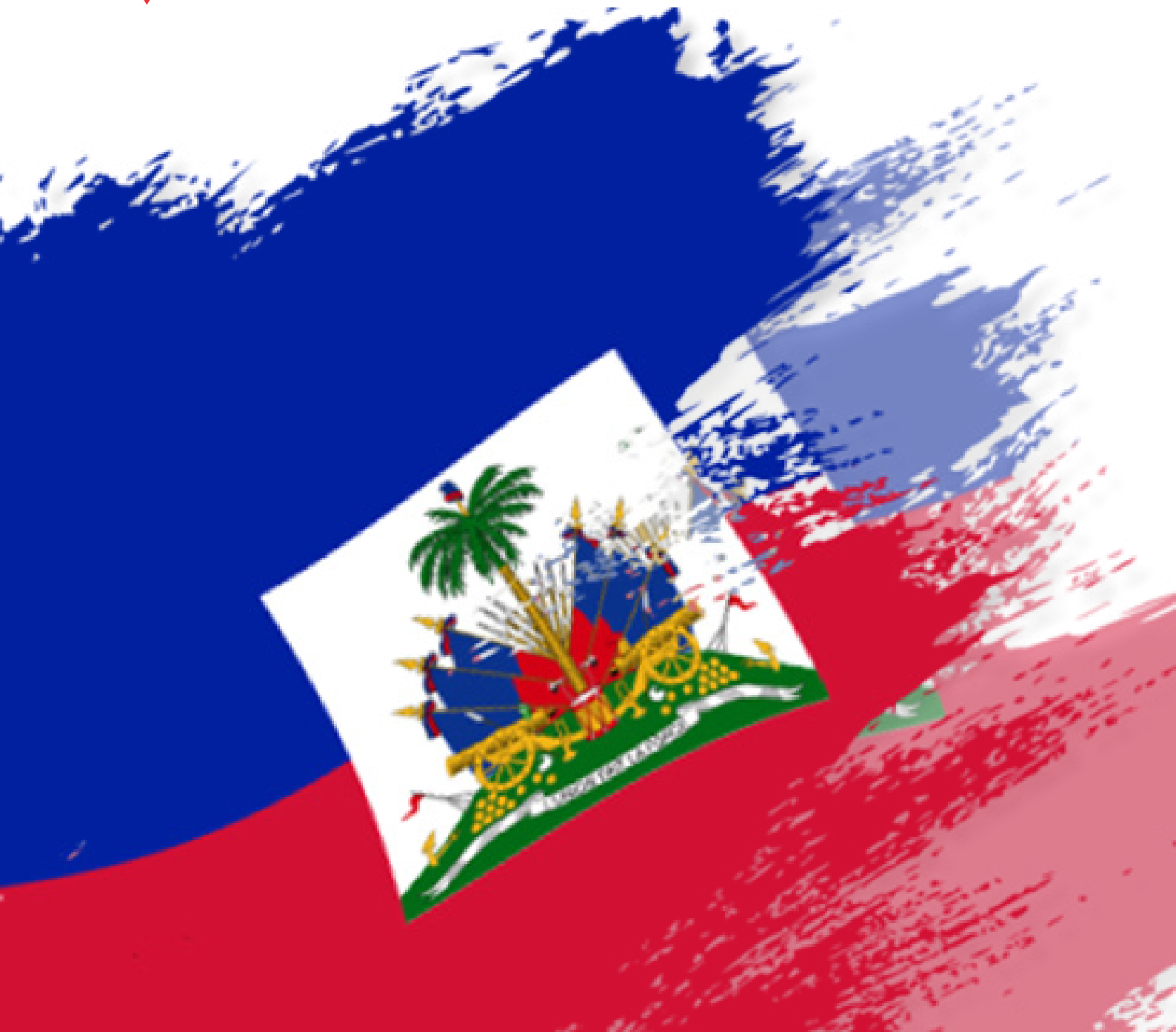


**Baker  
McKenzie.**

# Real Rights: young people engaging with law enforcement



Port Au Prince, Haiti



## Site in development - FEEDBACK NEEDED

The launch of the Real Rights platform as a DRAFT site in order to obtain feedback from people across the globe. The information included herein represents initial research and responses that need review and commentary on a broader scale. We actively encourage any World Congress attendees or reviewers of this site to provide any comments you may have on the website and the content either by clicking on the "Feedback" button in each city page or by emailing [realrights@bakermckenzie.com](mailto:realrights@bakermckenzie.com).

# Rights:

## What rights do I have when I encounter law enforcement?

### Question Asked

- [Stopped By The Police On The Street, Now What?](#)
- [When Can Police Search You and Your Surroundings?](#)
- [Reasons Police May Detain or Arrest You](#)
- [The difference between police Telling me what to do and asking me to do something.](#)
- [Do Police Need A Warrant To Arrest You?](#)
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- [Police Questioning You](#)
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- [Responding To Bad Treatment By The Police](#)
- [How do I Contact A Lawyer and When?](#)
- [Do Police Always Have To Tell The Truth?](#)
- [How do I make a complaint if I have questions or feel my rights have been violated?](#)
- [What can you do if the Police perform an improper search?](#)

## Stopped By The Police On The Street, Now What?

### Proposed Information

It is important to follow this advice:

- Stay calm. It is not a good idea to run. Speak carefully and clearly.
- It is not a good idea to touch the officers. Keep your hands where the police can see them.
- It is not a good idea to resist, not cooperate or not follow the instructions of the police, even if you're innocent or if you think the police are acting unfairly or in a way that would be against the law.
- Unless you are arrested while you are committing a crime or doing something that is against the law, you can ask the police for a warrant. A warrant is a document which is usually given by the government or a court and it gives the police (or someone else) permission to arrest you (or search you, search your house, or do other things that are written in the warrant).

## Do the police always have to tell the truth?

Police officers are not required by law to tell the truth during criminal procedures (such as questioning), but Police Commissioners are always required to behave honestly.

