

**questionnaire related** **to**

**the right of anyone deprived of his or her liberty by arrest or detention to bring proceedings before court, in order that the court may decide without delay on the lawfulness of his or her detention and order his or her release if the detention is not lawful**

1. Please describe your national institution’s concern and practice with the right of anyone deprived of his or her liberty by arrest or detention to bring proceedings before court.

-**The Ombudsperson Institution within its constitutional and legal mandate is allowed to inspect all places where persons deprived of their liberty are held. Such a competence is also laid down in the Criminal Code of Kosovo. Based on our practice since we inspect these places, the length of detention on remand is one of the biggest concerns. Another concern for our institution is that the national courts are not applying alternative measures or punishments.**

1. How far is the right of anyone deprived of his or her liberty to bring proceedings before court part of the laws of your country?

**-This issue is regulated by the Law on Execution of Criminal Sanctions, which entered into force in September 2013.**

1. Please describe the most common problems individuals face in their realization of the right in your country.

**-The length of detention on remand is the most common problem in our country.**

1. How does your national institution assist individuals who do not enjoy the right to bring proceedings before the court?

**-After receiving the complaints from such persons, our staff members officially addresses the competent court by reminding the court that such length of detention on remand consists violation of Fundamental Human Rights and it is in contradiction with the institution and the law.**

1. Does your national institution assist your country in the realization and implementation of this right? If yes, please explain how.

-**After expressing our concern to the competent court regarding length of detention on remand, we also publish report with recommendations which are normally sent to the competent institutions in our country. In our annual report, which is sent to the National Assembly every year, we also mention violation of this right by also providing statistics regarding cases and complaints received in our institution.**

1. How would the general principles and guidelines that the Working Group has been entrusted to elaborate on the realization of the right to bring proceedings before court best support your work?

-**We believe that all principles and guidelines that the Working Group has been entrusted to elaborate are of a great importance for our institution to help such persons to bring proceedings before the court and to realize this very important right.**

1. In your view, how would these general principles and guidelines best support your country?

**-We believe that implementation of these principles and guidelines would raise awareness of our institutions regarding the importance of this right and the importance of the realization of the right to bring proceedings before court which is foreseen by the international conventions, constitution and the law.**