

*Permanent Mission of Estonia
Geneva*

No. 10-6/322

The Permanent Mission of the Republic of Estonia to the United Nations and Other International Organisations in Geneva presents its compliments to the Office of the High Commissioner for Human Rights and in response to the latter's letter from 17 June 2013, has the honour to forward the reply of the Government of Estonia to the questionnaire on 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.

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

Geneva, 17 October 2013



Enclosure: 7 pages

Office of the High Commissioner for Human Rights
GENEVA

OHCHR REGISTRY

22 OCT. 2013

Recipients :.....S.P.O.....
.....W.G.A.D.....
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Response of Estonia to the questionnaire on 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? Please provide reference to the specific provisions, including their wording and date of adoption**

The republic of Estonia acceded to the International Covenant on Civil and Political Rights in 1991, entering into force on January 21, 1992. Article 9(4) has been incorporated into domestic legislation as per following.

The constitution of the Republic of Estonia, adopted in 1992

§ 21. Everyone who has been deprived of his or her liberty must be informed promptly, in a language and manner which he or she understands, of the reason for the deprivation of liberty and of his or her rights, and be given an opportunity to notify those closest to him or her. A person suspected of a criminal offence must also be promptly given an opportunity to choose a counsel and to confer with him or her. A person suspected of a criminal offence must also be promptly given an opportunity to choose a counsel and to confer with him or her. The right of a person suspected of a criminal offence to notify those closest to him or her of the deprivation of liberty may be circumscribed only in the cases and pursuant to a procedure provided by law to prevent a criminal offence or in the interests of ascertaining the truth in a criminal case.

No one may be held in custody for more than forty-eight hours without a specific authorisation of a court. The decision of the court must be promptly communicated to the person in custody in a language and manner which he or she understands.

The Code of Criminal Procedure, adopted in 2003

§ 9. Safeguarding of personal liberty and respect for human dignity

- (1) A suspect may be detained for up to forty-eight hours without an arrest warrant issued by a court.
- (2) A person taken into custody shall be immediately notified of the court's decision on taking into custody in a language and manner which he or she understands.
- (3) Investigative bodies, Prosecutors' Offices and courts shall treat the participants in a proceeding without defamation or degradation of their dignity. No one shall be subjected to torture or other cruel or inhuman treatment.