There is no government or other organisation that keeps an eye on, or sets rules for, the Haitian police force and the things the police do. The police are likely to have a lot of freedom in deciding what they can and cannot do when carrying out police work.

During questioning, police can make up false statements, evidence or emotinal please to encourage you to give further information (testimony). The law does not make clear the point at which this would become illegal, so you should be careful when giving information based on facts that you're not sure are true.

You do not have to answer their questions, but **you should never lie to the police**.

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Yes. If the police ask to speak to you about an investigation, it is a good idea to request to speak to your lawyer and have your parents, guardian or an appropriate adult present.

If you cannot afford a lawyer, you are entitled to have a lawyer arranged for you by the government at its expense. You may also get in touch with Legal Aid South Africa, their offices are available at your nearest magistrate's court, who may provide you with legal advice and representation for free. However, as a minor, you should at least request to have your parents present.

If you are at the police station voluntarily for a crime that has been committed, you still have the right to consult with a legal practitioner and to be promptly informed of this right. You have the right to a lawyer from the time you are regarded by the police as a suspect in a criminal investigation.

### Legal Source:

Article 61 of the National Police Act: "Any police commissioner appointed or assigned to a central or territorial post or function of any level of responsibility is required, before taking up his duties, to take or renew before the Dean of the Civil Court or the Justice of the Peace, the following statutory oath "I swear on my honour and before the community to respect and ensure respect for the Constitution, the flag, the laws and regulations governing the national police force, to protect the rights and freedoms of all inhabitants without any form of ostracism or discrimination, to maintain order, peace, safety, security and public tranquillity throughout the territory and **to behave in all circumstances as an honest** and worthy auxiliary subject to the orders of the authorities established by the Constitution."

