitly introduce into the national financial system. The complainant reported that, in order to collaborate with the investigation into the alleged facts, he told Mr. Zamora that he would agree to his request. On the same day, a person designated by the complainant met with two persons sent by Mr. Zamora and a cheque was handed over to make Mr. Zamora believe that the complainant would help him commit the offence of money-laundering. The money was placed at the disposal of the investigating agency and was documented by the public prosecutor's office.

63. The Government points out that an automatic system assigned responsibility for the oversight of the investigation to the Seventh Court. On 29 July 2022, a warrant for Mr. Zamora's arrest for the offences of laundering money or other assets, influence peddling and blackmail was requested, as were warrants to search and inspect properties. The warrants were executed that same day and were used to gather evidence.

64. The Government states that, among the search procedures carried out, the court authorization for the search was shown to the residents and a record was drawn up and signed by all those present to indicate their agreement. It also specifies that residents are informed about searches but their permission is not required. The Government states that, as the National Police was in possession of a warrant for a person's arrest, they informed that person and referred him to a supervising judge, safeguarding constitutional guarantees, so that the judge could inform Mr. Zamora of the reasons for his arrest.

65. The State reports that, on 30 July 2022, the Collegiate Criminal Court of First Instance for Drug Trafficking and Environmental Offences informed Mr. Zamora of the ground for his arrest. The following day, an order stating that the case file should not be forwarded to the Court was issued since the investigation was completely confidential. However, in line with the principle of maximum disclosure, transparency and orality, the confidentiality of the investigation was lifted for the hearings.

66. With regard to the start of the arraignment hearing, on 3 August 2022, it was reported that there was an audio recording, submitted by the complainant, that featured several people who might be the subject of an investigation and that there could be a conflict of interest that might involve the defence lawyers. After Mr. Zamora was informed of this, he stated that he did not wish to continue with these defence lawyers. The Government confirms that the first two lawyers accepted the charges and that a final judgment against them has been handed down.

67. The Government affirms that the arraignment hearing ended on 9 August 2022 and that, in the course of the hearing, Mr. Zamora had stated that he had asked the complainant to undertake certain transactions involving the Q 300,000 in cash so that he could make use of the money; that he was indeed friends with the former head of the Office of the Special Prosecutor against Impunity, and that he had other "sources of information" within the Public Prosecution Service. The Government states that Mr. Zamora mentioned the name of businessmen and companies that had given him money but wished to conceal their identities, which is why he uses the method under investigation to dispose of the funds. Furthermore, Mr. Zamora said that he did not deny that his voice could be heard in the audio recordings, that the money he intended to introduce into the national financial system was a donation from a friend who was a keen supporter of *el Periódico*, and that his donor friends would have shortly made a declaration in this respect.

68. The Government points out that, during the entire trial, Mr. Zamora's defence did not propose any witness to testify about the source of the cash. It adds that the money, considered as evidence, will be subject to the procedure for the termination of ownership since, despite his having been notified, Mr. Zamora did not submit any documentation proving its origin, ownership or legality.

69. The Government states that, on 9 August 2022, an indictment and a pretrial detention order were issued against Mr. Zamora as the possibility that he might pose a risk of flight or obstruction of the search for the truth had not been ruled out. According to the Government, the offences with which he was charged established a procedural risk and justified the use of pretrial detention. It confirms that the appeal submitted by the defence was dismissed.

70. The Government states that, on 8 December 2022, the charges were accepted and the Public Prosecution Service requested the opening of the trial for the offences of blackmail, laundering of money or other assets and influence peddling. The Eighth Criminal Trial Court for Drug Trafficking and Environmental Offences was designated by lot. It also states that the conviction for money-laundering was handed down by a collegiate court (and not by the supervising judge) and that the offence for which this conviction was secured is not related to Mr. Zamora's profession.

(c) Additional comments from the source

71. The Working Group transmitted the Government's response to the source on 30 January 2024 and requested any final comments and observations, which were received on 5 February 2024.

72. The source points out that the argument justifying the use of pretrial detention is no longer valid as the employee-employer relationship that hindered the search for the truth has not existed since 15 May 2023 (the date of the definitive closing of *elPeriódico*) and the risk of flight has not been analysed or contested by a judgment of the Appeal Court. The source states that Mr. Zamora has requested a review of his arbitrary detention on three occasions, most recently on 16 January 2024 before the Criminal Chamber, and that this last request is pending a decision.

