



# Ministry of Justice

## Declaration of rights

### **PROVIDED TO A PERSON PLACED IN CUSTODY ORGANISED CRIME AND DELINQUENCY, EXCLUDING DRUG TRAFFICKING AND TERRORISM (ART. 63-1, 706-73 AND 706-88 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 against you to suspect that you have committed or attempted to commit an offence, under the organised crime or delinquency regime, 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. This magistrate may make his authorisation subject to you being brought before him. Exceptionally, and if the requirements of the investigation or enquiry so require, two additional extensions – each for a period of 24 hours – may be decided either by the liberty and custody judge or by the investigating judge.

However, if the foreseeable duration of the investigations still to be carried out at the end of the first 48 hours so justifies, the liberty and custody judge, at the request of the public prosecutor, or the investigating judge may decide that custody will only be extended once and for a period of 48 hours.

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 this magistrate on the same day. If there are premises that are specifically equipped within the jurisdiction and your custody has not lasted for more than 72 hours, you may appear on the next day, within a maximum of 20 hours from the end of the custody period. If your custody lasted more than 72 hours, your appearance in front of the magistrate will take place on the day that your custody periods ends.

## **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. If your custody period is extended beyond 48 hours, the postponement of notifying your relatives and your employer may be upheld, for the same reasons, by the liberty and custody judge (or the investigating judge).

## 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.

If your custody period is extended beyond 48 hours, the investigating officer cannot refuse your request to communicate with consular authorities.

## Be examined by a doctor

You may request to be examined by a doctor from the beginning of the custody period and in the event of an extension of the measure. If your custody period is extended beyond 48 hours, you must be examined by a doctor and you will be advised of your right to request a new medical examination.

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

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.

### Response time

In view of the requirements of the investigation requiring an immediate hearing, the public prosecutor or investigating judge may authorise, by means of a written and reasoned decision, your hearing to start without waiting for the expiry of the 2-hour period to allow your lawyer to arrive.

The intervention of your lawyer may also be postponed, by a decision of the public prosecutor, the liberty and custody judge or the investigating judge, for a maximum period of 48 hours when compelling reasons exist.

## 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.