## When can Police search you and your surroundings?

### Proposed Information

It is important to follow this advice:

Unless you are caught whilst you are in the process of committing a crime or other act that may be against the law, Haitian police need to have a warrant to search you. A warrant is a document which is usually given by the government or a court and it gives the police or some other person/ group permission to make an arrest, search, or carry out some other action. Police are not allowed to carry out a search between 6pm and 6am.

If you are caught while committing a crime or another act that might be against the law, Haitian police can search you and your surroundings (the area around you).

Government officials can search your house if they believe they would find relevant documents or other pieces of evidence there. You, or a person who you have appointed to represent you, must be present during such a search.

If the Government officials find any object that incriminates you (proves your guilt or involvement in a crime), or proves that you are innocent, then the government official can seize (forcibly take) them. Any objects that are seized must be sealed and listed by the government official.

You are not required to sign the 'minutes' (records) where the objects which have been seized are listed. You are allowed to say no to signing this.

### Legal Source:

Article 24-3 of the [Haitian Constitution](#): "Except where the perpetrator of a crime is caught in the act, no arrest by warrant and no search may take place between six (6) p.m. and six (6) a.m."

Article 10 of the [National Police Act](#): "Except in cases of flagrante delicto, the authorities and members of the police force may not carry out any arrest, search or home visit except under the conditions and in the manner provided for by the law, in particular the Code of Criminal Procedure."

### Criminal Procedure Code:

Article 26: "If the nature of the crime or misdemeanour is such that the proof can probably be acquired by the papers or other documents and effects in the possession of the accused, the government commissioner will immediately go to the home of the accused to search for the objects that he deems useful for the demonstration of the truth."

Article 27: "If there are any papers or effects in the home of the accused which could be used as evidence or as evidence in favour of the prosecution, the government commissioner will draw up a report and seize the said effects or papers."

Article 28: "The objects seized shall be closed and sealed, if possible; or if they are not likely to be written on, they shall be placed in a vase or bag, to which the government commissioner shall attach a strip of paper which he shall seal with his seal."

Article 29: "The operations prescribed by the preceding articles shall be carried out in the presence of the accused, if he has been arrested; and if he is unwilling or unable to attend, in the presence of a proxy whom he may appoint. The objects shall be presented to him, for the purpose of recognising them and initialling them, if necessary; and, in the event of refusal, this shall be mentioned in the report."

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## Reasons Police may detain or arrest you

### Proposed Information

It is important to follow this advice:

Police officers can arrest you if they catch you while you are committing a crime or doing something that is against the law, or if they have a warrant issued by a judge. A warrant is a document which is usually given by the government or a court and it orders police or some other group to arrest you (or search you, depending on what the warrant says).

You should review any paper (including warrants) given by the police carefully, to make sure you understand why you are being arrested, and to make sure that your personal information written in the warrant is correct and true.

#### Legal Source:

##### [Haitian Constitution](#)

- Article 24-1: "No one may be prosecuted, arrested or detained except in the cases determined by law and in the manner it prescribes."
- Article 24-2: "Except where the perpetrator of a crime is caught in the act, no one may be arrested or detained other than by written order of a legally competent official."

Article 10 of the National Police Act: "Except in cases of flagrante delicto [individual is caught in the act of committing an offense], the authorities and members of the police may not carry out any arrest, search or home visit except under the conditions and in the manner provided for by the law, in particular the Code of Criminal Investigation."

## Do police need a warrant to arrest you?

### Proposed Information

It is important to follow this advice:

Police officers do not need a warrant to arrest you if they catch you while you are committing a crime or doing something that is against the law.

In any other situation, police officers need to have a warrant to arrest you. A warrant is a document which is usually given by the government or a court and it orders police or some other group to arrest you (or search you, depending on what the warrant says).

You can ask police officers to show you their warrant. Make sure to read it carefully to understand the reasons why you are being arrested and that your personal information written in the warrant is correct and true.

