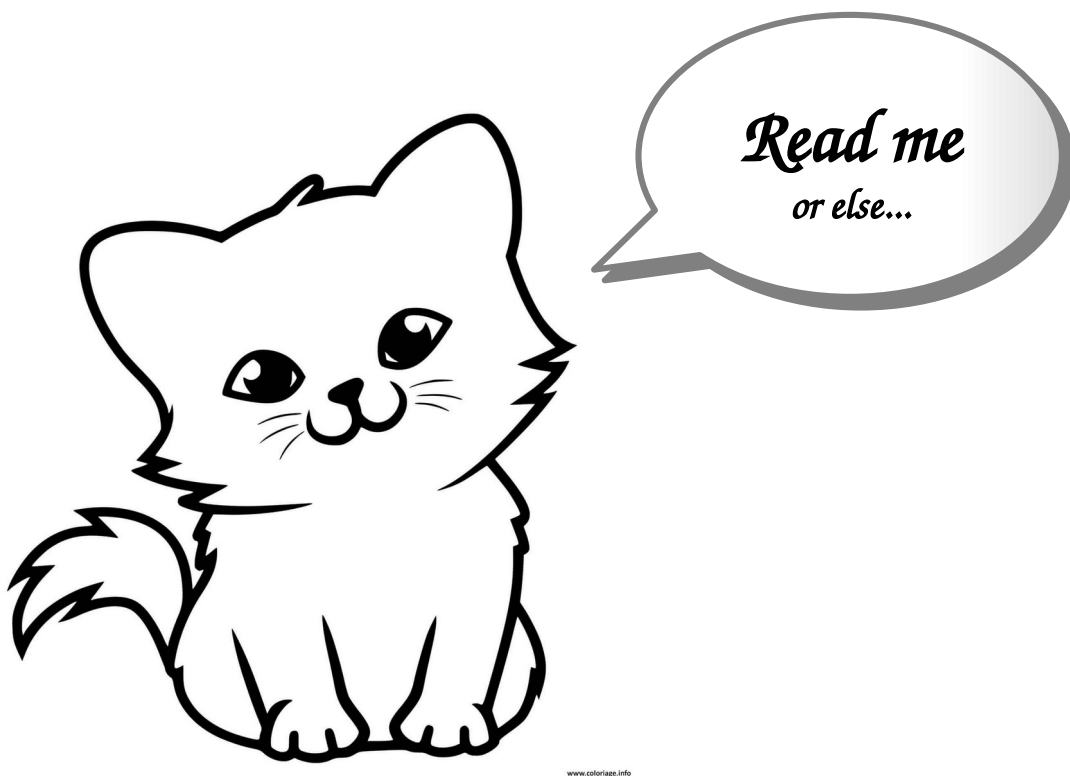


Eng



Legal brief in Bure

- updated in january 2026 -

Essential rule when talking about rights :

Rights are obtained in a context of balance of power, often the cops refuse to enforce them and bluff. Collectively we can sometimes obtain local rights.

I. Identity check, walking or by bike

- It can take place without justification around some stations, tolls, and near the borders. In the Meuse, in public spaces, it is necessary either they have a requisition, or they have a suspicion that you made something wrong. It's worth asking for a requisition.
- The cops ask you for an ID paper. Despite what they say, you are not obliged to have one with you. If you do not present an ID paper, you can declare an oral identity (true or false). **A family name, a name, a place and date of birth** and that's all.
- They can ask you to empty your pockets and see the content of your bag, but you only have the legal obligation to obey them if they have a **requisition** giving them the that right (see requisition).
- If they're not convinced by your declared identity, or only to piss off, the cops can take you to the police station to continue the identity check. (see III).

II. Identity check in a car

- Cops can ask for the car's papers and the papers of the person driving at any moment.
- If they present a **requisition** (and only in that case), they can search the vehicle and proceed to the passengers' identity check (this identity check is under the same rules as an identity check in public space).
- If they don't have a requisition with them, they can retain you 30 minutes to have the time to present one.

Requisitions : The requisitions are limited in time and space, can only be applied by a Judicial Police Officer and must be available on request, it's worth checking the day, time and place (and check on a map).

III. Identity check at the police station

During an ID check, if cops are not convinced of the ID you have given them (or if you don't declare any), they can take you to the police station by order of the **police officer (Officier de Police Judiciaire, OPJ in french)** (in the countryside, it would be the gendarmerie, which is the military).

