



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)

a) If your State *is* a party to the International Covenant on Civil and Political Rights, how is Article 9 (4) of the Covenant incorporated into your domestic legislation?¹ Please provide reference to the specific provisions, including their wording and date of adoption

b) If your State *is not* a party to the International Covenant on Civil and Political Rights, is 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 detention² incorporated into your country's domestic legislation?

Yes

No

If yes, please provide the legislation, their wording and year of adoption.

¹ Article 9 (4) ICCPR reads: "4. Anyone who is deprived of his liberty by arrest or detention shall be entitled to take proceedings before a court, in order that court may decide without delay on the lawfulness of his detention and order his release if the detention is not lawful".

² Human Rights Council resolution, A/HRC/RES/20/16 (17 July 2012), para. 6 (d).

2) Does this mechanism apply to all forms of deprivation of liberty, such as administrative detention, including detention for security reasons, involuntary hospitalisation, immigration detention, or any other reason?

Yes

No

If yes, please provide the list of the forms of detention to which the mechanism is applicable.

3) Is the right of anyone deprived of his or her liberty by arrest or detention to bring proceedings before court available for individuals subjected to preventive detention measures?

Yes

No

If not, please explain in which case(s) your country's laws do not provide remedies and cite relevant legislation.

4) Does this mechanism provide for any particular remedies? In particular, does the mechanism provide for release and compensation for unlawful detention?

Yes

No

If yes, please state and explain the relevant remedies.

5) Are there persons other than the detainee who can initiate the procedure on behalf of the detainee under your country's domestic law?

Yes

No

If yes, please state who?

- 6) What are the formal requirements and procedures for a detainee to invoke the right to bring proceedings before court, in order that the court may decide without delay on the lawfulness of the detention? Please cite relevant domestic legislation.
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- 7) Does the legislation provide for a time limit for submitting such application to the court? If so, please indicate what is the maximum time in the number of:

Days (How many?)

Months (How many?)

Years (How many?)

- 8) Are there any major decisions of your country's Constitutional or Supreme Courts concerning the right of anyone deprived of his or her liberty by arrest or detention to bring proceedings before court?

Yes

No

If yes, please provide the date and number of the decision(s) and, if possible, a copy of the decision(s).