#### Legal Source:

##### [Haitian Constitution](#)

- Article 24-2: "Except where the perpetrator of a crime is caught in the act, no one may be arrested or detained other than by written order of a legally competent official."
- Article 24-3: "a. For such an order to be carried out, the following requirements must be met: a. It must formally state the reason in Creole and in French for the arrest or detention and the provision of the law that provides for punishment of the act charged."

## How do you know if you are under arrest?

### Proposed Information

It is important to follow this advice:

Unless you are caught by police officers while you are committing a crime or doing something that is against the law, you should know that you are under arrest when the police officers hand you a copy of the warrant ordering you to be arrested or giving the police permission to arrest you. This warrant will state the reasons why you are under arrest. You should read it carefully to understand why it has been given.

When you are placed under arrest, police officers are required to let you know that you have the right to receive advice from a lawyer.

You cannot be kept under arrest for more than 48 hours unless you are taken to see a judge, and the judge allows the 48 hours to be extended.

In Haiti, if the following happens, you are likely under arrest under the law:

- an officer handcuffs you;
- an officer forcibly holds you down; or
- an officer puts you into the back seat of a police car.

#### Legal Source:

##### [Haitian Constitution](#)

- Article 24-3: "b. Legal notice must be given and a copy of the order must be left with the accused at the time of its execution;"
- Article 24-3: "For such an order to be carried out, the following requirements must be met: a. It must formally state the reason in Creole and in French for the arrest or detention and the provision of the law that provides for punishment of the act charged, b. Legal notice must be given and a copy of the order must be left with the accused at the time of its execution;"
- Article 24-3: "c. The accused must be notified of his right to be assisted by counsel at all phases of the investigation of the case up to the final judgment;"
- Article 26: "No one may be kept under arrest more than forty-eight (48) hours unless he has appeared before a judge asked to rule on the legality of the arrest and the judge has confirmed the arrest by a well-founded decision."

## Who can I ask to have with me after an arrest (e.g., an attorney, my parents/legal guardian, etc.) ?

### Proposed Information

It is important to follow this advice:

If you are arrested, you can ask for and call a lawyer to help you when you are being questioned and during the whole investigation process.

If you do not have a lawyer, or while you are waiting for your lawyer, you can ask any witness (a family member, a neighbour, etc.) to stay with you while you are being interrogated.

#### Legal Source:

##### [Haitian Constitution](#)

- Article 24-3: "c. The accused must be notified of his right to be assisted by counsel at all phases of the investigation of the case up to the final judgment;"
- Article 25-1: "No one may be interrogated without his attorney or a witness of his choice being present."

## What to do after being warned of your rights?

### Proposed Information

It is important to follow this advice:

1. Call a lawyer. If you don't know any lawyers, you can look for one in the list of attorneys linked below. In the meantime, you should ask a witness (a family member, a neighbour, etc) to stay with you while you are being questioned by the police.
2. It is important that you call or manage to get a lawyer as soon as possible so that you are given advice on your situation, your rights, on what will happen and what you should do as your next steps. If possible, make sure to get a criminal lawyer, as criminal lawyers are the most familiar with the criminal system and with what police do.
3. You have the right to remain silent. If possible, do not say anything until you have seen your lawyer who will explain to you the situation, and will give you advice on how to act and what to say to the police officers during questioning.
4. Unless your lawyer says it's okay, do not sign any document if you cannot carefully read and understand it. Do not sign anything if you disagree with what it says or if it does not list what happened correctly or if the police said or told you something that is different to what the document says. If you disagree with anything written in the document, it should be corrected before you sign it.
5. Depending on whether your lawyer asks you to do something different, you should ask to appear before a judge within 48 hours after your arrest.

#### Legal Source:

##### [Haitian Constitution](#)

- Article 25-1: “No one may be interrogated without his attorney or a witness of his choice being present.”
- Article 26: “No one may be kept under arrest more than forty-eight (48) hours unless he has appeared before a judge asked to rule on the legality of the arrest and the judge has confirmed the arrest by a well-founded decision.”

