



## Declaration of rights

### **PROVIDED TO A PERSON PLACED IN CUSTODY MINORS OVER 13 YEARS OLD - COMMON LAW**

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

**Holders of parental responsibility will receive the same information, unless it appears to be contrary to your best interests or is likely to harm the proceedings.**

**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, investigating judge or juvenile court 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. If you are under 16 years of age, the extension will only be possible if the offence of which you are suspected is punishable by imprisonment for 5 years or longer. You will be brought before this magistrate, by videoconference where necessary.

At the end of the custody period, you will, by a decision of the public prosecutor, investigating judge or juvenile court 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**

Your parents or guardians, or the person or service to which you are entrusted will be informed of the custody measure you are subject to, as well as the qualification, date and place of commission of the alleged acts.

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 or your guardian or appropriate adult 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.

The public prosecutor, investigating judge or juvenile court 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. The postponement in notifying your legal representatives shall not exceed 24 hours if the custody measure can be extended, and twelve hours if the custody measure cannot be extended.

### **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

If you are under the age of 16, you must be examined by a doctor. In the event of an extension to custody, you will be subject to a new examination.

If you are over 16 years of age, from the beginning of custody, 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. These requests may also be made by your parents, guardian or person or institution to whom you have been entrusted. Your lawyer may also 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 accompanied by your legal representative

If the competent authority considers it necessary, you may be accompanied, during hearings or interviews, by the holder of the parental authority. If applicable, you may appoint another adult to accompany you or be accompanied by an adult appointed by the magistrate.

## Be assisted by a lawyer

**From the beginning of the custody period, you must 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, the investigating officer or the public prosecutor, the investigating judge or the juvenile court judge will request that a lawyer be appointed automatically to assist you.

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

### 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, 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 (investigating judge or juvenile court 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.

## Apply for the termination of custody

When this magistrate decides on a possible extension of custody, you may make a request to the public prosecutor, investigating judge or juvenile court judge for this measure not to be extended.

## 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.

## **The right to privacy**

The hearings that you will be subject to during this measure will be filmed, unless this is impossible for technical reasons. It is prohibited for anyone to broadcast the recordings of these hearings.

These recordings may only be broadcast at a hearing held in camera for which it is prohibited to publish the minutes of the proceedings or any other element that would enable you to be identified.