Advice for all volunteers on the ground

**Before acting on the ground:**

* Ask association leaders and/or long-term activists to explain the present situation, the relationship with the police, and the outline of the “Solidarity Offence – délit de solidarité”.[[1]](#footnote-2)
* Learn by heart the telephone numbers of those you need to contact in case you are arrested (such as the coordinators of your association) and write them on your arm.
* Find out which specialised lawyers already cooperate with the volunteer association(s), memorise their names and surnames.
* Make sure your association / group knows how you would wish them to proceed in case you are arrested.[[2]](#footnote-3) For example:

Surname / Name

Contact persons in case I am placed in custody “*Garde à Vue*”: Name / Telephone number

If I am arrested, I would like volunteers to mobilise around the police station in person, to telephone etc.   
YES - NO

I would like my situation to be made public in the media: YES - NO

If I am placed in custody, I will need someone to bring me some personal belongings (for example: contact lenses, medication): YES - NO

I agree to my identity being disclosed to the police: YES - NO

This person is able to quickly provide my lawyer with documents accepted as «garanties de représentation»\*, such as proof of address (electricity bill, telephone bill…); proof of employment or study (payslips, work contract, proof of university attendance, volunteering certificate.. etc):   
Surname / Name / Contacts

\**The “garanties de représentation” is the body of documents that reassures a judge that you will present yourself at a potential trial, that you can be easily located. Ideally, you should give these documents to a trusted person on a USB flash drive.*

**During a demonstration, a distribution, a police operation:**

* Have your ID documents on you to avoid being taken to the police station for an identity check (maximum 4 hours).
* Filming is allowed (the person filming should not be alone, and preferably should not be the one interacting with the police).[[3]](#footnote-4)
* Do not remain alone with policemen, try to have witnesses if you talk to police officers.
* Stay calm and comply when you are ordered to move back (no need to move back 200m) or to disperse. Please note that 2 police warnings are needed to break up a demonstration.

**In Case of Arrest:**

* If you are arrested, try to turn off your phone and, if possible, to leave your things with someone you trust.
* Pay attention to the people around you. If someone is separated or taken away, try to find out their first and last names and tell them to ask for a lawyer if they are taken into custody. Try to find out who the arrested person wants to contact and if their identity can be given.
* If someone is victim of violence and/or taken under arrest, act immediately to make a list of witnesses, for two reasons;
  + The first is to collect testimonies relating the facts. You should therefore have blank forms with you and a camera or smartphone to take photos of the corresponding identity cards.
  + The second is to find people willing to testify at the police station or tribunal. In this case, they must provide their first and last names, date and place of birth and phone number (be sure to coordinate with the lawyer and to respect the defense strategy of the person held in custody).

**The Relationship with the Lawyer:**

* Call the appropriate law firm to tell the solicitor on duty that you can provide details for the defense of the arrested person.
* Put together the photos and videos which could be relevant to the arrest. Don’t share the videos on the Internet without the permission of the lawyer defending the arrested person.
* Provide the lawyer with a physical description of the arrested person.
* Note: the lawyer won’t be able to communicate information regarding the person in custody; this is an ethical rule.

**If taken into custody, USE YOUR RIGHTS!**

* Ask for a lawyer. You cannot be interrogated about the facts of the case without their presence, at least not within two hours of them having been given notice. After this period, do not speak until the lawyer has arrived. Upon their arrival, you can immediately meet them for 30 minutes. Remember to let them know if there were any problems during questioning.
* Ask to see a doctor, especially if you have experienced police violence or if you need any medicine. Insist that the doctor makes a note of everything on your medical record. In the case of violence, ask the doctor to qualify these injuries in terms of temporary incapacity to work.
* Ask that someone in your family or professional network be notified. Ideally you want to contact someone who will be able to quickly come to your assistance (who know other volunteers, or who is able to contact them easily)
* When you are notified of your rights by the police officer make sure you memorise the qualification of the events brought against you.
* You have the right to exercise your right to remain silent whatever are arguments brought forward by the police officers. It is better to speak calmly with a judge than to talk in the challenging conditions of a custody. Avoid any declaration as soon as you are arrested, outside of the interrogations in the presence of your lawyer. Do not follow the advice of the police officer who may promise a quicker exit or a more lenient punishment if you give up your rights.
* The police custody lasts at most 48 hours (some exceptions)
* You will be asked to sign during your custody official statements, you must check them thoroughly and sign them only if they are accurate. If they are incorrect, refuse to sign them et indicate the reason for your refusal to sign them.
* To prove your identity or in the case of certain offences, you may be asked do provide your fingerprints or to have your picture taken. You cannot be forced to do so. Your refusal is an offence. The maximum sentence is three months in prison and a 7,500 euro fine in the context of an identity verification (article 78-3 of the Code of Criminal Procedure). And one year in prison, and a 15,000 euro fine if your fingerprints were requested if you were suspected to have committed an offence (article L 55-1 of the Code of Criminal Procedure).
* The sentence you risk for refusing a DNA sample is also of one year of prison and a 15,000 euro fine. For DNA sampling, ask your lawyer for advice, only some offences allow this.

Following the policy custody, you are either:

* + Released, without any procedures started against you *(connect with your lawyer)*
  + Released and you do not know if any procedures will be taken or not *(connect with your lawyer)*
  + Released and summoned to court at a later date *(connect with your lawyer)*
  + Immediately taken to court following custody. This is the immediate trial procedure. It is often advised to request that the hearing be delayed, but you must bring some guarantees to the judge. Il they are not deemed sufficient, you will stay in temporary custody until the trial. (Discuss this with your lawyer)

1. The “délit de solidarité” (offence of solidarity) is a term used to describe the French law that criminalises those assisting illegal immigrants. Please see (in French): <http://www.gisti.org/IMG/pdf/analyse_cesedal622-1-et-exemptions_.pdf> and <http://www.delinquantssolidaires.org/>. [↑](#footnote-ref-2)
2. For more information on the “Garde à Vue” (police detention), please read the next paragraphs. [↑](#footnote-ref-3)
3. https://taranis.news/2017/08/il-est-interdit-dinterdire-de-filmer-la-police/ [↑](#footnote-ref-4)