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Human Rights Council
Working Group on Arbitrary Detention**Opinions adopted by the Working Group on Arbitrary Detention at its ninety-second session, 15–19 November 2021****Opinion No. 47/2021 concerning Sheikh Talal bin Abdulaziz bin Ahmed bin Ali Al Thani (Qatar)**

1. The Working Group on Arbitrary Detention was established in resolution 1991/42 of the Commission on Human Rights. In its resolution 1997/50, the Commission extended and clarified the mandate of the Working Group. Pursuant to General Assembly resolution 60/251 and Human Rights Council decision 1/102, the Council assumed the mandate of the Commission. The Council most recently extended the mandate of the Working Group for a three-year period in its resolution 42/22.
2. In accordance with its methods of work,¹ on 23 April 2021, the Working Group transmitted to the Government of Qatar a communication concerning Sheikh Talal bin Abdulaziz bin Ahmed bin Ali Al Thani. The Government has not replied to the communication. The State is a party to the International Covenant on Civil and Political Rights.
3. The Working Group regards deprivation of liberty as arbitrary in the following cases:
 - (a) When it is clearly impossible to invoke any legal basis justifying the deprivation of liberty (as when a person is kept in detention after the completion of his or her sentence or despite an amnesty law applicable to him or her) (category I);
 - (b) When the deprivation of liberty results from the exercise of the rights or freedoms guaranteed by articles 7, 13, 14, 18, 19, 20 and 21 of the Universal Declaration of Human Rights and, insofar as States parties are concerned, by articles 12, 18, 19, 21, 22, 25, 26 and 27 of the Covenant (category II);
 - (c) When the total or partial non-observance of the international norms relating to the right to a fair trial, established in the Universal Declaration of Human Rights and in the relevant international instruments accepted by the States concerned, is of such gravity as to give the deprivation of liberty an arbitrary character (category III);
 - (d) When asylum seekers, immigrants or refugees are subjected to prolonged administrative custody without the possibility of administrative or judicial review or remedy (category IV);
 - (e) When the deprivation of liberty constitutes a violation of international law on the grounds of discrimination based on birth, national, ethnic or social origin, language, religion, economic condition, political or other opinion, gender, sexual orientation, disability, or any other status, that aims towards or can result in ignoring the equality of human beings (category V).

¹ [A/HRC/36/38](#).

Submissions

Communication from the source

4. Sheikh Talal bin Abdulaziz bin Ahmed bin Ali Al Thani is a Qatari citizen born in 1968. He is married and has four children.

5. The source notes that Sheikh Talal Al Thani is a prominent member of the royal family of Qatar. He is the son of Sheikh Abdulaziz bin Ahmad bin Ali bin Abdullah bin Jassim bin Mohammed Al Thani, who is in turn the eldest son of Emir Ahmad bin Ali bin Abdullah bin Jassim bin Mohammed Al Thani. Sheikh Talal Al Thani's grandfather ruled Qatar from 1960 until he was deposed in 1972 by his cousin, Khalifa bin Hamad Al Thani.

a. Background

6. In 2008, Sheikh Talal Al Thani's father died in exile in Jeddah, Saudi Arabia. After the death of his father, Sheikh Talal Al Thani requested his inheritance from the Government of Qatar. He sought to uphold his inheritance claim in a peaceful manner by bringing it before the courts of Qatar. In so doing, he reportedly insisted that his claim to inheritance existed as of right and refused to request his share of the estate as a "free grant" of the Emir of Qatar. According to the source, this appears to have triggered the Government's measures against Sheikh Talal Al Thani and his family, including his alleged arbitrary arrest and detention.

7. The source reports that the Government secured Sheikh Talal Al Thani's return to Qatar on the basis of a promise that his inheritance would be paid to him in increments upon his return to the country. When Sheikh Talal Al Thani returned to Qatar, his inheritance was withheld and, in addition, the Government reportedly proceeded to freeze and appropriate his assets. Furthermore, the Government involved him in a series of commercial transactions and infrastructure projects that later proved to be fictitious. According to the source, this resulted in multiple court proceedings against Sheikh Talal Al Thani. The common element of these proceedings was reportedly the fabrication of his debts using cheques. In some cases, his cheques were stolen. In most cases, Sheikh Talal Al Thani was prosecuted when a party unsuccessfully tried to cash the so-called "guarantee cheques" that he had signed.

8. The source adds that in Qatar, criminal charges concerning the misuse of guarantee cheques are governed by article 357 of the Penal Code, which stipulates that a case should be filed against the signatory of a cheque without sufficient funds to cover its face value.

b. Arrest, detention and trial proceedings

9. The source reports that on 21 February 2013, Sheikh Talal Al Thani was arrested by plain-clothes police officers at a gas station and taken to pretrial detention and then to jail on the alleged trumped-up charge of defaulting on his debts. He was arrested without a warrant or an explanation of the charges brought against him and he has reportedly remained arbitrarily detained in Qatar since then.

10. According to the source, since his detention Sheikh Talal Al Thani has not been informed of his rights. He has reportedly been denied the right to legal representation, despite his repeated requests for a lawyer. Sheikh Talal Al Thani decided to grant his wife power of attorney in the civil and criminal cases against him. Since then, she has pursued multiple court proceedings related to her husband's case. The Government has repeatedly denied her access to important documents concerning the lawsuits brought against her husband.

11. In detention, Sheikh Talal Al Thani has allegedly been subjected to various pressures by the Government. He was asked to sign papers admitting that he was mentally unfit. On the advice of his wife, he refused to do so. The source adds that the Government used threats to coerce him into making false confessions of alleged crimes he did not commit. He was also forced to state that he had been jailed for inability to pay his debts and not as a political prisoner.

12. The source reports that in May 2018, Sheikh Talal Al Thani received a sentence of over 22 years' imprisonment for the period from 21 March 2013 to 30 June 2035. According to the source, it is not plausible that Sheikh Talal Al Thani has been jailed being unable to pay his debts. At all times, he has shown a firm commitment to use his assets to settle any

outstanding debts. Indeed, he has succeeded in settling several cases brought against him using his assets. Nevertheless, the freezing of his assets by the Government of Qatar has severely limited his ability to settle the debts that remain outstanding. Despite this, he has still sought to settle them using his monthly government income.

