



RAPPORTEURSHIP ON THE RIGHTS OF PERSONS DEPRIVED OF LIBERTY

QUESTIONNAIRE REGARDING THE THEMATIC REPORT ON PRETRIAL DETENTION IN THE AMERICAS

INTRODUCTION

The Rapporteurship on the Rights of Persons Deprived of Liberty will conduct a study on the human rights situation of persons held in preventive detention in the region. The main purpose of this study is to develop recommendations to the States that provide guidelines for actions which, under international human rights law, they must take for the effective protection of the fundamental rights of persons deprived of liberty. The information gathered through this questionnaire will be one of the sources for that report.

QUESTIONNAIRE

1. Constitutional and legal framework for preventive detention; cases in which preventive detention is in order during a criminal trial, legal criteria for its applicability, at what point in the proceedings it can be applied. Specify whether the law limits its duration.

2. Percentage of the total prison population that is under preventive detention. Specify the percentage of the prison population with a first instance sentence and the percentage of the prison population with a final and unappealable decision. Also provide statistics by sex and by type of crime. In countries with federal systems, provide such statistics for the federal and provincial entities, as applicable.

3. Whether the State has statistics or databases containing up-to-date information on proceedings against persons held in preventive detention. If so, indicate which authorities have access to them.

4. Indicate measures that are alternatives to preventive detention, and give figures on their application.

5. Indicate whether the State's policy on crime includes any consideration of the extent to which preventive detention is used and the effects of the application of this measure on the penitentiary system.

As well as any additional information it deems pertinent on the use of pre-trial detention under its jurisdiction, including any good practices implemented.

ANSWERS PRESENTATION

The answers from the agents of the civil society should include the following information:

- a) Name,
- b) Profession/occupation,
- c) Position,
- d) Organization, and
- e) Address, telephone, fax (optional) and e-mail.

Written responses to the questionnaire should not exceed 30 pages single-spaced, not including attachments and annexes.

The deadline for the submission of responses to the questionnaire was extended by decision of the IACHR up to November 2, 2012 (Amendment published on October 4, 2012).

Atte. Rapporteurship on the Rights of Persons Deprived of Liberty
Inter-American Commission of Human Rights
American States Organization
1889 F Street, NW
Washington, DC 20006
Email: cidhoea@oas.org

Notice: all the documents may be sent by email.

For further questions may be sent to the following address: apizarro@oas.org