



Ministry of Justice

Declaration of rights

PROVIDED TO A PERSON PLACED IN CUSTODY COMMON LAW (ART. 63 AND 63-1 OF THE FRENCH CODE OF CRIMINAL PROCEDURE)

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

You can keep this document throughout your time in custody.

You are informed that you are in custody because there is one or more plausible reasons for suspecting that you have committed or attempted to commit an offence punishable by imprisonment.

You have the right to know the alleged qualification, date and place of the commission of the offence for which you are implicated and the reasons for being held in custody. You will be heard concerning these facts during the custody period, which can last 24 hours.

At the end of this period, the public prosecutor or investigating judge may decide to extend the custody period for a further 24 hours, if the sentence you face is at least one year's imprisonment. This magistrate may make his authorisation subject to you being brought before him.

At the end of the custody period, you will, by a decision of the public prosecutor or investigating judge, either be brought before this magistrate or released. In the first case, you will then appear before a judge no later than 20 hours from the end of your custody period.

Moreover, you are informed that you have the right to:

Inform certain persons

You can ask to have a person with whom you usually live, or one of your parents who are direct ascendants, or one of your brothers and sisters notified by telephone of the custody measure that you are subject to.

You can also inform your employer.

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

Unless there are insurmountable circumstances, these steps will take place no later than 3 hours from the time you made your request.

If you are under legal protection, your guardian, appropriate adult or trustee will be informed of the measure.

The public prosecutor or investigating judge may, however, decide that said notification will be delayed or will not be issued if this is essential for the collection or preservation of evidence or to prevent serious danger to a person's life, liberty or integrity.

Communicate with an individual

You may request that you communicate in writing, by telephone or during an interview with one of the persons who may be informed that you have been placed in custody.

The investigating officer may refuse your request if it is not compatible with the reasons for being placed in custody or may enable an offence to be committed. Said officer shall determine the time, terms and duration of this communication, which shall not exceed 30 minutes and shall take place under the officer's control, or that of a person appointed by said officer.

Be examined by a doctor

You can ask to be examined by a doctor. In the event of an extension of custody, you may request to be seen by a doctor again.

If you are subject to a legal protection measure, your guardian, appropriate adult or trustee may request that you undergo a

medical examination.

Make statements, answer questions or remain silent

Once you have confirmed your identity, you have the right, during your hearings:

- to make declarations,
- to answer questions that you are asked,
- or to remain silent.

Be assisted by a lawyer

Choice of lawyer

From the beginning of your detention in custody, at any time during a hearing, and in the event of an extension of custody – from the beginning of this extension – you may request assistance from a lawyer of your choice. If you are unable to appoint a lawyer or if the lawyer chosen cannot be contacted, you may request that a lawyer be automatically assigned to you.

Your lawyer may also be appointed by one of the persons you have contacted. In this case, you must confirm the appointment of the lawyer.

If you are subject to a legal protection measure, your guardian, appropriate adult or trustee may appoint a lawyer or request that one be appointed by the president of the bar.

Legal assistance and response time

The lawyer may meet with you for 30 minutes under conditions that guarantee the confidentiality of the interview. In the event of a custody extension, you will be able to ask to meet with your lawyer again.

The lawyer may, upon your request, also attend the hearings, confrontations, reconstitutions or identification sessions in which you take part.

In this case, your first hearing, unless it relates only to aspects concerning your identity, may not start without the presence of your lawyer before the expiry of a 2-hour period following the notification made to the lawyer of your request. However, your first hearing may start immediately, even in the absence of your lawyer, upon authorisation from the public prosecutor or investigating judge, if the requirements of the investigation so require.

If your lawyer arrives while a hearing or confrontation is in progress, this may be suspended at your request, to allow you to speak with your lawyer.

The public prosecutor, the investigating judge or the liberty and custody judge may, however, for compelling reasons and on an exceptional basis, decide to postpone the assistance of your lawyer at your hearings or confrontations, for a maximum period of 12 hours and renewable once, if the sentence you face is at least five years' imprisonment.

Be assisted by an interpreter

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

Make remarks to terminate custody

You may make remarks to the Public Prosecutor or to the investigating judge, when this magistrate decides on a possible extension of custody, seeking to put an end to the measure.

Access certain aspects relating to your case

At your request or that of your lawyer, and at the latest prior to any extension of custody, you may ask to consult:

- the notice concerning your placement into custody;
- the medical certificate(s) issued by the doctor who examined you;
- the minutes of your hearings.

Make remarks to the public prosecutor

After one year from the end of the custody period, you may ask the public prosecutor – by registered letter with acknowledgement of receipt or by making a declaration to the clerk's office against receipt – to consult the file of the proceedings in order to make observations.