13. According to the source, Sheikh Talal Al Thani has not received adequate medical attention in prison. He suffers from high blood pressure and diabetes. He has various diabetes-related conditions, including fatty deposits in his leg and cataracts. He also suffers from severe back and joint pains, and he has very limited mobility. As a result of his treatment in prison, Sheikh Talal Al Thani suffers from severe physical and psychological stress. Due to his incommunicado detention, it is not possible to ascertain his current state of health. A medical certificate issued almost a year into his detention indicated that he required hospitalization for at least seven months during that period. The source adds that unless he receives adequate medical treatment for his eye condition, there is a risk that he will go blind. Medicine and a suitable diet are reportedly not provided in detention. Prior to leaving Qatar (see para. 17 below), his wife purchased the medicines he needs from a nearby hospital when she visited him. The source notes that there is no one who can do this for him at present. At some point, Sheikh Talal Al Thani went on hunger strike and ceased taking medication, in order to request an audience with the Minister of Interior to explain his situation (see para. 19 below).

14. The source reports that Sheikh Talal Al Thani is being held in a prison facility on the outskirts of Doha. The proximity of his cell to a raw sewage system further exacerbates his suffering, as does his reported prolonged incommunicado detention. In that respect, the source refers to Human Rights Council resolution 16/23, in which the Council stated that: “Prolonged incommunicado detention or detention in secret places can facilitate the perpetration of torture and other cruel, inhuman or degrading treatment or punishment and can in itself constitute a form of such treatment.” The source notes that it has also been described as “the most heinous violation of the norm protecting the right to liberty of human beings under customary international law”.²

15. The source adds that visits from Sheikh Talal Al Thani’s family have been systematically impeded. During the eight years that he has been imprisoned, he has only seen his wife and children twice. He has reportedly gone on multiple hunger strikes in prison to force the Qatari authorities to allow his family to visit. By luck, he was accidentally able to catch sight of his youngest son on one occasion, when his wife was called in to the prison to be informed of administrative matters and brought the baby. The facilities for visits were deemed unsafe by his wife and she requested better arrangements so that she could visit with the children. She also requested that visits be arranged at a civilian house, but her request was declined.

16. During his imprisonment, the Government has reportedly sought to undermine Sheikh Talal Al Thani’s reputation through the dissemination of defamatory news items that mischaracterize him as a thief, unable to honour his debts and insane. The source adds that it is widely recognized that the Qatari press is controlled by the Government and there is a reasonable basis for believing that the Government has either orchestrated or failed to curb such attacks on Sheikh Talal Al Thani’s honour and reputation. The intimidating tactics used by the Government have made Sheikh Talal Al Thani feel distressed and helpless, knowing that he can do nothing from his prison cell to clear his name.

17. The source reports that after Sheikh Talal Al Thani’s detention, his wife and their four children were forced to live in squalid conditions as a result of the asset freeze imposed on him by the Government, leading to the repeated hospitalization of the children. The maltreatment and deprivation imposed by the Government on his family have caused Sheikh Talal Al Thani anxiety and mental suffering. His wife reportedly feared that if her children continued to live in Qatar, they would be persecuted because of their relationship with their father. In June 2018, she received permission to visit relatives in Germany. She chose not to return to Qatar and settled with her children in Germany. Following resettlement, she commenced a public campaign to secure her husband’s release and the family’s reunification.

² A/HRC/22/44, para. 60.

According to the source, she now lives in daily fear for her family's lives and they are under German police protection. In early 2019, Qatar reportedly cut off her communication with her husband and in September 2019, she was told that she could only speak to her husband from a telephone located within Qatar. In so doing, Qatar has sought to pressure Sheikh Talal Al Thani's wife into returning to Qatar. Qatar has reportedly also ceased transferring money to her from her husband's government income, which had been intended for her and the children.

18. The source alleges that the treatment of Sheikh Talal Al Thani by the Government is symptomatic of the failing respect for human rights in Qatar, for which the country has been the subject of much international criticism. The source also alleges that the abuse he has suffered forms part of a pattern of gross violations of human rights and a consistent disdain for human dignity. The source adds that it is highly likely that the alleged maltreatment of Sheikh Talal Al Thani and the deprivation of his rights by Qatar will force him into undertaking another hunger strike in protest. The Government, including the Minister of the Interior, have reportedly shown no concern for his health, including his psychological integrity, or his life. According to the source, Qatar has and still is subjecting Sheikh Talal Al Thani to cruel, inhuman and degrading treatment and torture while in detention.

19. As noted above, the Minister of the Interior has reportedly given short shrift to Sheikh Talal Al Thani's desperate attempt to seek assistance through a hunger strike. His letter to the Minister states in a compelling yet respectful manner that his health is deteriorating due to the conditions of his detention. He provides a detailed explanation to the Minister of his medical conditions, noting that these cannot be treated adequately in custody. Despite the evident risk to his health, the preferred approach undertaken by the Minister was reportedly to ignore Sheikh Talal Al Thani's hunger strike until he was hospitalized in a critical condition. The source notes that in prolonging the alleged arbitrary detention and systematic mistreatment in custody of Sheikh Talal Al Thani, Qatar is deliberately placing his health and life in imminent danger. The source adds that his fragile health cannot withstand this situation any longer. According to the source, the bid by Qatar to enforce a 22-year alleged arbitrary prison sentence on Sheikh Talal Al Thani is a death sentence in all but name.