73. The source affirms that the complainant's claims concerning the alleged "blackmail that took place in 2004 or 2005" are not substantiated.

74. The source denies that Mr. Zamora approached the complainant with the aim of laundering money or illicitly introducing it into the financial system. It also states that it is false that Mr. Zamora used his relationship with the former Chief of the Office of the Special Prosecutor against Impunity to obtain information with which to extort and blackmail people and points out that there is no information on the people who were allegedly blackmailed.

75. According to the source, the Government refers to information about other cases to which Mr. Zamora has not had access, or which was cited during his trial, that reveal the bias of the complainant witness. However, it has been reported that the complainant witness has, or had, millions of dollars frozen in connection with an investigation conducted by the Public Prosecution Service and that he was negotiating on the basis that he would file a complaint about Mr. Zamora, which the Government has not contradicted in its comments.

76. With regard to the search, the source rejects the claim that the Public Prosecution Service showed the aforementioned court authorization for the procedure to the residents and points out that, at the time of writing, there is no copy of the order in the case file.

77. According to the source, it is false that, on 30 July 2022, the Collegiate Criminal Court of First Instance for Drug Trafficking and Environmental Offences informed Mr. Zamora of the reasons for his arrest as it did not do so until 9 August.

2. Discussion

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

79. In determining whether Mr. Zamora's deprivation of liberty is arbitrary, the Working Group has regard to the principles established in its jurisprudence to deal with evidentiary issues. If the source has established a *prima facie* case for breach of international law constituting arbitrary detention, the burden of proof should be understood to rest upon the

Government if it wishes to refute the allegations. Mere assertions that lawful procedures have been followed are not sufficient to rebut the source's allegations.⁵

(a) **Category I**

80. The source claims that, on 29 July 2022, Mr. Zamora was arrested at his home without a warrant and that he was not informed of the reasons for his arrest until 10 days later. During the search that accompanied his arrest, the residents were shown a document – a record of the procedure – and pressure was put on them to sign it. A family member opted not to sign it because he considered the information contained in it to be false.

81. The Government disputes this assertion, arguing that a warrant was issued and that when police officers have a warrant for a person's arrest, that person is informed and given a copy, in accordance with national law. The Government explains that the Collegiate Criminal Court of First Instance for Drug Trafficking and Environmental Offences informed Mr. Zamora of the reasons for his arrest on 30 July 2022.

82. The source reiterates in its additional comments that Mr. Zamora was not informed of the reasons for his arrest until 9 August 2022, when he first appeared before a judge.

83. Under article 9 (1) of the Covenant, no one may be deprived of his or her liberty except on such grounds and in accordance with such procedure as are established by law. Article 9 (2) of the Covenant provides that anyone who is arrested must be informed, at the time of arrest, of the reasons for his or her arrest and must be promptly informed of any charges against him or her. An arrest requires legal authorization to be lawful. The Working Group has established that the authorities must invoke the legal basis and apply it to the circumstances of the case. This is typically done through an arrest warrant or a court order, or an equivalent document.⁶ The issuance of an arrest warrant serves two purposes: to ensure that the arrest has a legal basis (Covenant, art. 9 (1)) and to ensure that the arrested person is informed, at the same time, of the reasons for his or her arrest (art. 9 (2)).

84. The Working Group notes that the source and the Government disagree as to whether Mr. Zamora was arrested pursuant to a duly issued arrest warrant and as to whether the warrant was shown to him at the appropriate time. After considering the materials provided, the Working Group notes the Government's claim that a court authorization for the procedure carried out on 29 July 2022 was shown during the search of Mr. Zamora's home. However, it states that he was informed of the reasons for the arrest on 30 July. According to the Government's claims, on 29 July it was already in possession of an arrest warrant that set out the reasons for the arrest. However, the Government does not explain whether the document shown to Mr. Zamora during the arrest contained this detail. Given that the Government claims that Mr. Zamora was informed of the reasons for the arrest the following day, the Working Group concludes that he was not shown the arrest warrant on 29 July 2022 and is therefore not persuaded that the authorities showed him an arrest warrant or otherwise informed him of the reasons for the arrest at the time of the arrest. Consequently, there was a violation of article 9 (1) and (2) of the Covenant.