Article 25 of the [Criminal Procedure Code](#): “The government commissioner shall seize the weapons and everything that appears to have been used or intended for the commission of the crime or offence, as well as everything that appears to have been the product of the crime or offence, and finally everything that can be used to establish the truth; he shall ask the accused to explain the things seized, which shall be presented to him; he shall draw up a report on the whole thing, which shall be signed by the accused, or which shall bear the mention of his refusal.”

## What should you do when police are questioning you?

### Proposed Information

It is important to follow this advice:

You should ask for a lawyer. In the meantime, ask a witness (a family member, a neighbour, etc.) to stay with you while you are being questioned by the police.

While questioning you, police officers have no right to use any unnecessary force, physical violence or to pressure and scare you. Force is considered to be unnecessary if it is not something any/ every officer would do in that situation.

#### Legal Source:

##### [Haitian Constitution](#)

- Article 25: “Any unnecessary force or restraint in the apprehension of a person or in keeping him under arrest, or any psychological pressure or physical brutality, especially during interrogation, is forbidden.”
- Article 25-1: “No one may be interrogated without his attorney or a witness of his choice being present.”

## How do I make a complaint if I have questions or feel my rights have been violated? What if I feel I was a victim of discrimination or racism? How can I respond to circumstances involving discrimination?

### Proposed Information

It is important to follow this advice:

Police officers are not allowed to discriminate against people when carrying out their roles and responsibilities. The law makes it clear that there are punishments for discrimination based on race.

If you feel like your rights have been violated (meaning not respected) by the police, including where you have been discriminated against or suffered racism, you can bring a complaint to the local or national police authorities (this includes the local sergeant, the police chief, the departmental director, or the inspector general).

The complaint should clearly state the facts behind the complaint and in as much detail as possible.

After you have made a complaint, you can get a certificate (which proves you made a complaint) by contacting the police station where the complaint was made and the date on which you made the complaint.

If you don't want to report the complaint directly to the police authority, you can contact the The Office of Citizen Protection (OCP) or the Institute for Justice and Democracy in Haiti (IJDH). Their contact details are below.

#### [Office of Citizen Protection \(OCP\):](#)

- Address: Ave. John Brown, Lalue, Port-au-Prince, Haiti; 381, Route de Bourdon, Port-au-Prince, Haïti
- Email: [info@opchaiti.com](mailto:info@opchaiti.com)
- Telephone: +509 29991212145

#### [Institute for Justice and Democracy in Haiti \(IJDH\):](#)

- Address: 666 Dorchester Avenue; Boston, MA 02127
- Email: [info@ijdh.org](mailto:info@ijdh.org)
- Telephone: (617) 652-0876

#### Legal Source:

Article 18 of the Haitian Constitution: “Haitians shall be equal before the law, subject to the special advantages conferred on native-born Haitians who have never renounced their nationality.”

Article 50 of the Criminal Procedure Code: “Anyone who claims to have been injured by a crime or an offense, may file a complaint and take legal action before the investigating judge, either from the place of the crime or misdemeanour, or from the place of residence of the accused, or from the place or it can be found.”

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### [Criminal Procedure Code:](#)

- Article 1: “Any fact of racial discrimination or behaviour which violates the fundamental rights of man, occurring because of his race, his colour, his appearance to an ethnic group, is an offense punishable under the terms of the following provisions.”
- Article 2: “racial discrimination [is] any distinction, exclusion, restriction, any ground based on race, colour, descent or national or ethnic origin intended to compromise or destroy the recognition, enjoyment, the exercise and equality of human rights and their fundamental freedoms in the political, economic, social and cultural fields, as well as in any other field of public life.”
- Art. 3: “Racial non-discrimination is an absolute rule and of public order.”