20. The source reports that Sheikh Talal Al Thani does not have any domestic remedies available in Qatar. He has exhausted all such avenues. Having pursued multiple proceedings on behalf of her husband before the Qatari courts, his wife eventually succeeded in obtaining several judgments for his acquittal and release. However, the Government reportedly refuses to implement those judgments for political reasons, in violation of the country's international legal obligations. Sheikh Talal Al Thani thus remains in jail without any effective domestic remedy to challenge the legality of his ongoing incarceration or access to counsel. The source adds that in any event, even if a legal avenue theoretically existed on paper, in practice the Government of Qatar has systematically ensured the failure of any domestic endeavour to release Sheikh Talal Al Thani or improve his conditions of detention.

c. Legal analysis

21. In the light of the above, the source argues that Sheikh Talal Al Thani's deprivation of liberty is arbitrary under category I, because there is no legal basis justifying such deprivation, and that it is also arbitrary under category III because his detention, prosecution and conviction failed to meet minimum international standards of due process.

i. Category I

22. The source submits that Sheikh Talal Al Thani's arrest and continued detention is unlawful and lacks any legal basis in Qatari or international law. The source refers to the jurisprudence of the Working Group, whereby imprisoning a person for debt violates *jus cogens* and customary international law, regardless of domestic law.³ It also refers

³ The source refers, inter alia, to [A/HRC/22/44](#), paras. 50–51, and [E/CN.4/1993/24](#), para. 13.

extensively to the preliminary findings issued by the Working Group following its visit to Qatar in November 2019.⁴

23. According to the source, under article 36 of the Qatari Constitution and articles 9, 10 and 11 of the International Covenant on Civil and Political Rights, Qatar has a duty to safeguard the personal freedoms, liberties and due process rights of its citizens, while protecting them from arbitrary detention. The source submits that Qatar has failed to comply with these obligations in Sheikh Talal Al Thani's case. Indeed, the Qatari judiciary has reportedly already ordered his acquittal and release. He has exhausted all the domestic remedies available to him. Nevertheless, according to the source, the Government of Qatar remains opposed to his release.

ii. Category III

24. The source notes that detention is considered arbitrary under category III, "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".⁵

25. The source adds that due process is a key tenet of the right to a fair trial. The minimum international standards of due process are established in the Universal Declaration of Human Rights, the Covenant and the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment.⁶

26. The source recalls that Sheikh Talal Al Thani was arrested by Qatari plain-clothes police at a gas station, without a warrant, thus denying him information regarding the basis for his arrest and detention. In so doing, Qatar reportedly violated his right to be promptly informed of the charges against him and the source submits that this conduct was in violation of articles 9 (2) and 14 (3) (a) of the Covenant, as well as principles 10 and 13 of the Body of Principles. The source adds that the detention of Sheikh Talal Al Thani without a judicial order further violated article 9 of the Universal Declaration of Human Rights, article 9 (1) of the Covenant and principle 2 of the Body of Principles, which prohibit arbitrary deprivation of liberty. The source also adds that the proceedings that led to Sheikh Talal Al Thani's imprisonment on 21 February 2013 failed to meet the requirements of a fair and public hearing, in general violation of article 14 of the Covenant and articles 10 and 13 of the Universal Declaration of Human Rights. The source asserts that the fact that Sheikh Talal Al Thani was ostensibly being jailed for an inability to pay his debts is in violation of his human rights.

27. According to the source, the circumstances in Sheikh Talal Al Thani's case clearly show that he is unable to pay his debts, as opposed to being unwilling to do so. That inability is allegedly the direct consequence of arbitrarily imposed and politically motivated economic sanctions against him. The source also submits that the denial of his right to legal representation deprived him of the ability to prepare his defence adequately. While being detained incommunicado, Sheikh Talal Al Thani has reportedly been unable to communicate with a lawyer, despite his repeated requests to do so, in violation of article 16 of the Covenant and article 6 of the Universal Declaration of Human Rights. The source submits that by depriving Sheikh Talal Al Thani of a lawyer of his choosing, Qatar has violated article 14 (3) (b) of the Covenant and paragraph 1 of the Basic Principles on the Role of Lawyers. The source notes that the Human Rights Committee has clarified that: "States parties should permit and facilitate access to counsel for detainees in criminal cases from the outset of their detention."⁷ It submits that Qatar has not done this in the present case.

28. The source further submits that Qatar used grave threats and maltreatment in custody to coerce false confessions from Sheikh Talal Al Thani. On at least one occasion journalists

⁴ See

<https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25296&LangID=E>.

⁵ A/HRC/30/69, para. 8 (c).

⁶ The source also refers to opinion No. 48/2016, para. 41.

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

allegedly cooperated with Qatari policemen to try to coerce false confessions from him in custody. The conduct of Qatar thus violated his right to be free from torture and cruel, inhuman or degrading treatment. In that respect, the source notes that article 5 of the Universal Declaration of Human Rights, articles 7 and 10 (1) of the Covenant and principles 6 and 21 of the Body of Principles establish the prohibition of violating this right. Furthermore, articles 1, 2, 4, 5, 6 and 7 of the Convention against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment also prohibit the infliction of physical or mental pain or suffering by a public official with the intention to intimidate or coerce.

29. The source also notes that more broadly, article 10 (1) of the Covenant and principle 1 of the Body of Principles state that persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person. The source submits that Qatar contravened these provisions when it subjected Sheikh Talal Al Thani to physical and mental abuse, including by depriving him of adequate medical attention,⁸ denying him access to his family⁹ and systematically undermining his reputation through defamatory news items.¹⁰ The source also submits that Sheikh Talal Al Thani's forced confessions during his incommunicado detention, coupled with solitary confinement and the inhuman and degrading conditions to which he has been subjected, have flagrantly jeopardized the guarantees necessary for his defence before the Qatari courts, in contravention of article 11 (1) of the Universal Declaration of Human Rights. With reference to a previous opinion by the Working Group, the source submits that the treatment of Sheikh Talal Al Thani indicates how Qatar continues to flout its obligations in this respect.¹¹

30. The source reiterates that since Sheikh Talal Al Thani's wife started pursuing court proceedings, as authorized on her husband's behalf, she has been denied access to many of the documents concerning the lawsuits brought against her husband. The source submits that this conduct by the Qatari courts amounts to a violation of guideline 13 of the United Nations Basic Principles and Guidelines on Remedies and Procedures on the Right of Anyone Deprived of Their Liberty to Bring Proceedings Before a Court and of the Basic Principles on the Independence of the Judiciary, in particular paragraph 6, which states: "The principle of the independence of the judiciary entitles and requires the judiciary to ensure that judicial proceedings are conducted fairly and that the rights of the parties are respected."

