



International Covenant on Civil and Political Rights

Distr.: General
4 September 2014

Original: English

Human Rights Committee

Communication No. 1860/2009

Views adopted by the Committee at its 111th session (7–25 July 2014)

<i>Submitted by:</i>	Mufteh Younis Muftah Al-Rabassi (represented by human rights organization Alkarama)
<i>Alleged victim:</i>	Abdenacer Younes Meftah Al-Rabassi (the author's brother) and the author
<i>State party:</i>	Libya
<i>Date of communication:</i>	16 December 2008 (initial submission)
<i>Document reference:</i>	Special Rapporteur's rule 97 decision, transmitted to the State party on 28 January 2009
<i>Date of adoption of Views:</i>	18 July 2014
<i>Subject matter:</i>	Detention of the author's brother
<i>Substantive issues:</i>	Enforced disappearance, prohibition of torture and cruel and inhuman treatment, right to liberty and security of person, right of all persons deprived of their liberty to be treated with humanity and dignity, right to fair trial, right to freedom of expression, recognition as a person before the law, right to an effective remedy
<i>Procedural issues:</i>	Lack of cooperation from the State party; same matter examined by another international procedure
<i>Articles of the Covenant:</i>	2 (para. 3); 6 (para. 1); 7; 9 (paras. 1–4); 10 (para. 1); 14 (paras. 1 and 3); 16; 19
<i>Articles of the Optional Protocol:</i>	5 (para. 2 (a))



Annex

Views of the Human Rights Committee under article 5, paragraph 4 of the Optional Protocol to the International Covenant on Civil and Political Rights (111th session)

concerning

Communication No. 1860/2009*

Submitted by: Muftah Younis Muftah Al-Rabassi (represented by human rights organization Alkarama)

Alleged victim: Abdenacer Younes Meftah Al-Rabassi (the author's brother), and the author

State party: Libya

Date of communication: 16 December 2008 (initial submission)

The Human Rights Committee, established under article 28 of the International Covenant on Civil and Political Rights,

Meeting on 18 July 2014,

Having concluded its consideration of communication No. 1860/2009, submitted to the Human Rights Committee on behalf of Muftah Younis Muftah Al-Rabassi under the Optional Protocol to the International Covenant on Civil and Political Rights,

Having taken into account all written information made available to it by the author of the communication,

Adopts the following:

Views under article 5, paragraph 4, of the Optional Protocol

1.1 The author of the communication is Muftah Younis Muftah Al-Rabassi, a Libyan national born in 1959. He claims that his brother, Abdenacer Younes Meftah Al-Rabassi, a Libyan national born in 1965, is a victim of violations by Libya¹ of articles 2, paragraph 3; 6, paragraph 1; 7; 9, paragraphs 1 to 4; 10, paragraph 1; 14, paragraphs 1 and 3; 16; and 19 of the Covenant. The author also claims that he himself is a victim of a violation of articles 2, paragraph 3; and 7 of the Covenant. The author is represented.

* The following members of the Committee participated in the examination of the present communication: Yadh Ben Achour, Lazhari Bouzid, Christine Chanet, Cornelis Flinterman, Yuji Iwasawa, Walter Kälin, Zonke Zanele Majodina, Gerald L. Neuman, Sir Nigel Rodley, Dheerujall Seetulsingh, Anja Seibert-Fohr, Yuval Shany, Konstantine Vardzelashvili, Margo Waterval and Andrei Paul Zlătescu.

¹ The Optional Protocol entered into force for Libya on 16 May 1989.

1.2 On 28 January 2009, the Committee acting through its Special Rapporteur on New Communications and Interim Measures, requested the State party to adopt all necessary measures to protect the life, safety and personal integrity of the author's brother, so as to avoid irreparable damage to him, and to inform the Committee of the measures taken by the State party in compliance with this request within 30 days.

Facts as submitted by the author

2.1 Abdenacer Younes Meftah Al-Rabassi, a social worker and former employee of the Social Security Bureau of Bani Walid, was arrested on 3 January 2003 by agents of the Libyan Interior Security Agency. No reasons for his arrest were given. He was taken to the Interior Security Office in Bani Walid and transferred to Tripoli on 5 January 2003. He was held in incommunicado detention for six months at an undisclosed location during which time his family did not know his whereabouts. Throughout this period Mr. Al-Rabassi was subjected to torture, ill-treatment and inhuman conditions of detention, which included holding him in an isolated cell which he was never allowed to leave.