Article 61 of the [National Police Act](#): “[I swear] to protect the rights and freedoms of all inhabitants without any form of ostracism or discrimination, to maintain order, peace, safety, security and public tranquillity throughout the territory and to behave in all circumstances as an honest and worthy auxiliary subject to the orders of the authorities established by the Constitution”

## What can you do if the police perform an improper search? Or I was improperly detained?

### Proposed Information

It is important to follow this advice:

You may have a legal claim if the police have not followed the correct procedures when searching or detaining you. The Haitian Constitution sets out a clear process which the police must follow when making an arrest. If you have been stopped by the police you should calmly ask, “do you have a warrant authorising this search?”. If the police officer who is trying to search you says “no” or does not confirm that they have the authority to search you, you should say “I do not consent to this search”.

Even if you refuse to consent (give permission), officers may still search you, whether they have authority to search or not (whether they are allowed to or not). It is very common for the police force to not follow the correct procedures when carrying out searches or detaining individuals.

It is very important that you stay calm. You should continue to say “I do not consent to this search”, but for your safety, you should not physically resist the search or touch the police officer.

If you are safely able to, write down the officer's name and badge number and as much other helpful information as possible, including the patrol car number, the name and phone numbers of any other people who were around and who could be witnesses, and any pictures of, or medical records, about any injuries you suffer.

You may wish to consider filing a complaint. The complaint should state the facts in as much detail as reasonably possible. You can take the complaint to the local or national police authorities (this includes the local sergeant, the police chief, the departmental director, or the inspector general).

After you have made a complaint, you can get a certificate (which proves you made a complaint) by contacting the police station where the complaint was made and the date on which you made the complaint.

If you don't want to report the complaint directly to the police authority, you can contact the The Office of Citizen Protection (OCP) or the Institute for Justice and Democracy in Haiti (IJDH). Their contact details are below.

If the following happens, you are likely under arrest under the law:

#### [Office of Citizen Protection \(OCP\):](#)

- Address: Ave. John Brown, Lalue, Port-au-Prince, Haiti; 381, Route de Bourdon, Port-au-Prince, Haïti
- Email: [info@opchaiti.com](mailto:info@opchaiti.com)
- Telephone: +509 29991212145

#### [Institute for Justice and Democracy in Haiti \(IJDH\):](#)

- Address: 666 Dorchester Avenue; Boston, MA 02127
- Email: [info@ijdh.org](mailto:info@ijdh.org)
- Telephone: (617) 652-0876

#### Legal Source:

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## [Haitian Constitution](#)

- Article 24-1: "No one may be prosecuted, arrested or detained except in the cases determined by law and in the manner it prescribes."
- Article 24-2: "Except where the perpetrator of a crime is caught in the act, no one may be arrested or detained other than by written order of a legally competent official."
- Article 24-3: "a. It must formally state the reason in Creole and in French for the arrest or detention and the provision of the law that provides for punishment of the act charged."
- Article 24-3: "b. Legal notice must be given and a copy of the order must be left with the accused at the time of its execution;"
- Article 24-3: "For such an order to be carried out, the following requirements must be met: a. It must formally state the reason in Creole and in French for the arrest or detention and the provision of the law that provides for punishment of the act charged, b. Legal notice must be given and a copy of the order must be left with the accused at the time of its execution;"
- Article 24-3: "c. The accused must be notified of his right to be assisted by counsel at all phases of the investigation of the case up to the final judgment;"
- Article 24-3: "d. Except where the perpetrator of a crime is caught in the act, no arrest by warrant and no search may take place between six (6) p.m. and six (6) a.m.;"
- Article 24-3: "e. Responsibility for an offense is personal, and no one may be arrested in the place of another."
- Article 26: "No one may be kept under arrest more than forty-eight (48) hours unless he has appeared before a judge asked to rule on the legality of the arrest and the judge has confirmed the arrest by a well-founded decision."