31. The source also submits that despite constitutional guarantees, the judiciary in Qatar is not independent and it notes that when the Emir of Qatar deems it in the "public interest", he can dismiss Qatari judges and prosecutors. The source adds that in 2015, the Special Rapporteur on the independence of judges and lawyers noted numerous cases of pressure by the Qatari executive on the judiciary, particularly in cases that concerned potential political rivals of the Emir.¹² The Special Rapporteur also reported allegations that the public prosecution was directly involved in fabricating charges and tampering with evidence, and noted that in 2009, 33 judges reportedly resigned in protest over the continued interference of the executive in judicial proceedings.¹³ The source also notes that more recently, the Committee against Torture repeatedly expressed concern over the absence of security of tenure of national and non-national judges in Qatar, and the Emir's exclusive authority to

⁸ The source adds that Qatar's failure to protect the health of Sheikh Talal Al Thani while in detention amounts to inhuman treatment in violation of article 10 (1) of the Covenant and possibly even to torture, contrary to article 7 of the Covenant and the similarly worded article 5 of the Universal Declaration of Human Rights. The source also refers to the Basic Principles for the Treatment of Prisoners, in particular paragraph 9, and article 16 of the Convention against Torture.

⁹ The source reiterates that during the eight years that he has been imprisoned, Sheikh Talal Al Thani has only seen his wife and children twice. It adds that the failure to accommodate visits amounts to a violation of article 10 (1) of the Covenant and principle 19 of the Body of Principles. It also violates his right to family life, guaranteed under article 17 of the Covenant and article 12 of the Universal Declaration of Human Rights.

¹⁰ The source adds that by failing to protect Sheikh Talal Al Thani from such unlawful attacks on his honour and reputation, Qatar has violated article 12 of the Universal Declaration of Human Rights and article 17 of the Covenant.

¹¹ Opinion No. 48/2016, para. 52.

¹² See [A/HRC/29/26/Add.1](#).

¹³ *Ibid*, paras. 77 and 36.

appoint judges.¹⁴ According to the source, this is the context in which Sheikh Talal Al Thani's right to a competent, independent and impartial tribunal – a right which, according to the Human Rights Committee, should be subject to no exception¹⁵ – was and remains violated by Qatar, contrary to article 10 of the Universal Declaration of Human Rights and article 14 (1) of the Covenant.

32. The source further submits that despite obtaining judgments ordering his acquittal and release in some of his lawsuits, Sheikh Talal Al Thani remains in detention. In violation of article 8 of the Universal Declaration of Human Rights, the Government has allegedly failed to implement those judgments for political reasons. The source asserts that by imposing and enforcing punishment in spite of judgments for acquittal, Qatar is in breach of article 14 (7) of the Covenant, which guarantees that punishment will not be imposed for an offence of which the accused has been acquitted. The source adds that Qatar continues to deny Sheikh Talal Al Thani the right to have his detention reviewed by an independent and impartial tribunal. In so doing, Qatar is violating its obligation under article 14 (5) of the Covenant. The source submits that Qatar has engineered an unlawful status quo, whereby it can prolong its arbitrary detention of Sheikh Talal Al Thani with no foreseeable prospect of a genuine review of his case by any domestic judicial body.

33. In addition, the source submits that the fact that Qatar is keeping Sheikh Talal Al Thani in jail, while denying him access to any effective remedy to challenge the legality of his ongoing incarceration, constitutes a violation of his non-derogable right to habeas corpus. This conduct by Qatar reportedly violates articles 9 (3) and 9 (4) of the Covenant and principles 4, 9, 11 and 32 (1) of the Body of Principles. Furthermore, the continuation of Sheikh Talal Al Thani's unlawful detention is reportedly being utilized by Qatar to prolong the serious and ongoing violation of his rights, including subjecting him to torture and cruel, inhuman and degrading treatment.¹⁶

Response from the Government

34. On 23 April 2021, the Working Group transmitted the source's allegations to the Government of Qatar under its regular communication procedure. The Working Group requested the Government to provide, by 22 June 2021, detailed information about the current situation of Sheikh Talal Al Thani and clarify the legal provisions justifying his continued detention, as well as its compatibility with the obligations of Qatar under international human rights law and in particular with regard to the treaties ratified by the State. The Working Group also called upon the Government to ensure his physical and mental integrity.

35. The Working Group regrets that it has not received any reply from the Government of Qatar, nor did the Government request an extension of the time limit for its reply, as provided for in paragraph 16 of the Working Group's methods of work.¹⁷

Discussion

36. In the absence of a response or a request for an extension from the Government, the Working Group has decided to render the present opinion, in conformity with paragraph 15 of its methods of work.

37. As a preliminary matter, the Working Group observes that Qatar acceded to the International Covenant on Civil and Political Rights on 21 May 2018 and that the Government has not raised the *ratione temporis* objection to the source arguing violations of the Covenant in the present case. It therefore concludes that the provisions of the Covenant

¹⁴ CAT/C/QAT/CO/3, paras. 19–20.

¹⁵ General comment No. 32 (2007), para. 19.

¹⁶ The source notes that the violations of Sheikh Talal Al Thani's fair trial and due process rights, as described above, are convergent with the Working Group's observations during its 2019 visit to Qatar.

¹⁷ The Working Group notes that an allegation letter in respect of Sheikh Talal Al Thani was sent to the Government by several special procedure mandate holders on 19 October 2020 and that the Government responded to the communication on 15 January 2021. However, the Working Group recalls that in accordance with paragraph 23 of its methods of work, governments are required to respond separately to joint communications and to communications under the regular procedure.

cannot be relied upon in examining the events that took place prior to 21 May 2018, which is when the Covenant became binding upon Qatar. In other words, the Covenant cannot be relied upon when it comes to the alleged violations in the context of Sheikh Talal Al Thani's pretrial detention, whereas it is applicable in relation to the examination of alleged violations after his conviction in May 2018 and in connection with his ongoing detention.

38. In its jurisprudence, the Working Group has established the ways in which it deals 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.¹⁸ In the present case, the Government has chosen not to challenge the prima facie credible allegations made by the source.