- The ID check at the police station can last a maximum of 4h starting at the beginning of the ID check itself (when they first controlled you in public space). These 4h are meant for the police officer to determine or verify your identity.
- It does not lead to auditions on facts. Beyond your identity (family name, name, date and place of birth), you can stick to « nothing to declare ».
- Declaring an imaginary identity does not, on its own, justify custody, but it may be punishable by a small fine. Attention, usurping the full identity of a person can lead to significant prison sentences.
- Unlike magistrates, cops don't have access to the civil registry file, but they can consult the driver's licence file, the criminal record file, and the wanted persons file.
- With the consent of the prosecutor, they can ask for **identification signage (fingerprints and photo)**. Refusing, during an ID check at the police station, is punishable. It is enough to justify police custody but not immediate trial.
- If cops took your photo, they can use facial recognition to identify you from some of the files they have access to (including the criminal records file and the wanted persons file). Apart from identification signage, hiding to avoid being photographed is not an offense.

Refusing to give your id and/or your identification signage can be a political choice (refusing to collaborate with the massive recording of informations, supporting people wanted by the police) or a strategy put in place by people wanted by the police.

If you don't have french nationality (wether UE or outside UE)

In practice in Bure, people are sent for classic identity verification. But you can be taken. in administrative detention. It can last 24 hours from the start of the identity check. It's a special procedure during which the cops check the validity of your residence permit.

- You have the same rights as in police custody: the right to have an interpreter in your native tongue (who is not a cop), the right to have a lawyer, to see a doctor, and to notify any person of your choice and the consular authorities of your country. But administrative detention has its own rules too: you can keep your phone.
- For people with no papers, we particularly insist on **not signing any document**. If you are asked the question of whether you want to leave the territory, it is better to answer "yes but by my own means"¹. Even if you understand French, you can say you need an interpreter.

¹ Read more thoroughly "From arrest to detention center, facing the deporting machine when undocumented" on infokiosques.net.

IV. Police custody (Garde à Vue or GAV in french)

A) Overviews

If cops suspect you of having committed or tried to commit one or several offences liable to imprisonment, they can call the prosecutor (or the investigating judge) who can decide to put you under police custody. A local police officer must notify you of the motives of the custody.

- You are placed under the responsibility of a police officer who must notify you your rights and decides your schedule (rest, audition, meal...) A police custody can last up to 24h starting from the beginning of your deprivation of liberty (id check in public space or at the police station). The prosecutor can decide to extend it of 24h if the motives are crimes or offences liable of more than one year of jail. In a less common way, the magistrate can request an extension up to 72h or 96h for certain charges, and 168h for terrorism cases.

B) Your rights :

- **Remain silent**
 - Modify and **not sign the minutes (we recommend)**
 - Feed you
 - Have access to a hygiene kit
 - See a lawyer
 - See a doctor
 - Use an interpreter in a language you understand.
- Have the cops notify a person of your choice and your employer
- Ask to contact (phone, written, interview – without confidentiality) someone close, refusable by the police officer

- **Since 2024, no audition can be held without a lawyer** (except for some specific cases). We strongly recommend to remember the **name and the bar association of a lawyer trusted by the legal team**. If they're not available, cops will ask a public defender. Be careful : **public defenders do not often give good advice !**
- You have the right to a confidential conversation of 30 minutes with your lawyer, renewable each time the custody is extended. The advise you and communicate with the outside world : you can indicate them who to contact to make the link for the continuation
- It's good to brief a trusted person beforehand, and know how to contact them once in GAV. Thus, they can set up the necessary procedures.

- Asking to see a doctor can reveal marks, blows, injuries. They can sometimes provide medication, but apart from the dolipranes it's not always done. If you need specific medication, it's worth having some on you with your prescription or having someone bring it to you and report it to the doctor. They can sign a non-compatibility of custody, but they can also sign a document for involuntary hospitalization or speak with the police. He's not often an ally.

If you're a minor, particularities :

- You can be placed in police custody from 13.
- If cops have your ID, they automatically call your legal guardians.
- For minors under 16, the first medical examination is mandatory. If it is extended, you or your legal guardians can request it
- Auditions are recorded.

C) Auditions

- The police custody is a moment of investigation. The police officer can audition you as many times as they like. Anything you will say (or do) will be retranscribed in minutes which will fuel your criminal case. It's worth asking to read them again, you can ask to modify them (without signing them at the end).
- **We strongly recommend not to declare anything** other than the identity (if you chose to declare one), even if you're asked questions that sound trivial or that have really obvious answers. Be careful: sometimes the public defender will tell you otherwise. Don't listen to them and keep on **not declaring anything**.

D) Identification signage and DNA

- The cops may ask for your **identification signage** (fingerprints and photos). As well as the **DNA** in cases where you are being pursued for certain charges (violence, theft, degradation, criminal association, among others). Some people refuse to provide the signage and/or DNA (2 charges quite different in terms of prosecution), in some cases it can lead to legal proceedings (see additional resources).
- Since 2022, if cops suspect you to have committed a crime or offence punishable by 3 years of jail or more and have a doubt on your identity, they can take your identification signage by strength. They can only do that while your lawyer is here. Never done so far in Bure.