## [National Police Act:](#)

- Article 10: "Except in cases of flagrante delicto, the authorities and members of the police may not make any arrests, searches or home visits except under the conditions and methods provided for by law and in particular the Code of Criminal Procedure"
- Article 38: "[IGPN] function is to:
  - receive complaints and carry out investigations relating to human rights violations and any other abuses that could be accused of police officers;
  - issue an acknowledgment of receipt relating to all complaints brought by a citizen against a member of the National Police."

## How can I report a crime to the police?

### Proposed Information

It is important to follow this advice:

No. You have a right as an accused or arrested person to remain silent and a protection against saying anything that will lay you as a victim of a crime, you can file a police report or register a complaint at the nearest commissariat. If possible, crimes should be reported in the jurisdiction (city/area) in which it happened and to the police that operate in that area, and as soon as possible. Jurisdiction can include the type of case as well as the location of the incident.

The Direction Centrale de la Police Judiciaire (DCPJ) or Haitian National Police (HNP) are responsible for investigating crimes. If you are a victim you should expect forensic evidence to be collected (fingerprints, photographs, etc.). The HNP investigator in charge of the case will be the main contact for the victim to get information about the progress of the investigation.

When making the complaint, you should state the facts of the crime to which you are a victim clearly and in as much detail as possible.

You do not have to confess to a crime and you are not required to report a crime that you have witnessed or heard about, or even been a victim of, to the police.

The US Embassy has provided the following helpful guidance for reporting crimes in Haiti and the trial procedure: [Victims of Crime | U.S. Embassy in Haiti](#)

(DISCLAIMER: while informational, it is important to note that this is a non-legal source and should be referenced with this disclaimer in mind)

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## Arrested by the police, now what?

### Proposed Information

It is important to follow this advice:

If you are arrested by the police, stay calm and ask for the details of your arrest (why you were arrested and if they have a warrant) from the arresting officer and ask for a lawyer. It is not a good idea to answer police questions without speaking to a lawyer (if you can get one).

Haitian law does not allow people to be arrested or detained without a reason. However, the law does not allow you to challenge your arrest/ detention in court. Instead, the Haitian constitution makes it clear that the police (or some other authority) can only arrest a person if they are caught committing a crime or doing something that is against the law, or if they have a warrant.

A warrant is a document which is usually given by the government or a court and it orders police or some other group to arrest you (or search you, depending on what the warrant says)

Once you are arrested, the police have to bring you to a court and before a judge within 48 hours of when you were arrested. If no charges have been brought against you within the 48 hour time limit, then you must be released, unless a judge allows for a longer time for detention (on top of the 48 hours).

It is a common problem in Haiti for individuals to be held in pre-trial detention for a long period of time and the police have often ignored the constitutional requirement to bring persons they have arrested before a judge within 48 hours. The Office of Citizen Protection (OCP), Haiti's independent human rights monitoring body, has been helping people who have been detained (kept in police custody) for longer than the 48 hours without formal charges being brought. If you have been detained for longer than 48 hours, and this has not been allowed by a judge, you should try to get help from a lawyer to contact the OCP using the contact information below.

### [Office of Citizen Protection \(OCP\):](#)

- Address: Ave. John Brown, Lalue, Port-au-Prince, Haiti; 381, Route de Bourdon, Port-au-Prince, Haiti
- Email: [info@opchaiti.com](mailto:info@opchaiti.com)
- Telephone: +509 29991212

### Legal Source:

### [Haitian Constitution](#)

- Article 24: "Individual liberty is guaranteed and protected by the State."
- Article 24-1: "No one may be prosecuted, arrested or detained except in the cases determined by law and in the manner it prescribes."
- Article 25: "Any unnecessary force or restraint in the apprehension of a person or in keeping him under arrest, or any psychological pressure or physical brutality, especially during interrogation, is forbidden."
- Article 25-1: "No one may be interrogated without his attorney or a witness of his choice being present."
- Article 26: "No one may be kept under arrest more than forty-eight (48) hours unless he has appeared before a judge asked to rule on the legality of the arrest and the judge has confirmed the arrest by a well-founded decision;"
- Article 26-2: "If the arrest is judged to be illegal, the judge shall order the immediate release of the arrested person and that order shall be enforceable immediately, regardless of any appeal to a higher court or the supreme court for an order forbidding enforcement of the judgment."