39. The source has argued that Sheikh Talal Al Thani's detention is arbitrary and falls under categories I and III. The Working Group proceeds to examine the allegations in turn.

Category I

40. The Working Group has consistently stated that in order for deprivation of liberty to be justified, it must have a legal basis. It is not sufficient for there to be a national law or practice authorizing the arrest and detention of a suspect. The authorities must invoke a legal basis consistent with international human rights standards, through an arrest warrant, and apply it to the circumstances of the case.¹⁹

41. International human rights law requires that arrests must be based on a duly issued arrest warrant to ensure 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 of liberty under articles 3 and 9 of the Universal Declaration of Human Rights and principles 2, 4 and 10 of the Body of Principles. The Working Group has maintained from its early years that the practice of arresting persons without a warrant renders their detention arbitrary.²⁰

42. In the present case, the source has alleged that Sheikh Talal Al Thani was arrested on 21 February 2013 by plain-clothes police at a gas station, without a warrant or an explanation of the basis for his arrest and taken to pretrial detention, and then to jail, on the alleged trumped-up charge of defaulting on his debts. He has reportedly remained in detention since then. The Government has chosen not to respond to these allegations and it has not furnished any reasons to explain the delay in informing Sheikh Talal Al Thani of the reasons for his arrest, which should have been provided immediately. The Working Group thus finds the submissions by the source to be credible and notes with concern that Sheikh Talal Al Thani was arrested without a warrant and not provided with the reasons for his arrest at the time of his arrest. The Working Group further notes that it is unclear when he was informed of the charges against him. It thus concludes that the failure to provide Sheikh Talal Al Thani with an arrest warrant and to furnish him timely with the reasons for his arrest violates articles 3 and 9 of the Universal Declaration of Human Rights and principle 10 of the Body of Principles, and renders his arrest devoid of any legal basis.²¹

43. The source also alleges that Sheikh Talal Al Thani has been subjected to prolonged incommunicado detention, an allegation to which the Government has chosen not to respond. The source further alleges, and the Government has again chosen not to rebut, that Sheikh Talal Al Thani has continuously been denied access to any effective remedy to challenge the legality of his ongoing incarceration, which constitutes a violation of his non-derogable right to habeas corpus.

¹⁸ A/HRC/19/57, para. 68.

¹⁹ See, for example, opinions No. 14/2020, para. 49; No. 31/2020, para. 40; No. 32/2020, para. 32; No. 33/2020, paras. 53 and 71; and No. 34/2020, para. 44.

²⁰ See, for example, decisions No. 1/1993, paras. 6–7; No. 3/1993, paras. 6–7; and No. 4/1993, para. 6; For more recent jurisprudence, see opinions No. 38/2013, para. 23; No. 21/2017, para. 46; No. 33/2020, para. 54; and No. 34/2020, para. 46.

²¹ See, for example, opinions No. 46/2019, para. 51, and No. 10/2015, para. 34.

44. The Working Group notes that the practice of incommunicado detention effectively places victims outside the protection of the law and deprives them of any legal safeguards and recalls that: “No jurisdiction should allow for individuals to be deprived of their liberty in secret for potentially indefinite periods, held outside the reach of the law, without the possibility of resorting to legal procedures, including habeas corpus.”²²

45. Moreover, as the Working Group has consistently argued, holding persons incommunicado violates their right to challenge the lawfulness of their detention before a court.²³ The Working Group notes that Sheikh Talal Al Thani was not brought promptly before a judge or afforded the right to take proceedings before a court so that it might decide without delay on the lawfulness of his detention. Despite repeated requests, he was also denied legal assistance from the moment of his arrest which further adversely impacted his ability to challenge the legality of his detention. The Working Group considers that judicial oversight of detention is a fundamental safeguard of personal liberty and is essential in ensuring that detention has a legal basis.²⁴ Given that Sheikh Talal Al Thani was not able to challenge the legality of his detention, his rights under articles 8 and 10 of the Universal Declaration of Human Rights and principles 4, 9, 11 and 32 (1) of the Body of Principles were violated. He was also placed outside the protection of the law, in violation of his right to be recognized as a person before the law under article 6 of the Universal Declaration of Human Rights. The Working Group adds that in relation to his ongoing detention, notably after 21 May 2018, Sheikh Talal Al Thani’s rights under article 9 (4) of the Covenant were also violated (see para. 37 above).

46. The Working Group notes that Sheikh Talal Al Thani was arrested, charged and subsequently convicted on charges of inability to pay his debts. In that respect, the Working Group takes note of the assertion by the source that the fact that Sheikh Talal Al Thani was ostensibly being jailed for an inability to pay his debts is in violation of his human rights. In general terms, the Working Group notes that according to the provisions of article 11 of the Covenant, no one shall be imprisoned merely on the ground of inability to fulfil a contractual obligation. That prohibition protects against imprisonment as a punishment for the inability to pay a private debt or to fulfil another type of contractual condition owed to another person or corporation. It follows that any imprisonment, pre- or post-trial, premised on the failure to discharge a debt obligation is without legal basis under international human rights law. The Working Group thus reiterates its jurisprudence holding that imprisoning a person for debt violates *jus cogens* and customary international law, regardless of domestic law.²⁵

47. In that respect, the Working Group also refers to the report from its country visit to Qatar from 3 to 14 November 2019, in which it expressed its serious concerns at the criminalization of a wide range of non-violent acts in Qatar, including debt.²⁶ During its visit, the delegation was informed that it was common in Qatar, when taking out a loan or renting a property, to request that in addition to agreeing to a schedule of repayments or regular rent payments, the person gave a cheque for the total amount of money owed as a guarantee. The Working Group found that this practice in itself means that individuals are forced to breach articles 357 and 358 of the Penal Code, which make the writing of a cheque without sufficient funds to cover its value punishable by three months of imprisonment and a large fine. The Working Group further noted that once an individual defaulted on a single payment, the “guarantee cheque” would be cashed and, as there would not be sufficient funds to cover the entirety of the loan, the individual would face criminal proceedings under articles 357 and 358 of the Penal Code. The Working Group also noted that individuals charged and sentenced for such crimes represented a large proportion of the current detainee population of Qatar, contributing significantly to overcrowding.²⁷

²² A/HRC/16/47, para. 54.

