

EXPLANATION OF YOUR RIGHTS

If you have **NOT BEEN DETAINED** and are to be questioned as a suspect

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1. Right to a confidential consultation with a lawyer and legal assistance during the interview

A. When?

- You are entitled to a confidential consultation with a lawyer before the interview and to legal assistance during the interview.
- If the offences on which you are being interviewed are punishable by a term of imprisonment, the procedure set out under C. applies

B. Which lawyer?

- You are free to consult a lawyer of your choice.
- You may, subject to certain legal conditions, call on a lawyer under the legal aid system, which is completely or partially free of charge. You may ask for the form that sets out the conditions for legal aid. You are then to request the Bar Association's legal aid office to appoint a lawyer.

C. How does the confidential consultation take place?

If you have been sent a written invitation, listing the rights specified under numbers 1 through 4 and saying that you are presumed to have consulted a lawyer before attending the interview:

- You will no longer be granted a postponement as you already had the opportunity to consult a lawyer.
- If you do not seek to be assisted by a lawyer, you must be advised of your right to remain silent before the interview starts (see also point 3).

If you have not been sent a written invitation or have been sent an incomplete written invitation:

- You may, on one occasion only, ask for the interview to be postponed to a later date or time so that you can consult your lawyer.
- You are free to choose to speak to your lawyer on the telephone, after which the interview may begin.
- You may await your lawyer's arrival at the Interview location.

D. Legal assistance during the interviews

Your lawyer will ensure:

- that your right to remain silent and your right not to incriminate yourself are upheld
- the way in which you are treated during the interview, whether or not you are put under any undue pressure;
- the fact that your rights are explained to you and the regularity of the interview.

If your lawyer has comments about any of these matters, he can have them immediately recorded in the police interview statement. Your lawyer may ask for a specific inquiry to be made or for a specific person to be interviewed. He may ask for clarification regarding the questions being asked. He may put forward comments regarding the investigation and regarding the interview. He is not allowed to answer in your place or obstruct the interview.

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E. Waiving this right?

You are not under obligation to request for a consultation with or for the assistance from a lawyer.

You may waive this right on a voluntary basis and after due consideration, if you:

- are of legal age;
- after you have signed and dated a document to this effect.

2. Summary communication of the offences

- You have the right to be told in brief about the offences on which you will be interviewed.

3. Right to remain silent

- At no point can you be forced to incriminate yourself.
- After you have stated your identity, you may choose to make a statement, answer the questions asked or remain silent.

4. Other rights during the interview

The interview itself starts out with a number of communications. In addition to repeating the summary communication of the offences and your right to remain silent, you will be informed that:

- You may request for all questions asked and for all answers given by you to be recorded in the words used by you;
- You may ask for a specific inquiry to be made or for a specific person to be interviewed;

- Your statements made used in evidence before a court of law.
- You are not under arrest and are free to go as you please at any time.
- During the interview, you may use documents in your possession, as long as this does not cause the interview to be delayed as a result. You may ask, either during or after the interview, for these documents to be added to the police interview statement or to be deposited with the Court Registry.

5. At the end of the interview

At the end of the interview, you will be provided with the text of the interview for you to read. You may also ask to have it read to you.

You will be asked if there is anything you would like to change or add to your statement.

6. Interpreter assistance

- If you wish to speak a language that is different from the language of the proceedings, a sworn interpreter will be called up to assist you during the interview. This help is free of charge.
- You may be asked to write down your statement in your own language.

You may keep this explanation of your rights.