2.2 The author believes that the arrest was linked to an e-mail Mr. Al-Rabassi had sent to the *Arab Times*, an Arab-American online newspaper, in June 2002, in which he criticized the political leadership of Libya and sought the assistance of the *Arab Times* for the publication of a book on the political and economic situation in Libya. He also requested that his message be kept confidential.

2.3 On 26 June 2003, Mr. Al-Rabassi was indicted by the People's Court, a special court, accused of "having undermined the prestige of the leader of the revolution", in contravention of article 164 of the Libyan Penal Code.² On 28 July 2003, he was sentenced to 15 years' imprisonment. At the time of the author's initial submission, Mr. Al-Rabassi was still serving his sentence at Abu-Salim Prison in Tripoli.

2.4 Mr. Al-Rabassi was not allowed access to a lawyer at any stage during his incommunicado detention or during the proceedings before the Court. The hearing at the People's Court was held in private session and Mr. Al-Rabassi's close family members were prohibited from attending.

2.5 For two years, in 2006 and 2007, and without explanation, the family of Mr. Al-Rabassi was prohibited from visiting him in prison. The author claims that during this period Mr. Al-Rabassi was prevented from having any contact with his family or the outside world. He was detained without any protection by the legal system, as the only persons aware that he was detained were the detaining officials. In 2008, they were allowed to visit him on two occasions, after they learned from other prisoners' families that visits were being allowed.

2.6 Mr. Al-Rabassi's case was brought to the attention of the Working Group on Arbitrary Detention, which on 30 August 2005 rendered its opinion No. 27/2005. After deploring the lack of cooperation of the State party, the Working Group concluded that Mr. Al-Rabassi's deprivation of liberty was arbitrary and requested the State party to remedy the situation and bring it into conformity with the provisions of the Covenant.

2.7 The author contends that domestic remedies were neither available nor effective in Libya for victims of human rights violations, due to the lack of independence of the judiciary. The People's Court was created to try political offences outside the ordinary judicial system and became notorious for politically motivated and biased trials.

² The order to execute the verdict of imprisonment, a copy of which is contained in the file, indicates that the crime committed was "challenging Al-Fateh revolution and its leader and committing a violent act against the Republic Regime".

Furthermore, fear of reprisals in cases of politically motivated abuses rendered any judicial remedy unavailable or ineffective. The fact that Mr. Al-Rabassi was tried by a special court shows that the Libyan authorities deemed his case to be political in nature. Political involvement often led to harassment, pressure, threats, deprivation of liberty, torture or murder, both against those seen to be opposing the regime and against their families. Thus, in view of the ineffectiveness of local remedies and the de facto unavailability of any such remedies (owing to a general fear of reprisals against anyone seen to be associated with political detainees), the author submits that he should be excused from exhausting national remedies.

2.8 Notwithstanding the foregoing, the author and his family tried other non-judicial channels to challenge the legality of Mr. Al-Rabassi's detention. Thus, they submitted the case to the Working Group on Arbitrary Detention and forwarded its opinion through a letter sent to the President of the Gaddafi International Foundation for Charity Associations. No response was received from the Foundation. In 2005 and 2006, the family contacted the "people's leadership" (local organizations dealing with social welfare), both in Bani Walid and at the national level, to seek assistance regarding Mr. Al-Rabassi's detention. However, all such endeavours were to no avail.

The complaint

3.1 The author claims that the State party violated article 6 of the Covenant by virtue of subjecting his brother to unacknowledged and incommunicado detention between January and June 2003. Placing the detainee entirely at the mercy of detaining officials is a situation that lent itself to serious abuses and constituted a grave threat to his life.

3.2 The author also claims that by subjecting his brother to enforced disappearance, torture and inhumane treatment while in custody, the State party violated article 7 of the Covenant. His brother was subjected to enforced disappearance twice. Firstly, during the six months that followed his arrest, in the course of which he was denied any communication with his family or a lawyer, as well as any judicial scrutiny of his detention. Secondly, in the two-year period of 2006 and 2007, when he was prevented from having any contact with his family or the outside world. In addition, Mr. Al-Rabassi was subjected to torture according to testimonies from former co-prisoners, which also constitutes a violation of article 7 of the Covenant.