²³ See, inter alia, opinions No. 28/2016, No. 79/2017, No. 93/2017, No. 33/2020 and No. 86/2020.

²⁴ See 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, para. 3.

²⁵ The source refers, inter alia, to A/HRC/22/44, paras. 50–51 and E/CN.4/1993/24, para. 13.

²⁶ A/HRC/45/16/Add.2, para. 25.

²⁷ Ibid, paras. 46–49.

48. The Working Group reiterates that international human rights law prohibits deprivation of liberty due to inability to fulfil a contractual obligation, as is stipulated in article 11 of the Covenant. This prohibition is non-derogable and, as highlighted above, is in fact part of customary international law.²⁸ The Working Group also recalls that under articles 9 of the Universal Declaration of Human Rights and of the Covenant, the right to personal liberty must be the norm and deprivation of liberty shall constitute an exception to it. The Working Group considers that detention due to inability to pay a debt is in itself an arbitrary deprivation of liberty. It is also arbitrary as it discriminates against individuals on the basis of their economic status (see also below under category V). In the absence of a response from the Government, the Working Group notes that the circumstances in Sheikh Talal Al Thani's case clearly show that he is unable to pay his debts, as opposed to being unwilling to do so. It also takes note of the allegation by the source, which has not been rebutted by the Government that this inability is the direct consequence of arbitrarily imposed and politically motivated economic sanctions against Sheikh Talal Al Thani.

49. The source further submits that despite obtaining judgments ordering his acquittal and release in some of his lawsuits, Sheikh Talal Al Thani remains in detention. The source alleges that the Government has failed to implement those judgments for political reasons. The Government has chosen not to challenge these allegations. In the absence of a government response, the Working Group finds a violation of Sheikh Talal Al Thani's right to an effective remedy under article 8 of the Universal Declaration of Human Rights. In relation to any orders for acquittal and release that may have been granted after 21 May 2018, the Working Group also finds a potential violation of article 14 (7) of the Covenant, which guarantees that punishment will not be imposed for an offence of which the accused has been acquitted.

50. The Working Group thus concludes that the detention of Sheikh Talal Al Thani lacks a legal basis and is therefore arbitrary, falling under category I.

Category III

51. The source has also submitted that there have been multiple violations of Sheikh Talal Al Thani's right to a fair trial through total or partial non-observance of the international norms associated with that right, as established and protected under various international human rights instruments, notably the Universal Declaration of Human Rights, the Covenant and the Body of Principles.²⁹ The Working Group refers to its findings under category I in which it established that Sheikh Talal Al Thani was, inter alia, arrested without a warrant, not promptly informed of the reasons for his arrest and held in incommunicado detention.

52. The source has submitted, and the Government has not contested, that Sheikh Talal Al Thani has been denied the right to legal representation, despite his repeated requests to see a lawyer, or the right to prepare his defence adequately. The Working Group notes that he had to grant his wife power of attorney in the civil and criminal cases against him. The Working Group recalls that legal representation is a core facet of the right to a fair trial. Legal assistance should be available at all stages of criminal proceedings, namely pretrial, during trial and at the appellate stages, to ensure compliance with fair trial guarantees. The Working Group also notes that any denial of access to a lawyer substantially undermines and compromises an accused individual's capacity to defend himself in any judicial proceedings.

53. Principle 18 (3) of the Body of Principles and rule 61 (1) of the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules) stipulate that defendants must have access to legal counsel without delay. As the Working Group has stated in principle 9 and guideline 8 of the United Nations Basic Principles and Guidelines, persons deprived of their liberty have the right to legal assistance provided by a counsel of their choice at any time during their detention, including immediately after apprehension, and must be promptly informed of this right upon apprehension.³⁰ Access to legal counsel should not be unlawfully or unreasonably restricted. The Working Group finds

²⁸ [A/HRC/42/39/Add.1](#), para. 65. See also opinions No. 31/2001 and No. 38/2013.

²⁹ The source also refers to opinion No. 48/2016, para. 41.

³⁰ See also [A/HRC/45/16](#), paras. 50–55.

that the absence of legal counsel for Sheikh Talal Al Thani violated his right to legal assistance as part of his right to a fair trial and due process under articles 10 and 11 (1) of the Universal Declaration of Human Rights, principles 17 and 18 of the Body of Principles and paragraph 1 of the Basic Principles on the Role of Lawyers. In addition, the Working Group finds that the ongoing violation of Sheikh Talal Al Thani's right to have access to legal representation is also a breach of articles 14 and 16 of the Covenant.

54. The source has also alleged and the Government has not rebutted, that since Sheikh Talal Al Thani's wife started pursuing court proceedings on her husband's behalf, she has been denied access to many of the documents concerning the lawsuits brought against her husband. The Working Group finds that this conduct by the Qatari courts amounts to a violation of guideline 13 of the United Nations Basic Principles and Guidelines and of the Basic Principles on the Independence of the Judiciary, in particular principle 6, which states: "The principle of the independence of the judiciary entitles and requires the judiciary to ensure that judicial proceedings are conducted fairly and that the rights of the parties are respected."

55. The Working Group notes that after his arrest on 21 February 2013, Sheikh Talal Al Thani remained in detention until he received a sentence of over 22 years' imprisonment in May 2018. His incarceration thus clearly includes a long period of pretrial detention, notably more than five years, without being allowed bail. The Working Group recalls that a person detained on a criminal charge shall be entitled to a trial within a reasonable time, or to release pending trial. Furthermore, a person detained on a criminal charge shall be entitled, unless a judicial or other authority decides otherwise in the interests of the administration of justice, to release that person pending trial and subject to the conditions that may be imposed in accordance with the law, and such authority shall keep the necessity of detention under review. In other words, pretrial detention should be the exception rather than the norm and it should be for the shortest time possible. Detention pending trial must thus be based on an individualized determination that it is reasonable and necessary for such purposes as to prevent flight, interference with evidence or the recurrence of crime. In the absence of any response from the Government, the Working Group is of the view that the Government did not consider alternatives to Sheikh Talal Al Thani's detention nor did it make the necessary assessment as to whether bail would have been reasonable in the present case. The Working Group finds a violation of Sheikh Talal Al Thani's due process rights under articles 9 and 10 of the Universal Declaration of Human Rights and principles 38 and 39 of the Body of Principles.

