



RECOMMENDATIONS

of 10 June 2010

of the **Contrôleur général des lieux de privation de liberté**
concerning the Customs Service's Brigades for Interior Surveillance (**Brigades de Surveillance Intérieure, BSI**) in Amiens (Somme) and Reims (Marne).

The Brigades for Interior Surveillance in Amiens (Somme) and Reims (Marne) of the General Directorate for Customs and Excise (DGDDI) were inspected by the inspectors of the *Contrôleur général des lieux de privation de liberté* on 6 November 2008 and 9 December 2008, respectively.

The factual observations made during each visit were sent to the Chiefs of these brigades on 19 December 2008 and 23 December 2008, respectively. Responses were issued on 19 and 26 January 2009.

The complete inspection reports for each visit were sent for comment to the Minister of the Budget, Public Accounts and Civil Service on 27 February 2009 and 2 March 2009. The Minister issued his response on 1 July 2009.

Further to this procedure and in accordance with Act No. 2007-1545 of 30 October 2007, the *Contrôleur général des lieux de privation de liberté* makes the following recommendations:

- 1 - The customs personnel encountered during these inspections show true humanity in the execution of their tasks.
- 2 - The time at which the customs detention begins should be that when the person has been effectively deprived of their total freedom of movement and not when the prohibited merchandise was discovered (caught in the act of committing an offence); a sometimes long research period may separate the two moments. The Customs Code – Article 323 – should thus be used to determine the periods of detention as is done for an infraction of common law (Article 63 of the Criminal Procedure Code).
- 3 - Body searches must not be performed systematically, but used only when necessary as the nature of the examination is prejudicial to human dignity. The reminder to which the General Directorate for Customs and Excise must proceed on this point is noted.
- 4 - Anyone deprived of liberty must be able to inform the person of their choice without delay, be examined by a physician and be given the opportunity to speak with a lawyer.

5 - The physicians, who fortunately intervene systematically although not yet foreseen by the regulations, are unable to perform examinations in satisfying conditions for a lack of facilities and suitable premises. Their arrival must be set out by the applicable regulations and the material conditions of their intervention provided in the premises of the Customs Service. Measures must be taken to allow the necessary medication to be purchased.

6 - The cells should be equipped with regularly maintained blankets and mattresses to ensure that the detained individuals are housed in dignified conditions, as agreed to by the Customs Service.

7 - The persons detained must not have to bear the cost of their meals. The Customs Service shall provide detainees a beverage and hot meal when the detention period takes place during meal time.

8 - The Customs detention register is an essential document to ensure that the fundamental rights of persons deprived of liberty are respected. It must be complete and reliable, and the traceability of the detainees' processing must be ensured. The *Contrôleur général* notes that the registers examined were kept carefully and accurately in the brigades visited.

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