3.3 The author claims that his brother was also a victim of violations of article 9. The interior security agents arrested him without any legal basis and without any reference to a judicial authority or any justification in law for their actions. He was held in pre-trial detention for a period that substantially exceeded the maximum period permitted under Libyan law. Articles 122 and 123 of the Libyan Code of Criminal Procedure provide for a maximum period of up to 15 days in custody, which may be extended to 45 days only if the examining magistrate deems it necessary. Hence, his detention for more than six months before indictment and sentence was also unlawful. This amounts to a violation of article 9, paragraph 1, of the Covenant.

3.4 With regard to article 9, paragraph 2, the author submits that this provision was violated because the agents who carried out the arrest did not present a warrant, nor did they give any reasons for the arrest. Mr. Al-Rabassi was officially informed of the charges against him only six months later. Furthermore, both the delay in bringing him before a judicial authority after his arrest and the failure to bring him to trial within a reasonable time or release him constitute a violation of article 9, paragraph 3.

3.5 Mr. Al-Rabassi was deprived of the possibility of challenging the legality of his detention before a court and had no access to legal counsel, family or any other person who

could have initiated a legal procedure on his behalf. These facts constitute a violation of article 9, paragraph 4, of the Covenant.

3.6 Since Mr. Al-Rabassi was subjected to torture and cruel, inhuman and degrading treatment, in violation of article 7, while in custody, it is evident that he was not treated with humanity and respect for his dignity. Thus, the above-mentioned incidents also entail a violation of article 10 of the Covenant.

3.7 The State party violated Mr. Al-Rabassi's right to a fair trial. His hearing was held before a special tribunal, outside the regular judicial system, without objective and reasonable grounds, which in itself constitutes a violation of the right to equality before the courts. Furthermore, there was no separation of powers in Libya and the courts were under the control of Colonel Gaddafi, who could intervene in and change judgements, or even sit in at a court of appeal. This lack of delineation between the executive and judicial powers in the Libyan court system in general, as well as the practice of blatant political interference in judgements, clearly indicates that the tribunal that tried Mr. Al-Rabassi could not have met the requirement of independence set by article 14, paragraph 1, of the Covenant. Furthermore, the court hearings were not held in public and Mr. Al-Rabassi's family was not allowed to attend them. The author further claims that the fact that his brother was unable to avail himself of the assistance of a lawyer constitutes a violation of article 14, paragraph 3 (b).

3.8 The author claims that his brother's right to recognition as a person before the law was violated due to his enforced disappearance, in violation of article 16 of the Covenant.

3.9 The author refers to the opinion of the Working Group on Arbitrary Detention, according to which the e-mail sent by Mr. Al-Rabassi to the *Arab Times* in June 2002 — in which he apparently expressed a critical opinion about the supreme political leader of Libya — would not have transgressed the permissible limits of his freedom of expression. Mr. Al-Rabassi merely sought the assistance of the *Arab Times* for the publication of a book. It is therefore contended that his deprivation of liberty was motivated by his exercising the right to freedom of expression, and amounts to a violation of article 19, paragraphs 1 and 2. There is no justification for the actions of the State party under article 19, paragraph 3.

3.10 The author contends that he and his family suffered extreme emotional and psychological anguish owing to their inability to obtain information about his brother's fate and their fear for his safety during the periods when he had disappeared. Accordingly, the State party also violated article 7.

3.11 The author submits that his brother and himself are victims of a violation of article 2, paragraph 3, as they were unable to obtain any redress from the State party for the above-mentioned violations. In addition to that, during the time Mr. Al-Rabassi was subjected to enforced disappearance he was in a position where it was de facto impossible for him to seek any kind of remedy for the violation of his rights. The State party not only failed to investigate such violations but also continued to violate his rights by, inter alia, the continuous arbitrary deprivation of his liberty. This fact also constitutes a violation of article 2, paragraph 3. Furthermore, the violations against Mr. Al-Rabassi took place within a wider context of similar violations that the State party failed to address, including the large number of enforced disappearances and persistent reports of arbitrary arrest, incommunicado detention and long periods of pretrial detention.

3.12 Lastly, the failure to protect the rights under articles 6, 7, 9, 10, 14, 16 and 19 amounts in itself to an autonomous violation of the said articles read in conjunction with article 2, paragraph 3.