85. The source claims that the arraignment hearing was supposed to be held on 1 August 2022 but was delayed until 3 August 2022 because the judge did not receive the case file and Mr. Zamora was not transferred to the court. On the morning of 3 August, Mr. Zamora was informed that his lawyers were being investigated, which is why, at the time, he requested to postpone the arraignment hearing until 8 August. Mr. Zamora was first brought before a judicial authority on 3 August, four days after his arrest. However, he was not actually heard until 8 August. The Government argues that, during the arraignment hearing on 3 August, the complainant submitted an audio recording featuring the voices of several persons who could later have been subject to investigation, and that when Mr. Zamora was informed of this, he opted to reschedule the hearing.

86. According to article 9 (3) of the Covenant, anyone arrested or detained on a criminal charge must be brought promptly before a judge. As the Human Rights Committee has

⁵ A/HRC/19/57, para. 68.

⁶ Opinion No. 4/2023, para. 64.

established, 48 hours is ordinarily sufficient to satisfy the requirement to bring a detainee “promptly” before a judge after arrest and any longer delay must remain absolutely exceptional and be justified under the circumstances.⁷

87. The Working Group has assessed the arguments of the source and the Government and concludes that Mr. Zamora was not brought promptly before a judge within 48 hours of his arrest. The Government has not commented on this delay and instead refers to delays subsequent to the hearing of 3 August 2022 that relate to a recording. In this regard, the Working Group considers that, although Mr. Zamora requested a postponement on 3 August, he had already been detained for four days without being brought before a judge and the Government has not provided sufficient explanation for this delay. Therefore, the authorities violated article 9 of the Universal Declaration of Human Rights and article 9 (1) and (3) of the Covenant.

88. The source states that, on 9 August 2022, the Seventh Court ordered Mr. Zamora to be remanded in custody because there was a risk of obstruction of justice. According to the source, the public prosecutor’s office failed to explain how Mr. Zamora might pose a risk to the investigation or why it did not consider less burdensome measures. The source claims that the public prosecutor’s office based its request relating to the risk of obstruction of justice solely on the fact that Mr. Zamora was the chief executive of *elPeriódico* and that he might interfere with witness testimony. However, the public prosecutor’s office did not submit any evidence of Mr. Zamora’s tendency to interfere with justice. In the Government’s response, it states that Mr. Zamora was ordered to be remanded in custody for reasons relating to the obstruction of justice and the risk of flight.

89. It is an established norm of international law that pretrial detention should be the exception, rather than the rule, and should be ordered for the shortest possible time.⁸ Article 9 (3) of the Covenant establishes that it should not be the general rule that persons awaiting trial should be detained, but their 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 a principle, and detention as an 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.⁹ In addition, the courts should consider alternatives and, after an initial determination has been made that pretrial detention is necessary, there should be periodic reexamination of whether it continues to be reasonable and necessary.¹⁰

90. The Working Group notes that Mr. Zamora has spent more than one year in pretrial detention. While the Government has referred to the risks of flight and the obstruction of justice, it has not stated how the Court of Appeal’s decision on the appeal indicated that a risk of flight existed. Furthermore, the Government has not informed the Working Group how Mr. Zamora posed a direct and imperative threat to the conduct of the investigation at the time of his arrest and how this threat persisted during his detention. The Government referred to the risk that Mr. Zamora might use the resources of *elPeriódico* to obstruct justice but, if this was the case, Mr. Zamora should have been released no later than 15 May 2023, when *elPeriódico* closed.

91. The Working Group concludes that multiple violations of article 9 of the Covenant and article 9 of the Universal Declaration of Human Rights were committed against Mr. Zamora and that his detention is therefore arbitrary under category I.

(b) Category II

92. The source argues that, while Mr. Zamora’s arrest and detention are ostensibly related to money-laundering, blackmail and influence peddling, they actually stem from the

⁷ General comment No. 35 (2014), para. 33.

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

⁹ *Cedeño v. Bolivarian Republic of Venezuela*, ([CCPR/C/106/D/1940/2010](#)), para. 7.10.

¹⁰ General comment No. 35 (2014), para. 38.

legitimate exercise of his fundamental rights under articles 19 of the Covenant and the Universal Declaration of Human Rights and are a form of retaliation for his publications on cases of corruption in *elPeriódico* (see para. 46).

93. The Government argues in its response that Mr. Zamora was not arrested for exercising his human rights and that the offence for which he was convicted is not related to his profession and therefore does not fall under category II.

