

## LEGAL CHEAT SHEET FOR FRANCE - may 2011

### ADVICE:

- Before, during and after the protest: stay in groups, never alone!
- Do not forget to always have with you: your identity card/ visa/ telephone card/paper and pen/ glasses (rather than contact lenses)/ your medication (if necessary).
- Leave someone your name, surname, birthdate, and shout it to someone if you are arrested.
- Write the Legal Team's phone number (or solidarity group) on yourself.
- Do not bring a camera or video camera with you.
- Avoid taking your personal telephone filled with your contacts and pictures: your friends will thank you!
- All products that alter your behaviour (alcohol, drugs, etc.), knives or weapons of any kind are of course factors that aggravate the situation in the case of an arrest.
- Start educating yourself to recognise different types of cops. Never forget that there are MANY cops in civil attire: Never speak freely in the streets about your protesting and avoid using any names.
- In the case of widespread, violent repression or other: Always keep cool, be sure to observe the situation, react quickly.
- If the cops try to target an activist, stop and create together a human chain, keep a united front and remain in solidarity.
- Protect the injured and try to call for help (the Medical Team if there is one).
- If you are stopped by the cops: Stay calm and polite, the cops are quick to accuse you of offence(s) "rebellion, insult".
- If you hide your face, you can have a fine going to 1500€.

### IDENTITY CONTROL & VEHICLE SEARCH:

- If the cops do an ID check, you have the right to communicate with people around you and to ask them to be your witness, or to telephone to notify those close to you that "you are late".
- A "pat-down" may be done: This is an external feel of your clothes (not a physical search).
- The cops have the right to search a vehicle (unless it is a dwelling). The vehicle may be immobilised for up to 30 minutes.
- If the cops are not "satisfied" by the papers presented, they can bring you in to the station for an "identity check".

### THE IDENTITY CHECK:

- It cannot go on longer than 4 hours starting from the beginning of the control.
- From the beginning of the check, the cops have to propose that they contact one person of your choice, and inform you of your rights to notify the State prosecutor (Procureur de la République).
- Do not say anything other than your identity (name, surname, birthdate...). You do not have to respond to any other questions. Simply state "I have nothing to say".
- If you give a false identity or if you refuse to give your identity: the cops can take your finger prints and picture. If you refuse, this can cost you up to 3 months in prison and €3750.
- After 4 hours either you are let go or you are kept in police custody.

### POLICE QUESTIONING (PV in France):

- If you were mistreated make it known on the Report. Do not sign anything you do not agree with (it's better to sign nothing). If you do not agree, add what is missing and put a line through the remaining blanks so that there is no clean space to add anything else (but it's better to sign nothing!). If you are not ok with what is written: do not sign! And in all cases, ask for a copy!

### POLICE CUSTODY:

- Starting from the moment you were stopped or from the beginning of the identity check, police custody can last up to 24 hours and is renewable by 24 hours. It can last up to 96 hours for "association to a gang" and up to 144 hours for "terrorism".
- From the outset, demand an interpreter where necessary, and be sure to have your rights read to you: the accused offence, the right to make notify a member of your

family, have an interview with a lawyer (ask for him) and see a doctor. Ask to notify someone close to you; this can only be refused by the State prosecutor.

! there is a new law for the custody:

-cops had to inform you that you can ask for a lawyer during hearings. BUT not if you are suspect of terrorism, traffic of narcotics or "organized band".  
But there is a vagueness concerning the date of implementation of this law. So, in the best case, there is a lawyer during the hearings: ask for him!

-When you see a doctor during police custody, make sure s/he is witness to your injuries and records them! If you have no injuries at the time of your medical examination, do not hesitate to ask the doctor to note the absence of injuries on the medical certificate. This can eventually be used as proof that you suffered violence by the cops after/during your police detention.

- After giving your civil status (name, surname, date, place of birth), you have the right to remain silent or state "I have nothing to declare". Anything you say can and will be used against you, and the people you mention. In any case, we suggest you remain silent until you speak with your lawyer.

- A full body search when in police custody implies being stripped by an officer of the same sex. Only a doctor has the right to practice several full body searches.

- DNA sample: this cannot be done without your permission. If you are arrested for "insult and rebellion" the cops do not have the right to take a DNA sample. Refusing is possible (and advisable!) but it is an offence.

- Throughout the detention, try to stay cool despite physical and psychological pressure from the cops.

- At the end of custody, the police questioning validate the conditions of the detention. We disadvice you to sign the document. A signed report can cause problems for your lawyer during your defence. If you are presented to a judge at the end of your detention (either examining magistrate or directly to the court), accept or ask legal aid from a lawyer. In case of immediate trial, you can refuse it but its means you risk preventive jail time. But it let you more time for preparing your defence with your lawyer: its' always better.

### IN THE CASE OF COPS VIOLENCE:

- Remember to take pictures of your bruises, cuts, etc.
- Keep all stained (with blood) or torn clothes, if the case arises;
- With a doctor: (If it is at the Emergency, do not say anything about the facts!)
- Be sure to have a detailed medical certificate registered: verify that it contains a description of all your injuries and your complaints.
- Always ask for Temporary Work Disability - even if you are unemployed!
- You can press charges (and it is suggested to do so!)

### FOR NON-EUROPEANS:

! There is a recent law concerning migrants.

It will be maybe applicable in June and change the information below and will increase in particular the maximal duration of administrative detention in 45 days. Unfortunately we weren't able to check this law now.

- You may be subject to "a warrant or notice of expulsion" and an administrative detention for up to 48 hours.

- You can challenge both decisions although during this time you remain in detention center.

- You have the right to demand medical assistance, a lawyer, and interpreter and to be put in contact with your consulate/embassy and one person of your choice: ask that this person call a Legal Team (or a solidarity group), or call yourself.

- Administrative detention can be extended by a judge for up to 15 days, and may be renewed once. You have the right to appeal the extended detention.

- Request to see someone from a French NGO working with uprooted people

- As during police custody, you must be well treated during administrative detention: do not stand for any violence, neither physical nor moral/verbal.