56. Further to its findings under category I, the Working Group expresses its grave concern at the incommunicado detention of Sheikh Talal Al Thani (see paras. 43 and 45 above) and notes that the General Assembly has consistently held that prolonged incommunicado detention, or detention in secret places, can facilitate the perpetration of torture and other cruel, inhuman or degrading treatment or punishment and can in itself constitute a form of such treatment.³¹ In that respect, the Working Group notes with serious concern that following his arrest in February 2013, Sheikh Talal Al Thani was allegedly subjected to various pressures by the Government to sign papers admitting that he was mentally unfit. In addition, there are allegations that Qatar used grave threats and maltreatment in custody to coerce him into making false confessions of alleged crimes he did not commit. The Government has chosen not to rebut these allegations. The Working Group has already established that Sheikh Talal Al Thani was held incommunicado, without access to a lawyer, a submission which has also not been contested by the Government. As the Working Group has previously stated, the presence of legal counsel during interrogations is an essential safeguard in ensuring that any admissions by an individual are made freely.³² The Working Group considers that confessions made in the absence of legal counsel are not admissible as evidence in criminal proceedings.³³ The admission into evidence of a statement allegedly obtained through torture or ill-treatment renders the entire proceedings unfair,

³¹ General Assembly resolutions 60/148, para. 11, and 74/143, para. 17.

³² [A/HRC/45/16](#), para 53.

³³ *Ibid.* See also opinions No. 40/2012, No. 1/2014, No. 14/2019 and No. 59/2019, and [E/CN.4/2003/68](#), para. 26 (e).

regardless of whether other evidence is available to support the verdict.³⁴ The burden is on the Government to prove that statements were given freely, but in this case it has not done so.

57. The Working Group is of the view that the allegations set out above would appear to contravene the absolute prohibition of torture and ill-treatment, as enshrined in articles 1, 2 and 16 of the Convention against Torture, article 5 of the Universal Declaration of Human Rights and principle 6 of the Body of Principles. The Working Group also notes that the use of a confession extracted through ill-treatment that is tantamount, if not equivalent, to torture may also constitute a violation by Qatar of its international obligation under article 15 of the Convention against Torture. Furthermore, the Body of Principles specifically prohibits undue advantage being taken of the situation of detention to compel a confession or incriminating statements (see principle 21). The Working Group also finds a violation of Sheikh Talal Al Thani's fundamental fair trial rights, including the right to be presumed innocent and the right not to confess guilt under articles 10 and 11 of the Universal Declaration of Human Rights.

58. The source further submits that the continuation of Sheikh Talal Al Thani's unlawful detention is being utilized by Qatar to prolong the serious and ongoing violation of his rights, including subjecting him to torture and cruel, inhuman and degrading treatment. In the absence of a response from the Government and in relation to his ongoing detention, the Working Group notes that this would also appear to be a violation of articles 7 and 10 (1) of the Covenant. In the light of the allegations set out above, the Working Group refers the present case to the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment for appropriate action.

59. The source has also alleged, and the Government has not contested, that on at least one occasion, journalists allegedly cooperated with the Qatari police to try to coerce false confessions from Sheikh Talal Al Thani when he was in custody. The Working Group finds this information both unusual and very worrying and thus refers the case to the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression for appropriate action.

60. The source has further alleged that Sheikh Talal Al Thani's right to be tried by an independent and impartial court has been violated. In that respect, it submits that despite constitutional guarantees, the judiciary in Qatar is not independent and refers to various findings by the Special Rapporteur on the independence of judges and lawyers and also repeated concerns expressed by the Committee against Torture over the lack of security of tenure of national and non-national judges in Qatar and the Emir's exclusive authority to appoint judges, particularly in cases that concern his potential political rivals.³⁵ According to the source, this is the context in which Sheikh Talal Al Thani's right to have his detention reviewed by a competent, independent and impartial tribunal was and remains violated by Qatar. The source also submits that Qatar has contrived an unlawful status quo whereby the prolonged alleged arbitrary detention of Sheikh Talal Al Thani has no foreseeable prospect of review by any domestic judicial body. In the absence of any rebuttal by the Government and taking into account the other fair trial violations established above, the Working Group finds a violation of Sheikh Talal Al Thani's right to be tried by an independent and impartial court under article 10 of the Universal Declaration of Human Rights. As he remains in detention, the Working Group also finds a violation of article 14 (1) and (5) of the Covenant. The Working Group therefore refers the case to the Special Rapporteur on the independence of judges and lawyers for appropriate action.

61. The Working Group also notes the uncontested allegation by the source that the Government has sought to undermine Sheikh Talal Al Thani's reputation through the dissemination of defamatory news items that mischaracterize him as a thief, unable to honour his debts and insane. In the absence of any rebuttal from the Government, the Working Group finds violations of Sheikh Talal Al Thani's rights to the presumption of innocence and to be

³⁴ Opinions No. 43/2012, para. 51; No. 34/2015, para. 28; No. 52/2018, para. 79 (i); No. 32/2019, para. 43; No. 59/2019, para. 70; and No. 73/2019, para. 91.

³⁵ [A/HRC/29/26/Add.1](#), paras. 36 and 77, and [CAT/C/QAT/CO/3](#), paras. 19–20.

protected from attacks on his honour and reputation under articles 11 (1) and 12, respectively, of the Universal Declaration of Human Rights.

62. In addition, the Working Group finds that the accumulation of Sheikh Talal Al Thani's forced confessions during his incommunicado detention, his subjection to solitary confinement and inhuman and degrading conditions, attacks on his honour and reputation and deprivation of adequate medical attention have also violated the guarantees necessary for the preparation of his defence before the Qatari courts, in contravention of article 11 (1) of the Universal Declaration of Human Rights.³⁶

63. The Working Group concludes that the violations of Sheikh Talal Al Thani's right to a fair trial noted above are of such gravity as to give his detention an arbitrary character under category III.

