

# LEGAL CHEAT SHEET FOR FRANCE

DEMONSTRATIONS/ACTIONS  
NATO COUNTER-SUMMIT – 2009

## THE LEGAL TEAM'S PHONE NUMBER:

French number: **+33 (0)368 46 02 62**

German number: **+49 (0)761 409 72 51**

## 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 on yourself.
- Do not bring a camera or video camera with you: there are teams there to cover the protest.
- 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.
- Bring a scarf or something to hide your face throughout the protest or when close to specific clashes: this is not illegal in France.
- Start educating yourself to recognise different types of police (whether in uniform or not). You can often tell those in civil attire because they stay in groups, and observe the situation at the beginning of the protest. The mobile regiments of the Gendarmerie have the number of their unit on their back, such as 1A, 3B (etc.).
- Know that a special service of the police (not the General Information) was recently created to infiltrate groups in a friendly manner.
- Never forget that there are MANY police in civil attire: Never speak freely in the streets about your protesting and avoid using any names.
- Do not hand out stickers or flyers from your organisation to just anybody. The police are not allowed to ask you to take off a sticker stuck on yourself; the same goes for flags or banners.
- In the case of widespread, violent repression or other: Always keep cool, be sure to observe the situation, react quickly.
- If the police try to target an activist, stop and together create a human chain, keep a united front and remain in solidarity: in this way, a lot of violent repression can be avoided and injured individuals evacuated.
- Protect the injured and try to call the Medical Team.
- If you are stopped by the police: Stay calm and polite, the police are quick to accuse you of offence(s) "rebellion, insult".

## THE LEGAL TEAM:

During this counter-summit, most of the lawyers assigned by the court will be lawyers from the Legal Team, and will be in permanent contact with the Legal Team, so:

- **If you are stopped and put into police custody, you will not be able to contact the Legal Team. You must ask for "a lawyer assigned by the court".**
- **If you are presented before a judge after being taken into custody, ask the State-appointed lawyer if s/he is part of the Legal Team :** If not, tell her/him that you want a lawyer from the Legal Team.
- **If you have witnessed an arrest, notify the Legal Team as soon as possible with the following information:** Name of the person/ Place/ Number of people put into custody/ Which police service/ Number of police. Describe as best you can what happened and do not hesitate to put it down on paper. Your testimony is important and will only be seen by the Legal Team – in any other case, keep it safe!
- **If you have been released, notify the Legal Team as soon as possible** and produce as detailed a testimony as you can.

## IDENTITY CHECK / VEHICLE SEARCH:

- If the police do an ID check, you have the right to communicate with the people around you and to ask them to be your witness, or to telephone to notify those close to you of your "hold up".
- A "pat-down" may be done: This is an external feel of your clothes (not a physical search).
- The police have the right to search a vehicle (unless it is a dwelling). The vehicle may be immobilised for up to 30 minutes.
- Questioning (PV in France): If you were mistreated make it known on the Report. Do not sign anything you do not agree with. 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. If you are not ok with what is written: do not sign! And in all cases, ask for a copy!
- If the police 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 (when the police first stopped you).
- From the beginning of the check, the police have to propose that you 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 name. You do not have to respond to any other questions. Simply state "I have nothing to say".
- Police Questioning: The same advice as for the ID check. Always add any police violence that occurred during the control/ the transport/ your time at the police station.
- If you give a false identity or if you refuse to give your identity: the police 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 CUSTODY :**

- You are placed into police custody if there exists “one or more plausible reasons to suspect that you have committed or have attempted to commit an offence”.
- This provides the police with the right to interrogate you, to curtail/impede your communication with others, to further investigate the evidence they have against you.
- Length of time: 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. 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 notify a member of your family, contact a lawyer and see a doctor. Ask to notify someone close to you; this can only be refused by the State prosecutor.
- You are immediately entitled to see a doctor and a lawyer. You may then a second time if your detention is renewed, after the 24<sup>th</sup> hour of detention. Ask the police officer present.

### **Right to Speak to a Lawyer**

- 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. 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 (buccal swab using a long cotton bud to scrape the interior of your cheek or spitting onto blotting paper): this cannot be done without your permission. If you are arrested for “insult and rebellion” the police do not have the right to take a DNA sample.
- Refusing is possible (and advisable!) but it is an offence. The police can take a DNA sample from exterior bodily elements (cigarette buds, hair...) and the results can be used against you in a court of law. Be aware that refusing the buccal swab for your DNA is a militant action against DNA databases.
- Throughout the detention, try to stay cool despite physical and psychological pressure from the police: Brutality, threats, intimidation, humiliation, cronyism, etc.

## **AT THE END OF YOUR DETENTION :**

- If you are let go: for the police questioning at the end of your detention, the same advice holds as for the identity check. The police validate the conditions of the detention. It is inadvisable to sign the document in the case of your prosecution. A signed Report can cause problems for your lawyer during your defense.
- The State prosecutor decides on whether to prosecute or not. If there is a prosecution, s/he can decide either:
  - to pursue the investigation: you will be presented to an examining magistrate;
  - to judge you at another moment: you will receive a convocation, either given to you by a police officer when you are let out of custody, either later at your address;
  - to hold a hearing right away: you will be brought directly to the court.
- **IMPORTANT : if you are presented to a judge at the end of your detention (either examining magistrate or directly to the court), accept legal aid from a lawyer: you can choose a lawyer or ask to see a state appointed lawyer; in the latter case, verify with the lawyer that s/he is in fact a lawyer working with the Legal Team.**
- You can refuse an immediate hearing: preparing your defense with your lawyer is always preferable, even if this means preventive jail time. Talk about it with your lawyer.
- If you have a limited income, you are eligible for free Legal Aid.

## **FOR NON-EUROPEANS :**

- 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 under police custody.
- 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 the Legal Team, 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 the person from CIMADE as soon as possible (a French NGO working with uprooted people, especially undocumented immigrants in France): this NGO can help you specifically with regards to contesting the decision of expulsion and administrative detention.
- As during police custody, you must be well treated during administrative detention: do not stand for any violence, neither physical nor moral/verbal.

## **IN THE CASE OF POLICE 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!
  - 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 police after/during your police detention.
- You can press charges (and it is suggested to do so!)
- Contact an anti-repression group that works against police violence, police profiling and database collection, etc.

**FOR MORE DETAILS AND INFORMATION  
(ON ALL THE AFOREMENTIONED POINTS, ON POLICE VIOLENCE, ETC.),  
WE SUGGEST CONSULTING THE LEGAL GUIDE AVAILABLE AT THE INFOPOINTS  
AND ON THE LEGAL TEAM’S WEBSITE.**

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**For further information see also [www.rote-hilfe.de](http://www.rote-hilfe.de)**