## What can I do if the police are physical with me?

### Proposed Information

It is important to follow this advice:

The police are only allowed to use force if it is strictly necessary and the person they are trying to arrest is resisting arrest. Excessive or unnecessary force is **not allowed**. Force is considered to be excessive or unnecessary if it is not something any/ every officer would do in that situation.

If police are physical with you, stay calm and try not to resist or fight back. Any resistance by you may result in the police increasing their use of force on you and can increase the risk of you getting hurt.

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**Legal Source:**

Article 25 of the Haitian Constitution: *“Any unnecessary force or restraint in the apprehension of a person or in keeping him under arrest, or any psychological pressure or physical brutality, especially during interrogation, is forbidden”.*

**When should I contact a lawyer?**

**Proposed Information**

It is important to follow this advice:

You should always contact a lawyer before making any statements to anyone in a criminal case or investigation. This applies even if you are told that (i) police officers only want to question you and/or (ii) you are only a witness.

You have the right to have a lawyer present during questioning, even if you and your family cannot afford one. There are a list of lawyers that you can contact: [List-of-Attorneys-.pdf](#) (useembassy.gov)

**DISCLAIMER:** We did not put this list together so we cannot confirm that the information is up-to-date, or confirm the abilities/experience of the lawyers listed.

If you are arrested, the police may deny you access to a lawyer during the first 48 hours, in order to take care of administrative matters such as paperwork. After 48 hours, however, you must be allowed to see a lawyer and must be informed of the charges against you. If you cannot afford a lawyer, the court will appoint one for you.

**Legal Source:**

[Haitian Constitution](#)

- Article 25-1: “No one may be interrogated without his attorney or a witness of his choice being present”.
- Article 26: “No one may be kept under arrest more than forty-eight (48) hours unless he has appeared before a judge asked to rule on the legality of the arrest and the judge has confirmed the arrest by a well-founded decision”.

**What can the police use as evidence against me? What happens if the police use evidence they are not permitted to use?**

**Proposed Information**

It is important to follow this advice:

If you are suspected of committing a crime, the police will be able to collect the following evidence/ objects, but only while you or a person that you have appointed to represent you is present: all weapons and anything else which appears to have been used to commit a crime; all products of the crime (e.g., money received in exchange of drugs); and anything that might be helpful to find out more about the crime. While collecting evidence, the police may ask you to provide information about things they have found. You do not have to respond, but anything you say may be used against you later. If you are able to, take detailed notes of all the evidence the police have collected and the process they have used to collect that evidence. If you feel any evidence has not been collected using the correct procedures or in a way that’s against the law, speak with your lawyer who might be able to stop the police from relying on that evidence in court.

**Legal Source:**

Article 31 of the National Police Act: “The powers of the Central Directorate of the Judicial Police are those determined by the Code of Criminal Procedure, the other laws and regulations governing the matter. It has for attributions specific to: notify breaches of criminal laws, draw up a report, establish the circumstances and gather the evidence”.

Article 25 of the Criminal Procedure Code: “The government commissioner will seize the weapons, and all that appears to have been used or to have been intended to commit the crime or the offense, as well as all that appears to have been the product, finally of all that can be used to the manifestation of the truth; he will call upon the accused to explain himself on the things seized which will be represented to him; he will draw up a report at all, which will be signed by the accused, or which will bear the mention of his refusal”.

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Law is generally described as of November 2021.