



Declaration of rights

PRESENTED TO A PERSON PLACED IN POLICE CUSTODY MINOR OVER THE AGE OF 13 - COMMON LAW

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 crime punishable by a term of imprisonment.

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 or the juvenile court judge) may decide to extend your period of detention for a further period of 24 hours, if the sentence you incur is at least one year of imprisonment. If you are under the age of 16, the extension will only be possible if the crime you are suspected of is punishable by imprisonment of 5 years or more. You will be presented to said magistrate, if necessary by videoconference.

At the end of the custody period, by decision of the public prosecutor (or the examining magistrate or the juvenile court judge), you will either be presented before this magistrate or be released. In the first case, you will appear before a judge within a maximum period of 20 hours from the end of your custody.

You are also informed that you have the right to:

Notify certain people

It is compulsory that your parents or your guardian, or the person or the service to which you are entrusted be informed that you have been taken into police custody, as well as of the description, date and place where the alleged acts were committed.

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 or the juvenile court judge) 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. The postponement of providing notice to your legal representatives cannot exceed 24 hours if the period of police custody can be extended, and twelve hours otherwise.

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.

Be examined by a doctor

You can ask to be examined by a doctor. In the event of an extended detention, you may ask to be examined again by a doctor. These requests may also be made by your parents, your guardian or the person or institution to whom you have been entrusted. If you are under the age of 16, the public prosecutor (the examining magistrate or the juvenile court judge) will automatically appoint a doctor to examine you.

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 chosen lawyer cannot be contacted, the police investigator or the public prosecutor (the examining magistrate or the juvenile court judge) will request that a lawyer be appointed to assist you.

Your lawyer may also be appointed by your parent or your guardian, or the person or the service to which you are entrusted.

Assistance and response time of the lawyer

The lawyer will be able to speak with you for 30 minutes under conditions that guarantee the confidentiality of the meeting. 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.

In this case, unless your first interrogation concerns only elements of identity, it cannot begin without the presence of your lawyer, who will be notified to arrive within a maximum period of 2 hours following your request.

Nevertheless, if the investigation so necessitates, your first interrogation may begin immediately, even in the absence of your lawyer, upon authorisation of the public prosecutor (the examining magistrate or the juvenile court judge).

If your lawyer arrives while an interrogation or a face-to-face is in progress, this act can be interrupted, at your request, so that you can consult with your lawyer.

The public prosecutor, the examining magistrate or the liberty and custody judge may, however, for compelling and exceptional reasons, decide to defer your lawyer's attendance at your interrogations or face-to-face meetings for a maximum period of 12 hours, renewable once, if the prison sentence incurred is at least five years.

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 juvenile court 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.