94. Article 19 (1) of the Covenant establishes that all forms of opinion are protected, including opinions of a political, scientific, historical, moral or religious nature. Article 19 (2) of the Covenant provides that everyone has the right to freedom of expression. This right includes the freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, and covers, among other things, political discourse, commentary on public affairs, discussion of human rights and journalism.¹¹ The right to freedom of expression protects the holding and expression of opinions, including those that are critical of, or not in line with, government policy.¹²

95. The Working Group considers that Mr. Zamora's publications on cases of corruption, which appeared in *elPeriódico*, fall within the boundaries of the exercise of the right to freedom of expression protected by article 19 of the Universal Declaration of Human Rights and article 19 of the Covenant.

96. The Working Group recalls that, five days before the arrest, *elPeriódico* published reports alleging instances of serious corruption within the Government of the then President of the country and other high-ranking officials linked to his administration. As of September 2022, 144 complaints of corruption had been filed in the 144 weeks during which the Government had been in power.

97. After reviewing the material, the Working Group considers that the Government's response lacks sufficient detail and substantiation and does not refute the source's arguments. Consequently, the Working Group concludes that Mr. Zamora's detention, which, to date, remains pretrial, resulted from the exercise of his freedom of expression and opinion (through the press). Mr. Zamora's comments have not been shown to constitute incitement to violence or to justify his detention.

98. On that basis, the Working Group concludes that Mr. Zamora's arrest and detention resulted from the exercise of the rights and freedoms guaranteed by articles 19 of the Universal Declaration of Human Rights and the Covenant, and therefore fall under category II. The Working Group refers the present case to the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, for appropriate action.

(c) Category III

99. Given its finding that Mr. Zamora's detention was arbitrary under category II, the Working Group considers that no trial should be held. However, given that criminal proceedings have been taken against him and considering the allegations of the source, the Working Group will proceed to determine whether fundamental elements of a fair, independent and impartial trial have been respected in the course of the ongoing judicial proceedings.

100. The source states that Mr. Zamora was deprived of his right to legal counsel. It claims that, to date, four of his lawyers have been convicted and the other six have been charged with criminal conduct. Mr. Zamora was assisted by 10 lawyers over the course of 11 months between the day of his arrest, on 29 August 2022, and the day of his final address to the court, on 14 June 2023. The various lawyers claimed that they did not have prompt access to some of the documents.

101. The Government does not dispute this claim in its response. However, it states that it was Mr. Zamora's decision to change his first two lawyers at the start of the arraignment

¹¹ Human Rights Committee, general comment No. 34 (2011), para. 11;

¹² Opinion No. 79/2017, para. 55.

hearing and that they subsequently accepted the charges against them. However, it does not respond directly to the source's allegations about the reasons why he replaced his lawyers and does not provide reasons for the restrictions on timely access to evidence or for the changes that, according to the source, Mr. Zamora was required to make to his defence.

102. Under article 14 (3) (d) of the Covenant, persons have the right to defend themselves in person or through legal assistance of their own choosing, or through free legal assistance assigned to them when they do not have sufficient means to pay for it, in line with principles 17 and 18 of the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment. Accordingly, States should allow and facilitate access to a lawyer (in principle, a lawyer of their choosing) for persons detained in connection with criminal proceedings from the outset of their detention.¹³ Legal counsel should be able to carry out their functions effectively and independently, free from fear of reprisal, interference, intimidation, hindrance or harassment.¹⁴

103. The Working Group is concerned about the pattern of investigating and criminalizing Mr. Zamora's lawyers, which was not refuted by the Government. Throughout the proceedings, Mr. Zamora had 10 lawyers, four of whom were investigated and arrested (see paras. 30–37). The result of this succession of short-term appointments was that each lawyer had less and less time in which to examine the case. Although Mr. Zamora had access to a lawyer from the outset of his criminal case, his exercise of this right was hampered by the multiple changes in his legal representation, resulting, at least in part, from the repeated investigations against his appointed lawyers. This constitutes a violation of the right to legal counsel enshrined in article 14 (3) (d) of the Covenant. The Working Group refers this case to the Special Rapporteur on the independence of judges and lawyers.