Lack of cooperation from the State party

4. On 28 January 2009, the Committee requested the State party to submit its observations on the admissibility and merits of the communication within six months. Despite reminders sent on 16 October 2009, 24 August 2010 and 31 January 2011, the information requested was not received. The Committee regrets the State party's failure to provide any information on the admissibility and merits of the author's claims. It recalls that, in accordance with article 4, paragraph 2, of the Optional Protocol, the State party concerned is required to submit to the Committee written explanations or statements clarifying the matter and indicating the measures, if any, that have been taken by the State to remedy the situation. In the absence of a reply from the State party, the Committee must give due weight to those allegations by the author that have been properly substantiated.³

Additional information submitted by the author

5. On 10 April 2014, the author informed the Committee that Mr. Al-Rabassi had been released from prison on 8 March 2010. He did not have any additional information to provide and wished the communication to be examined by the Committee.

Issues and proceedings before the Committee*Consideration of admissibility*

6.1 Before considering any claim contained in a communication, the Committee must decide, in accordance with rule 93 of its rules of procedure, whether the communication is admissible under the Optional Protocol.

6.2 As required, under article 5, paragraph 2 (a), of the Optional Protocol, the Committee must ascertain that the same matter is not being examined under another procedure of international investigation or settlement. The Committee notes that in its Opinion No. 27/2005, adopted on 30 August 2005, the Working Group on Arbitrary Detention found the detention of Mr. Al-Rabassi to be arbitrary. The Committee recalls its jurisprudence to the effect that article 5, paragraph 2 (a), of the Optional Protocol applies only when the same matter that is before the Committee is being examined under another procedure of international investigation or settlement. As the Working Group on Arbitrary Detention had already concluded its consideration of the case before the present communication was submitted to the Committee, the Committee will not address the issue of whether consideration of a case by the Working Group is "another procedure of international investigation or settlement" under article 5, paragraph 2 (a), of the Optional Protocol.⁴ Consequently, the Committee considers that there are no obstacles to the admissibility of the communication under this provision of the Optional Protocol.

6.3 With regard to the exhaustion of domestic remedies, the Committee reiterates its concern that, in spite of first transmittal of the communication and the subsequent three

³ See, inter alia, communications No. 1913/2009 *Abushaala v. Libyan Arab Jamahiriya*, Views adopted on 18 March 2013, para. 6.1; No. 1751/2008 *Aboussedra v. Libyan Arab Jamahiriya*, Views adopted on 25 October 2010, para. 4; No. 1640/2007 *El Abani v. Libyan Arab Jamahiriya*, Views adopted on 26 July 2010, para. 4; No. 1776/2008, *Salem Saad Ali Bashasha v. Libyan Arab Jamahiriya*, Views adopted on 8 March 2008, para. 4.2; No. 1422/2005, *El Hassy v. Libyan Arab Jamahiriya*, Views adopted on 24 October 2007, para. 4; No. 1295/2004, *El Alwani v. Libyan Arab Jamahiriya*, Views adopted on 11 July 2007, para. 4; No. 1208/2003, *Kurbonov v. Tajikistan*, Views adopted on 16 March 2006, para. 4; and No. 760/1997, *Diergaardt et al. v. Namibia*, Views adopted on 25 July 2000, para. 10.2.

⁴ Communication No. 1940/2010, *Cedeño v. Venezuela*, Views adopted on 29 October 2012, para. 6.2.

reminders addressed to the State party, no observations on the admissibility or merits of the communication have been received. In the circumstances, the Committee finds that it is not precluded from considering the communication under article 5, paragraph 2 (b), of the Optional Protocol.

6.4 As to the alleged violation of article 19, paragraphs 1 and 2, of the Covenant, the Committee considers that the limited information contained in the file does not allow it to conclude that the arrest and subsequent conviction of Mr. Al-Rabassi was linked to the message he addressed in 2002 to the *Arab Times* newspaper. Accordingly, it considers that this claim has been insufficiently substantiated and declares it inadmissible under article 2 of the Optional Protocol.

6.5 The Committee considers that the author's remaining claims regarding violations of Mr. Al-Rabassi's rights under article 2, paragraph 3; article 6, paragraph 1; article 7; article 9, paragraphs 1–4; article 10, paragraph 1; article 14, paragraphs 1 and 3 (b); and article 16, as well as the claims regarding the violation of the author's rights under articles 2, paragraph 3, and article 7 have been sufficiently substantiated for purposes of admissibility. It therefore declares the communication admissible and proceeds to its examination of the merits.

Consideration of the merits

7.1 The Committee has considered the present communication in the light of all information made available to it, in accordance with article 5, paragraph 1, of the Optional Protocol.

