

**Permanent Mission of
The Republic of the
SUDAN
To U.N. Office, Geneva**

بسم الله الرحمن الرحيم



البعثة الدائمة
لجمهورية السودان
جنيف

Ref: N/335/13

The Permanent Mission of the Republic of The Sudan to the United Nations Office and other International Organizations in Geneva presents its compliments to the Office of the United Nations High Commissioner for Human Rights, and with reference to the OHCHR's Note ref :G/SO218/2 dated 17 June 2013, has the honour to enclose herewith the reply of the Government of Sudan to the 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 law fullness of his or her detention and order his or her release if the detention is not lawful.

The Permanent Mission of the Republic of The Sudan avails itself of this opportunity to renew to the Office of the United Nations High Commissioner for Human Rights the assurances of its highest consideration.



Geneva, 4 November 2013

**Office of the High Commissioner for Human Rights
Email: registry@ohchr.org**

<p>Permanent Mission of The Republic of the SUDAN To U.N. Office, Geneva</p>	<p>بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ</p> 	<p>البعثة الدائمة لجمهورية السودان جنيف</p>
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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 law fullness of his or her detention and order his or her release if the detention is not lawful

1. a. Sudan has ratified the International Covenant on Civil and Political Rights since 1986 and the principles of Article 9(4) of the Covenant was incorporated in different national laws. The Criminal Procedure Act 1991 in article 165 which states: A person is considered committing a crime of illegal detention if he or she confined an individual in a certain place without any legal entitlement to do so, or to continue confining that individual with the knowledge of the issuance of an order to release that individual, such a person may be sentence to a maximum of one year imprisonment or fined or both.
 - b. Not applicable because Sudan has ratified the ICCPR in 1986.
2. There are different mechanisms that are available and open for anyone aggrieved from any kind of detention, including for security reasons or any kind of illegal detention.
3. Yes, any individual deprived of his or her liberty can bring legal proceedings even in preventive detention.
4. Yes, the law states for both the release as well as compensation. Determination of the remedy by the courts depends on the facts and the circumstances for each case.
5. The detainee in person or within the scope of his responsibility or from his attorney.

6. Any person subjected to an illegal detention can file a complaint to the Advisory Council and the National Human Rights Commission with the district attorney or directly to the court.
7. The time limit for submitting an application to the court according to Article 38 of the Criminal Procedure Act 1991 is five years.
8. There are different decisions from different judicial mechanisms starting from the Attorney General Offices as well as Courts of different levels.