Category V

64. Although the source has not argued that the detention of Sheikh Talal Al Thani is arbitrary under category V, the Working Group takes note of the information provided by the source that, following his father's death in exile in 2008, Sheikh Talal Al Thani requested his inheritance from the Government of Qatar and that he sought a peaceful resolution of this issue by bringing it before the courts of Qatar. In so doing, he reportedly insisted that his claim to inheritance existed as of right and refused to request his share of the estate as a "free grant" of the Emir. According to the source, this appears to be the event that triggered the measures taken by the Government against Sheikh Talal Al Thani and his family. The Government had the opportunity to respond to such allegations, but has chosen not to do so.

65. It also appears from the facts as presented by the source, and not contested by the Government, that Sheikh Talal Al Thani was arrested, detained and convicted due to his inability to pay his debts. In addition, the source has alleged, and the Government has not rebutted, that this inability is the direct consequence of arbitrarily imposed and politically motivated economic sanctions against him.

66. In the absence of any response from the Government, the Working Group notes that it would appear that Sheikh Talal Al Thani's status as a member of the Royal family and his economic circumstances have indeed been motivating factors for his arrest and detention. The Working Group thus considers that he has been deprived of his liberty on the grounds of discrimination, namely on the basis of his family status and economic circumstances, in violation of articles 2 and 7 of the Universal Declaration of Human Rights. In relation to his ongoing detention, the Working Group also finds a violation of articles 2 (1) and 26 of the Covenant. His deprivation of liberty is therefore arbitrary, falling under category V.

Concluding remarks

67. The Working Group expresses its concern at the alleged denial of Sheikh Talal Al Thani's right to be visited by and correspond with his family and to be given adequate opportunity for contact with the outside world, subject to reasonable conditions and restrictions as specified by law or lawful regulations. The Working Group reminds the Government that denial of family contact may constitute a breach of principles 15 and 19 of the Body of Principles as well as rules 43 (3) and 58 (1) of the Nelson Mandela Rules.

68. The Working Group also expresses its grave concern that Sheikh Talal Al Thani's health continues to deteriorate and that he is reportedly held in very unhygienic conditions in a prison facility on the outskirts of Doha and has not received adequate medical attention in prison for various ailments that he suffers from, leading to severe physical and psychological stress and the risk of going blind. In that respect, the Working Group notes with serious concern that despite obtaining judgments ordering his acquittal and release in some of his lawsuits, Sheikh Talal Al Thani remains in detention (see paras. 32 and 49 above). The Working Group reminds the Government of its obligations to protect the health of Sheikh Talal Al Thani, in accordance with article 25 of the Universal Declaration of Human Rights and rules 24 to 35 of the Nelson Mandela Rules. It also reminds the Government that in

³⁶ The source refers to opinion No. 48/2016, para. 52.

accordance with article 10 (1) of the Covenant and principle 1 of the Body of Principles, all persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person.

69. The Working Group calls upon the Government to urgently conduct a thorough, effective and independent investigation into the circumstances of Sheikh Talal Al Thani's health while in custody. The investigation must include a detailed report of the medical and other care provided to him since his arrest and it must be conducted in a transparent manner with the full involvement of his family members and his legal and medical representatives.³⁷

70. The Working Group would welcome the opportunity to work constructively with the Government to address instances of arbitrary deprivation of liberty. In this regard, the Working Group recalls that following its visit to Qatar in 2019, it called upon the Government to give serious consideration to the possibility of a further visit in 2022 in full respect of the terms of reference for country visits. The Working Group looks forward to such an invitation.³⁸

Disposition

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

The deprivation of liberty of Sheikh Talal bin Abdulaziz bin Ahmed bin Ali Al Thani, being in contravention of articles 2, 3, 6, 7, 8, 9, 10, 11 and 12 of the Universal Declaration of Human Rights and articles 2 (1), 9, 10 (1), 11, 14, 16 and 26 of the International Covenant on Civil and Political Rights, is arbitrary and falls within categories I, III and V.

72. The Working Group requests the Government of Qatar to take the steps necessary to remedy the situation of Sheikh Talal Al Thani without delay and bring it into conformity with the relevant international norms, including those set out in the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights.

73. The Working Group considers that, taking into account all the circumstances of the case, including the risk of harm to Sheikh Talal Al Thani's health, the appropriate remedy would be to release him immediately and accord him an enforceable right to compensation and other reparations, in accordance with international law. In the current context of the global coronavirus (COVID-19) pandemic and the threat that it poses in places of detention, the Working Group calls upon the Government to take urgent action to ensure his immediate release.

74. The Working Group urges the Government to ensure a full and independent investigation of the circumstances surrounding the arbitrary detention of Sheikh Talal Al Thani, and to take appropriate measures against those responsible for the violation of his rights.

75. In accordance with paragraph 33 (a) of its methods of work, the Working Group refers the present case to the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, the Special Rapporteur on the independence of judges and lawyers and the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, for appropriate action.

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

Follow-up procedure

77. 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 Sheikh Talal Al Thani has been released and, if so, on what date;

³⁷ See the Nelson Mandela Rules, rule 34.

³⁸ A/HRC/45/16/Add.2, para. 2.

(b) Whether compensation or other reparations have been made to Sheikh Talal Al Thani;

(c) Whether an investigation has been conducted into the violation of Sheikh Talal Al Thani's rights and, 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 Qatar with its international obligations in line with the present opinion;

(e) Whether any other action has been taken to implement the present opinion.

78. 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.

79. The Working Group requests the source and the Government to provide the above-mentioned information within six months of the date of transmission of the present opinion. However, the Working Group reserves the right to take its own action in follow-up to the opinion if new concerns in relation to the case are brought to its attention. Such action would enable the Working Group to inform the Human Rights Council of progress made in implementing its recommendations, as well as any failure to take action.

80. 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.³⁹

[Adopted on 15 November 2021]

³⁹ Human Rights Council resolution 42/22, paras. 3 and 7.