



Declaration of rights

PRESENTED TO A PERSON PLACED IN POLICE CUSTODY DRUG TRAFFICKING (ARTICLES 63, 63-1, 706-73, 3° AND 706-88 OF THE FRENCH CODE OF CRIMINAL PROCEDURE)

The information below must be provided to you in a language you understand.

You can keep this document throughout the entire duration you are held in police custody.

You are informed that you are being held in custody because there are one or more plausible reasons against you for suspecting that you have committed or attempted to commit a drug-trafficking crime or offence.

You have the right to know the description, the date and the place where the commission of the crime in which you are implicated occurred and the reasons justifying your detention.

You will be questioned on these acts while in custody, which may last up to 24 hours.

At the end of this period, the public prosecutor or the examining magistrate may decide to extend your period of detention for a further period of 24 hours. Unless it is impossible, you will be presented to said magistrate, if necessary by videoconference.

Exceptionally, and if the case or investigation necessitates, the liberty and custody judge or the examining magistrate may decide to issue two additional extensions lasting 24 hours each.

However, if justified by the foreseeable duration of the investigations remaining to be carried out after the first 48 hours, at the request of the public prosecutor, the liberty and custody judge or the examining magistrate can decide that the custody period will only be extended once for a period of 48 hours.

At the end of the custody period, by decision of the public prosecutor or the examining magistrate, you will either be presented before this magistrate or be released. In the first case, you will then appear before said magistrate the same day. If there are specially equipped premises within the court and your detention has not lasted more than 72 hours, you will be able to appear the following day, within a maximum of 20 hours from the end of the detention. If your detention lasted more than 72 hours, your appearance before the magistrate will take place the same day that the detention ends.

You are also informed that you have the right to:

Notify certain people

You can ask to make a telephone call to notify someone you usually live with, or one of your direct relatives, or one of your siblings, or your guardian or custodian, that you have been taken into police custody.

You can also notify your employer.

If you are a foreign national, you can also notify the consular authorities of your country.

Except in extenuating circumstances, these procedures shall be implemented within a maximum of 3 hours from the moment you have made your request.

The public prosecutor (or the examining magistrate) may, however, decide that these notices shall be deferred or shall not be issued if this is essential for the collection or preservation of evidence or to prevent serious harm to the life, freedom or physical integrity of a person.

If your custody is extended beyond 48 hours, the postponement of notifying your relatives and your employer may be maintained, for the same reasons, by the liberty and custody judge (or the examining magistrate).

Communicate with a person

You may request to communicate in writing, by telephone or in a meeting with one of the persons likely to be informed of your placement in custody.

The police investigator may refuse your request if it is not compatible with the reasons for your detention or it is liable to cause criminal behaviour. He will determine the time, the conditions and the duration of this communication, which shall not exceed 30 minutes and shall occur under his supervision, or under that of a person he has designated for such purpose.

If your custody is extended beyond 48 hours, the police investigator cannot refuse your request for communication with the consular authorities.

Be examined by a doctor

From the moment you are taken into police custody, and in case of an extended detention, you can ask to be examined by a doctor. If your period of custody is extended beyond 48 hours, you will undergo compulsory examination by a doctor and will be notified of your right to request a new medical examination.

Make statements, answer questions or remain silent

Once you have stated your name, while being questioned, you have the right:

- to make statements,
- to answer the questions you are asked,
- or remain silent.

Be assisted by a lawyer

Choice of lawyer

From the moment you are taken into police custody, at any time during an interrogation, and in case of extended detention, from the beginning of this extension, you can ask to be assisted by a lawyer of your choice. If you are unable to appoint a lawyer or if the lawyer chosen cannot be contacted, you can ask to meet with a court-appointed lawyer.

Your lawyer can also be appointed by one of the people you have notified. In such case, you must confirm the appointment of the lawyer.

Assistance of the lawyer

The lawyer will be able to speak with you for 30 minutes. In the case of an extended detention, you will be able to request to meet with your lawyer again.

Your lawyer may also, if you so request, attend the interrogations, face-to-face meetings, re-enactments or lineups in which you participate.

Response time

In view of the necessities of the investigation requiring your immediate interrogation, the public prosecutor or the examining magistrate may authorise, by written and reasoned decision, the start of your interrogation without waiting for the expiry of the 2-hour period provided to allow the arrival of your lawyer.

In consideration of compelling reasons, the intervention of your lawyer may also be postponed and rescheduled, by decision of the public prosecutor, the liberty and custody judge or the examining magistrate, for a maximum period of 72 hours.

Be assisted by an interpreter

If you do not speak or understand French, you have the right to be assisted by an interpreter free of charge during your interrogations and to communicate with your lawyer.

Request the termination of the period of custody

You can ask the public prosecutor, the examining magistrate or the liberty and custody judge, whenever this magistrate should decide on a possible extension of the custody, that this measure not be prolonged.

Access certain parts of your case file

At your request or that of your lawyer, you can ask to consult, at the latest before a possible extension of the police custody:

- the official notice of your detention;
- the medical certificate(s) drawn up by the doctor who examined you;
- the minutes of your interrogations.

Submit comments to the public prosecutor

After a period of one year from the end of your custody, you may ask the public prosecutor, by registered letter with acknowledgement of receipt or by statement made before the court registry against issue of a receipt, to consult the record of the proceedings in order to submit comments.