7.2 The Committee takes note of the author's claims regarding the detention of his brother, his enforced disappearance, his subsequent trial at the People's Court and his imprisonment at Abu-Salim Prison. The Committee also notes that the State party has not provided observations regarding these claims. The Committee reaffirms that the burden of proof cannot rest solely on the author of the communication, especially considering that the author and the State party do not always have equal access to evidence and that frequently the State party alone has access to the relevant information.⁵ It is implicit in article 4, paragraph 2, of the Optional Protocol that the State party has the duty to investigate in good faith all allegations of violations of the Covenant made against it and its representatives and to provide the Committee with the information available to it. In cases where the author has submitted allegations to the State party that are corroborated by credible evidence and where further clarification depends on information that is solely in the hands of the State party, the Committee may consider the author's allegations substantiated in the absence of satisfactory evidence or explanations to the contrary presented by the State party.

7.3 The Committee notes that Mr. Al-Rabassi was arrested by interior security agents on 3 January 2003 and held at an undisclosed location, with no possibility of communicating with the outside world for around six months. It also notes that while he was serving his sentence in Abu-Salim Prison, his family was refused authorization to visit him for almost two years in 2006 and 2007, during which time they were also unable to have any contact with him. The Committee recalls its jurisprudence that, in cases of enforced disappearance, the deprivation of liberty followed by a refusal to acknowledge the deprivation of liberty or by concealment of the fate of the disappeared person removes the person from the protection of the law and places his or her life at a serious and constant risk for which the

⁵ See *El Hassy v. Libyan Arab Jamahiriya* (note 3 above), para. 6.7; No. 1297/2004, *Medjnoune v. Algeria*, Views adopted on 14 July 2006, para. 8.3; and No. 1804/2008, *Il Khwildy v. Libyan Arab Jamahiriya*, Views adopted on 1 November 2012, para. 7.2.

State is accountable.⁶ In the present case, the Committee notes that the State party has produced no evidence to show that it met its obligation to protect the life of Mr. Al-Rabassi during the six months after his detention on 3 January 2003 and during the time he was deprived of contact with his family while serving his sentence in Abu-Salim Prison. Indeed, the Committee, through previous cases, is also aware that other persons held in circumstances such as those endured by Mr. Al-Rabassi have been found to have been killed or failed to reappear alive. Accordingly, the Committee concludes that the State party failed in its duty to protect Mr. Al-Rabassi's life, in violation of article 6, paragraph 1, of the Covenant.⁷

7.4 The Committee recognizes the degree of suffering involved in being held without any contact with the outside world. It recalls its general comment No. 20 on article 7, which recommends that States parties should make provisions against incommunicado detention. It notes that in the present case, Mr. Al-Rabassi was arrested on 3 January 2003, after which time and for a period of six months he was kept incommunicado in an undisclosed location, with no access to family, lawyer or anyone from the outside world, and was held in isolation in a cell which he was not allowed to leave. The Committee also notes that after Mr. Al-Rabassi was sentenced, family visits at Abu-Salim Prison where he was held were interrupted for two years, during which time he had no contact with the outside world. In the absence of information from the State party that would contradict the aforementioned, the Committee concludes that the facts as described amount to a violation of article 7 of the Covenant. Having reached this conclusion, the Committee will not examine the claims regarding the violation of article 10 for the same facts.

7.5 Regarding the alleged violation of article 9, paragraphs 1 to 4, the Committee notes the author's information that his brother was taken away without an arrest warrant and without being informed of the reasons for his arrest; that he was held in incommunicado detention for six months, a period which substantially exceeded the maximum period prescribed by Libyan law for pre-trial detention; and that during this time he was unable to challenge the legality of his detention or its arbitrary character and had no access to a lawyer or family member who could have made such challenge on his behalf. In the absence of any pertinent explanation from the State party, the Committee considers that the facts described constitute a violation of article 9 of the Covenant.⁸

7.6 Regarding the author's claims under article 14, the Committee notes that Mr. Al-Rabassi was sentenced to 15 years of imprisonment by a special court that is not independent from the executive; that the court's hearing was held in private session which not even family members could attend; and that he was not able to avail himself of the assistance of a lawyer. In the absence of any information from the State party, the Committee concludes that the trial and sentencing of Mr. Al-Rabassi in the circumstances described disclose a violation of article 14, paragraphs 1 and 3 (b), of the Covenant.

7.7 In respect of article 16, the Committee reiterates its established jurisprudence according to which intentionally removing a person from the protection of the law for a prolonged period of time may constitute a denial of his or her right to recognition as a person before the law if the victim was in the hands of the State authorities when last seen and if the efforts of his or her relatives to obtain access to effective remedies — including

⁶ See *Abushaala v. Libyan Arab Jamahiriya* (note 3 above), para. 6.2.