- The cops can take your DNA 'by cunning', that is to say on an object detached from your body. In this case, they can use it in the ongoing case but not transfer it to the FNAEG (the national DNA sample file). Your fingerprints/photos can also be taken by cunning.
To know : fingerprints or DNA taken by cunning do not necessarily have the same legal value in a trial, and can be of degraded quality compared to a catch with agreement.

E) Decryption of cryptologies means

- In case of an investigation, the cops sometimes have access to tools to unlock / attempt to retrieve data from phones or digital media (UFED). We don't know what tools they have available on site in Bure.
- The cops can ask you for your phone password / computer. In some cases, it can constitute an offense to not provide the password (the support is encrypted, they can demonstrate that the support may have been used to prepare, facilitate or commit a crime or offense and that you possess the password). But this offense is necessarily associated with another coherent charge (for example, it doesn't work if it's just associated with an outrage)
- It is better to say "I have nothing to declare" in case of a password request.
- It happened in Bure, in the context where a person has neither given proof of identity nor given his phone password for the cops to seize the phone (it's hard to get it back then)
- It's worth **not having your personal phone with you in case of a risk of interpellation** (for example in a demonstration).

V. After police custody

A) What can happen after police custody :

(Non-exhaustive list with the most frequent cases)

- You can be released with no convocation. A convocation could be sent within 6 months.
- You can be released with a convocation for a trial.
- You can be presented to the judge for an **immediate trial**.
- You can be deferred or summoned and then released with a probationary warning (avertissement pénal probatoire, APP in french) : we advise you not to sign (it would be acknowledgment of the facts) and not to give your phone number.

In most cases, we also advise not to respect the given conditions (not to go to convocations, not to pay fines...). The only risk, and that's still unlikely, is

to be judged for the alleged facts. Still, make contact with the Legal Team on that subject, it can depend on the cases.

To know : The charges at the beginning of the police custody are often different from those that will be kept if there is a trial.

B) The immediate trial (comparution immédiate, CI in french)

By decision of the prosecutor, you can be presented to the court to be judged right after police custody. You can refuse to be judged right away, which has to be granted to you. It is a procedure sometimes used in the Meuse that leads to greater risks of going through prison.

- In most cases, it is best to **refuse to be judged immediately** because sentences in immediate trials are above average. If you refuse, your trial will take place 2 to 6 weeks later, which will allow you to prepare a defense. You then appear to the judge of freedom and detention (JLD in french), whom will decide of a potential judicial supervision or a pre-trial detention.

C) Judicial supervision / pre-trial detention : Representation guarantees

On certain procedures (notably Immediate Trial) you may have risks of judicial supervision or pre-trial detention. The judicial review is composed of obligations (attendance at the police station, etc.) and/or prohibitions (from territory, from contacting other people, etc.).

Prosecutors, investigating judges or JLDs base their decisions on the documents you present to them to 1) prove your identity, 2) your domicile (contract or administrative document in your name and at an electricity, gaz or phone address, rent receipt, rental agreement, accommodation certificate...) and 3) of your integration into society (employment contract, student card, promise of employment, associative activity, responsibility for children or people in a dependent situation) preferably who are less than 4 months old. These documents are called *representation guarantees*.

- It is useful to have thought in advance (at least before going to a demo or an action) about the documents you want to be able to present, and to give them to a trusted person (ideally not likely to be arrested at the same time as you) or on an online medium whose codes you can provide to the lawyer.
- Any document signed by a third person (accommodation certificate, employment promise, consequent volunteer activities...) must be accompanied by a photocopy of an identity card and proof linking this person to their home/association/company (electricity invoice, ...).

Some people choose not to give some of those documents because they describe which social situation you're in and so encourage the justice system to make differences regarding social criterias.

Little point on repression and paranoia / psy crisis :

In general, in Bure, we talk a lot about repression / surveillance. It is a climate that can be very fragilising or triggering in terms of paranoia, or various mental crises due to stress. Feel free to talk to someone about it, if you know that it can happen to you, especially if people know the signs of the beginning of a crisis or if you want to anticipate a collective response / support group (for example, fill out the zine « Navigation in troubled waters » and give it to a trusted person), knowing what is possible in which collective place...

Additional resources

- Comic book (short) : during police custody I have nothing to declare (on infokiosques.net)
- How to Defend Yourself during a Police Interrogation, on the interrogation techniques used (book version, and version to read on infokiosques.net)
- RAJCOL (for Collective Legal Self-Defense Network (legal team contact list + numerous anti-repression resources) :

<https://rajcollective.noblogs.org/materiaux-a-diffuser/>

And do not forget the most important :

*during police custody, I've got **NOTHING TO DECLARE**,
I don't **SIGN ANYTHING**, I ask for the lawyer recommended by
the Legal Team
and when facing the judge, I ask for a delay !*

