

**MODEL QUESTIONNAIRE TO BE COMPLETED BY PERSONS ALLEGING ARBITRARY ARREST OR  
DETENTION<sup>1</sup>**

I. IDENTITY

1. Family name: .....
2. First name: .....
3. Sex: (Male) (Female)
4. Birth date or age (at the time of detention): .....
5. Nationality/Nationalities:
6. (a) Identity document (if any): .....
- (b) Issued by: .....
- (c) On (date): .....
- (d) No.: .....
7. Profession and/or activity (if believed to be relevant to the arrest/detention):  
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8. Address of usual residence:  
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II. Arrest<sup>2</sup>

1. Date of arrest:
2. Place of arrest (as detailed as possible):  
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3. Forces who carried out the arrest or are believed to have carried it out:  
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4. Did they show a warrant or other decision by a public authority?  
(Yes)..... (No).....
5. Authority who issued the warrant or decision:  
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<sup>1</sup> This questionnaire should be addressed to the Working Group on Arbitrary Detention. Office of the High Commissioner for Human Rights, United Nations Office at Geneva, 8-14 avenue de la Paix, 1211 Geneva 10, Switzerland, fax No.(41) (0) 22 917.90.06, E-mail: [wgad@ohchr.org](mailto:wgad@ohchr.org); and, [urgent-action@ohchr.org](mailto:urgent-action@ohchr.org). A separate questionnaire must be completed for each case of alleged arbitrary arrest or detention. As far as possible, all details requested should be given. Nevertheless, failure to do so will not necessarily result in inadmissibility of the communication.

<sup>2</sup> For the purpose of this questionnaire, "arrest" refers to the initial act of apprehending a person. "Detention" means and includes any deprivation of liberty before, during and after trial. In some cases, only section II or III may be applicable. Nonetheless, whenever possible, both sections should be completed.

6. Reasons for the arrest imputed by the authorities:

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7. Legal basis for the arrest including relevant legislation applied (if known):

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III. Detention

1. Date of detention: .....

2. Duration of detention (if not known, probable duration): .....

3. Forces holding the detainee under custody:

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4. Places of detention (indicate any transfer and present place of detention):

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5. Authorities that ordered the detention:

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6. Reasons for the detention imputed by the authorities:

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7. Legal basis for the detention including relevant legislation applied (if known):

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IV. Describe the circumstances of the arrest.

V. Indicate reasons why you consider the arrest and/or detention to be arbitrary<sup>3</sup>. Specifically provide details on whether:

- (i) The basis for the deprivation of liberty is authorized by the Constitution or the domestic law?
- (ii) The reason the individual has been deprived of liberty is a result of the exercise of his or her rights or freedoms guaranteed by articles 7, 13, 14, 18, 19, 20 and 21 of the Universal

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<sup>3</sup> Copies of documents that prove the arbitrary nature of the arrest or detention, or help to understand the specific circumstances of the case, as well as any other relevant information, may also be attached to this questionnaire.

Declaration of Human Rights and, insofar as States parties are concerned, by articles 12, 18, 19, 21, 22, 25, 26 and 27 of the International Covenant on Civil and Political Rights?

- (iii) The international norms relating the right to a fair trial have been totally or partially observed, specifically, articles 9 and 10 of the Universal Declaration of Human Rights and, insofar as States parties are concerned, by articles 9 and 14 of the International Covenant on Civil and Political Rights?
- (iv) In the case of an asylum seeker, migrant or refugee who has been subjected to prolonged administrative custody, if he or she has been guaranteed the possibility of administrative or judicial review or remedy?
- (v) The individual has been deprived of his or her liberty for reasons of discrimination based on birth; national, ethnic or social origin; language; religion; economic condition; political or other opinion; gender; sexual orientation; or disability or other status which aims towards or can result in ignoring the equality of human rights?

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VI. Indicate internal steps, including domestic remedies, taken especially with the legal and administrative authorities, particularly for the purpose of establishing the detention and, as appropriate, their results or the reasons why such steps or remedies were ineffective or why they were not taken.<sup>4</sup>

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VII. Full name, postal and electronic addresses of the person(s) submitting the information (telephone and fax number, if possible).<sup>5</sup>

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Date: ..... Signature: .....

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<sup>4</sup> Note that the Methods of Work of the Working Group do not require exhaustion of all available domestic remedies for the communication to be admissible for consideration by the Working Group.

<sup>5</sup> If a case is submitted to the Working Group by anyone other than the victim or his family, such a person or organization should indicate authorization by the victim or his family to act on their behalf. If, however the authorization is not readily available, the Working Group reserves the right to proceed without the authorization. All details concerning the person(s) submitting the information to the Working Group, and any authorization provided by the victim or his family, will be kept confidential.