**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.**

**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**.

Jordan’s National Center for Human Rights expressed its concern in its annual and periodic reports regarding lack of legislations which provide for explicit legal safeguards for detainees, especially the right to legal aid, independent medical examination; informing the family members of the place of detention. This matter is also raised by the (NCHR) at seminars and workshops held periodically and usually are coupled with the demand to amend the relevant national legislations such the Penal Code and the Code of Criminal Procedures which is still deficient in not explicitly granting the arrested person the right to have a lawyer present from the moment of detention and at the stage of preliminary investigation by the police which is very crucial for the safety of detainees. The Law (Articles 63/2) and (64) allows for the prosecutors an exceptional basis, as in case of emergency to interrogate detainees without the presence of their lawyers. Moreover, the (NCHR) expressed its concern at the continued holding of the defendants at the police detention centers for longer periods sometimes exceeding weeks, according to the Crimes Prevention Law of the year 1954 which grants the Governor powers of arrest and jail one week after they had been released from judicial control.

**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?**

The right is protected under the Jordanian legislations. Yet in practice, the governor has the power, under the Crime Prevention Law of the 1954, to detain defendants and deprive them from the right to bring proceedings before the courts. This constitutes violation of this right. Moreover, persons can be imprisoned under the Crimes Prevention Law of 1954 for long periods of time that exceeds fourteen days.

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

The individuals face many problems concerning their right once they are charged with criminal charges. These include non-appearance before a court or judge during the first 24 hours according to the Jordanian Criminal Procedures law. Often an arrest is made upon an arrest warrant by the governor according to the Crime Prevention Law which deprives the individuals from the opportunity to be promptly brought before a judge or any other officer authorized by the law to exercise judicial power, and to be entitled to a trial within a reasonable period of time or be released. This also violates the right to bring proceedings before the court so as to decide without delay the lawfulness of his or her detention and order his or her release if the detention is unlawful. It also violates his or her right to have an adequate time and facilities to prepare a defense, including the opportunity to engage a lawyer and communicate with him.

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

Article (10) of the Law of the (JNCHR) no. (51) for the year 2006 grants it the authority to visit (CRC) facilities, places of detention, juveniles care centers and any other public place in which human rights violations occur. The (JNCHR) is entitled to conduct on-spot visits once information is received that a violation has occurred and follow-up on the complaints to remedy the situation and remove its effects by following this up with the concerned parties such as the courts and the administrative authorities. The (JNCHR) also monitors human rights violations through its regular visits to detention centers and follow up the rights of the detainees. There is a hotline and the receiving of personal complaints by people coming to the (JNCHR). The intervention of the (JNCHR) can take place anytime beginning with the moment of the arrest, through the stages of investigation, interrogation, trials and sentencing so that the right of the individuals are respected and meet the relevant international standards and the applicable legal instrument and the standards of fair trial guarantees.

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

Yes, this is done through submitting recommendation, and the publication of its annual and periodic thematic reports that indicate violations involving the rights of the detainees. The (JNCHR) also proposes legislative amendments regarding national laws such as the Penal Code and the Criminal Procedures Law so as to guarantee Jordan’s compliance with international obligations.

**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?**

the general principles and guidelines that the working group has been entrusted to elaborate on the right to bring proceedings before court help the (JNCHR) in the dissemination of these to the judges, lawyers, the police, detainees and by encouraging the government to amend the laws according to these principles and guides.

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

These principles and guidelines of the working group support our work by encouraging the State to adopt and integrate them within its laws, regulations and instructions to guarantee the best practices of these at the widest scope.