

PAPUA NEW GUINEA
In the National Court of Justice

O.23, r.7(5)(a)

Form 125.

**COMPLAINT OF UNLAWFUL OR UNREASONABLE DETENTION UNDER
SECTION 42(5) OF THE CONSTITUTION**

[IN THE NATIONAL COURT OF JUSTICE]

1. Name of Complainant:

2. Address:

3. Phone numbers:

4. Where have you been detained? (Give name of Police Lock-up or Correctional Institution.) For how long have you been detained? What happened? Tell your story why you say you have been unlawfully or unreasonably detained.

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5. DECLARATION

I,, declare this statement to be true and correct to the best of my knowledge and belief AND I hereby make a complaint to the National Court that I have been unlawfully or unreasonably detained.

Dated this day of 20.....

Signature of Complainant

The complaint may be made by filling in this form and giving it to:

- ☐ a Clerk of the District Court;
- ☐ the Assistant Registrar in your town; or
- ☐ a Judge of the National Court in your Province; or
- ☐ the Registrar of the National Court, PO Box 7018, Boroko, NCD.

Instructions to Court Clerks

When this form is handed to you, please forward it as quickly as possible to the Registrar of the National Court. Fax: 325 7732, PO Box 7018, Boroko, NCD.

Section 42(5) (liberty of the person) of the Constitution states: Where complaint is made to the National Court or a Judge that a person is unlawfully or unreasonably detained--(a) the National Court or a Judge shall inquire into the complaint and order the person concerned to be brought before it or him; and (b) unless the Court or Judge is satisfied that the detention is lawful, and in the case of a person being detained on remand pending his trial does not constitute an unreasonable detention having regard, in particular, to its length, the Court or a Judge shall order his release either unconditionally or subject to such conditions as the Court or Judge thinks fit.