⁷ See *Il Khwildy v. Libyan Arab Jamahiriya* (note 5 above), para. 7.12.

⁸ *Ibid.* para. 7.7; and communication No. 1297/2004, *Medjnoune v. Algeria*, Views adopted on 14 July 2006, para. 8.5.

judicial remedies (art. 2, para. 3, of the Covenant) — have been systematically impeded.⁹ In the present case, the author alleges that the State party's authorities failed to provide Mr. Al-Rabassi's family with relevant information concerning his fate or whereabouts for long periods of time, and that the State party maintained at that time a climate of general fear of reprisals against anyone seen to be associated with political detainees. The State party has provided no evidence refuting these allegations. Accordingly, the Committee finds that during the periods when Mr. Al-Rabassi disappeared, he was deprived of the protection of the law, in violation of article 16 of the Covenant.

7.8 The author also invokes article 2, paragraph 3, of the Covenant, which requires States parties to ensure that individuals have accessible, effective and enforceable remedies for asserting the rights enshrined in the Covenant. The Committee reiterates the importance that it accords to States parties' establishment of appropriate judicial and administrative mechanisms for addressing alleged violations of rights under domestic law. It refers to its general comment No. 31, which states that failure by a State party to investigate allegations of violations could in and of itself give rise to a separate breach of the Covenant.¹⁰ In the present case, the information before the Committee indicates that Mr. Al-Rabassi did not have access to an effective remedy, leading the Committee to find a violation of article 2, paragraph 3, read in conjunction with article 6, paragraph 1; article 7; article 9; article 14, paragraphs 1 and 3 (b); and article 16 of the Covenant.

7.9 The Committee notes the anguish and distress caused to the author by the incommunicado detention and disappearance of his brother. Recalling its jurisprudence, the Committee concludes that the facts before it reveal a violation of article 7 of the Covenant, read alone and in conjunction with article 2, paragraph 3, with respect to the author.¹¹

8. The Committee, acting under article 5, paragraph 4, of the Optional Protocol, is of the view that the facts before it disclose a violation by the State party of articles 6, paragraph 1; 7; 9; 14, paragraphs 1 and 3 (b); and 16. It also discloses a violation of article 2, paragraph 3, read in conjunction with articles 6, paragraph 1; 7; 9; 14, paragraphs 1 and 3 (b); and 16 of the Covenant with regard to Mr. Al-Rabassi. Lastly, the Committee finds a violation of article 7, read alone and in conjunction with article 2, paragraph 3 of the Covenant with respect to the author.

9. In accordance with article 2, paragraph 3, of the Covenant, the State party is under an obligation to provide Mr. Al-Rabassi with an effective remedy by inter alia: (a) conducting a thorough and effective investigation into his detention, disappearance and unfair trial; (b) providing him with detailed information on the results of the investigation; (c) prosecuting, trying and punishing those responsible for the violations committed; and (d) providing adequate compensation to the author and Mr. Al-Rabassi for the violations suffered. The State party is also under an obligation to take steps to prevent similar violations in the future.

10. Bearing in mind that, by becoming a party to the Optional Protocol, the State party has recognized the competence of the Committee to determine whether or not there has been a violation of the Covenant and that, pursuant to article 2 of the Covenant, the State party has undertaken to ensure to all individuals within its territory or subject to its jurisdiction the rights recognized in the Covenant and to provide an effective and

⁹ See communications No. 1640/2007, *El Abani v. Libyan Arab Jamahiriya*, Views adopted on 26 July 2010, para. 7.9; No. 1327/2004, *Grioua v. Algeria*, Views adopted on 10 July 2007, para. 7.8; and No. 1495/2006, *Zohra Madaoui v. Algeria*, Views adopted on 28 October 2008, para. 7.7.

¹⁰ See general comment No. 31 (2004) concerning the general obligation imposed on States parties.

¹¹ See *El Abani v. Libyan Arab Jamahiriya* (note 3 above) para. 7.5; communication No. 1422/2005; and *El Hassy v. Libyan Arab Jamahiriya*, Views adopted on 24 October 2007, para. 6.11.

enforceable remedy when it has been determined that a violation has occurred, the Committee wishes to receive from the State party, within 180 days, information about the measures taken to give effect to the present Views. The State party is also requested to publish the present Views and to have them widely disseminated.