104. Under article 14 (3) (b) of the Covenant, all persons deprived of their liberty are entitled to have adequate time and facilities for the preparation of their defence and to communicate with counsel of their own choosing. Adequate facilities should include access to relevant documents and evidence, especially all materials that the prosecution plans to offer in court against the accused or that are exculpatory.¹⁵ The right to communicate with counsel requires that the accused is granted prompt access to counsel.¹⁶

105. In view of the information provided, the Working Group cannot but accept the version of the facts provided by the source. It therefore finds that Mr. Zamora's right to adequate time and facilities to prepare his defence and communicate with his lawyer, as guaranteed by article 14 (3) (b) of the Covenant, was not granted.

106. The source also claims that Mr. Zamora was unable to present evidence and witnesses relevant to his defence. Mr. Zamora was convicted in the first instance of money-laundering and this conviction appears to be based on his inability to prove the lawful origins of the money, which was allegedly intended to be laundered. It is not for the Working Group to evaluate the facts and evidence in a particular case or to substitute itself for domestic appellate tribunals.¹⁷

107. According to the source, however, the Court excluded any evidence that could prove the lawful origin of the funds. Mr. Zamora wanted to call as a witness the person who brought the work, as a way of collaborating with *el Periódico*, and the person who handed over the money. Mr. Zamora wanted to show the contract for the sale of the work from which the money originated. Lastly, Mr. Zamora requested an investigation into the breaking of the bank seals protecting the money. The Seventh Court declared these testimonies and the investigation of the bank seals to be inadmissible. The Government states in its response that Mr. Zamora's defence did not propose witnesses and that no documentation proving the lawfulness of the money was presented.

¹³ Human Rights Committee, general comment No. 35 (2014), paras. 34 and 35.

¹⁴ A/HRC/30/37, annex, principle 9; A/HRC/45/16, para. 54; Basic Principles on the Role of Lawyers, para. 16; and Opinion No. 70/2021, para. 94.

¹⁵ Human Rights Committee, general comment No. 32 (2007), para. 33.

¹⁶ *Ibid.*, para. 34.

¹⁷ Fact Sheet No. 26. Available at:

<https://www.ohchr.org/sites/default/files/Documents/Publications/FactSheet26en.pdf>.

108. First and foremost, the discrepancy between the source's and the Government's accounts of whether Mr. Zamora's defence was able to present evidence and witnesses relevant to the defence is troubling. After reviewing the information, the Working Group notes that the source's complaints are detailed and consistent, while the Government does not address some of the source's arguments in detail. The Working Group accepts the detailed information provided by the source.

109. The notion of equality of arms is an essential characteristic of a fair trial and is an expression of the balance that must exist between the prosecution and the defence.¹⁸ On the basis of this principle, there is a strict obligation to respect the right to have witnesses admitted that are relevant for the defence and to be given sufficient opportunity to question and challenge witnesses against them at some stage of the proceedings.¹⁹ It does not, however, provide an unlimited right to obtain the attendance of any witness requested by the accused or their counsel, but only the right to have witnesses admitted who are relevant for the defence.

110. On the basis of the materials provided, the Working Group accepts the source's version and maintains that Mr. Zamora's defence was not granted equality of arms in respect of the right to have relevant witnesses admitted. The Working Group concludes that there has been a violation of article 14 (1) and (3) (e) of the Covenant.

111. The Working Group notes the source's concern about the ability of Mr. Zamora's defence to question witnesses against him at some stage of the proceedings. The Government did not provide information in this regard, and the Working Group therefore concludes that Mr. Zamora's right to equality of arms and adversarial proceedings was not respected.

112. Furthermore, according to the source, the Eighth Court violated the presumption of innocence by sentencing Mr. Zamora to 6 years' imprisonment on the basis of an inference when the origin or provenance of the money has not been proven and the evidence proposed by the source was considered inadmissible. On the contrary, the Government claims that the evidence presented during the oral public hearing was sufficient to prove the offence.

113. As established by the Human Rights Committee, the presumption of innocence imposes on the prosecution the burden of proving the charge, guarantees that no guilt can be presumed until the charge has been proved beyond reasonable doubt and ensures that the accused has the benefit of doubt.²⁰

114. The source's claim that the conviction was based on an inference has not been sufficiently addressed by the Government. The inference raises concerns, especially in view of the fact that Mr. Zamora was found not guilty of influence peddling or blackmail, i.e., the offences relating to the unlawful origin of the money.

115. However, the Working Group notes that its task is not to reassess the sufficiency of the evidence used in the trial. It also notes that Mr. Zamora was acquitted of some of the charges against him. Consequently, it does not consider that a violation of the presumption of innocence has been demonstrated.

116. Additionally, the source claims that the right to an impartial tribunal was not respected owing to the allegedly friendly relations between the prosecutor, the Seventh Judge, the Public Prosecution Service and Fundación contra el Terrorismo, the tolerance of disrespectful attitudes throughout the proceedings, and the interruption of Mr. Zamora and the refusal to receive his written conclusions and petitions. The Government replies that it has respected national law in assigning judges by lot and states that different judges participated in the proceedings and that a collegiate court decided on the conviction.

117. The Human Rights Committee has interpreted that the obligation to ensure a fair and impartial trial before an independent and impartial tribunal requires the tribunal to appear to a reasonable observer to be impartial.²¹ A hearing is not impartial if the defendant is faced

¹⁸ Human Rights Committee, general comment No. 32 (2007), para. 39.

¹⁹ Ibid.

²⁰ Ibid., para. 30.

²¹ Ibid., para. 21.

with the expression of a hostile attitude that is tolerated by the court, thus violating the right to defence.²²

118. Considering the conflicting views of the Government and the source on this issue, the Working Group lacks information to find a violation of the right to be tried by an independent and impartial tribunal.

119. The Working Group concludes that the above-mentioned violations of the right to a fair trial are of such gravity as to render Mr. Zamora's deprivation of liberty arbitrary under category III.

(d) Category V

120. The Working Group concluded under category II that Mr. Zamora's detention resulted from the legitimate exercise of the right to freedom of expression. Where detention is the result of the active exercise of civil and political rights, there is a strong presumption that it also constitutes a violation of international law on grounds of discrimination based on political or other views.²³ Consequently, the Working Group will consider the allegations under category V.

121. The source claims that Mr. Zamora was attacked because of his political opinions, as expressed through his journalistic activities. It claims that persons who fight corruption, including not only independent investigative journalists but also judges, prosecutors, activists and independent justice operators in general, were subjected to discrimination. The Government denies any link between Mr. Zamora's arrest and his journalistic activities.

122. The Working Group notes the statements made after the court ruling by the head of the Office of the Special Prosecutor against Impunity regarding journalistic activities undertaken by Mr. Zamora that were unrelated to the trial, as well as the closure of *el Periódico* as a result of the economic measures adopted in the trial. It notes that the newspaper's journalists, columnists and administrative staff were criminalized and that the Government decided not to contest this allegation. After examining the materials, the Working Group finds that Mr. Zamora's deprivation of liberty is discriminatory on the grounds of his political opinions.

123. There is widespread concern within the international community about the criminalization and protection of judges, prosecutors, journalists (including Mr. Zamora) and human rights defenders in the context of the fight against corruption in Guatemala.²⁴

124. Consequently, Mr. Zamora's detention violates articles 2 and 7 of the Universal Declaration of Human Rights and articles 2 (1) and 26 of the Covenant and is arbitrary under category V.

3. Disposition

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

The deprivation of liberty of José Rubén Zamora Marroquín, being in contravention of articles 2, 7, 9, 10, 11 and 19 of the Universal Declaration of Human Rights and articles 2 (1), 9, 14, 19 and 26 of the Covenant, is arbitrary and falls within categories I, II, III and V.

126. The Working Group requests the Government of Guatemala to take the steps necessary to remedy the situation of Mr. Zamora 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.

127. The Working Group considers that, taking into account all the circumstances of the case, the appropriate remedy would be to release Mr. Zamora immediately and accord him

²² Ibid., para. 25.

²³ Opinion No. 59/2019.

²⁴ A/HRC/53/9; A/HRC/52/23, paras. 14, 84 and 88; and Inter-American Commission on Human Rights, Annual Report 2022, chapter IV.B, Guatemala, para. 152.

an enforceable right to compensation and other reparations, in accordance with international law.

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

129. In accordance with paragraph 33 (a) of its methods of work, the Working Group refers the present case to the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression and the Special Rapporteur on the independence of judges and lawyers, for appropriate action.

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

Follow-up procedure

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

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

132. 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.

133. 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.

134. 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.²⁵

[Adopted on 19 March 2024]

²⁵ Human Rights Council resolution 51/8, paras. 6 and 9.