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## RECOMMENDATIONS

of 23 February 2010

of the *Contrôleur général des lieux de privation de liberté*

concerning the Territorial Brigades of the Gendarmerie Nationale of Chambray-les-Tours (Indre-et-Loire), Ecole-Valentin (Doubs) and Migennes (Yonne).

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The Territorial Brigades of the Gendarmerie Nationale of Chambray-les-Tours (Indre-et-Loire), Ecole-Valentin (Doubs) and Migennes (Yonne) were inspected by the *Contrôleur général des lieux de privation de liberté* on 28 January 2009, 4 February 2009 and 19 February 2009, respectively.

The factual observations made during each inspection were sent to the brigadier commander of each of these units on 27 February 2009, 19 February 2009 and 19 March 2009, respectively. Responses were issued on 8 March 2009, 13 March 2009 and 3 April 2009.

The complete inspection reports for each visit were sent for comment to the Minister of the Interior, Overseas Territories and Territorial Communities on 27 May 2009, 29 May 2009 and 8 June 2009. The Director-General of the Gendarmerie Nationale issued his response on 21 September 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 - Emphasis should be placed on the favourable impression left by these three territorial brigades and the concern for humanity shown by the members of the gendarmerie who we met.
- 2 - In the majority of the brigades, the belongings or valuables of individuals taken in custody are placed in envelopes without a list being established by both parties. A joint inventory register must be set up to ensure the traceability of objects deposited and picked up in order to offer a guarantee for both the investigators and persons placed in custody. The willingness of the Directorate General of the Gendarmerie Nationale to disseminate good practices in this respect within the Territorial Brigade of Chambray-les-Tours was noted.
- 3 - The directives issued by the Directorate General of the Gendarmerie Nationale foresee that everyone in custody is served lunch and dinner. Breakfast with a hot beverage should also be served, officialising the spontaneous practice of the military as was generally observed by the French *Contrôle général*.

4 - Everyone should be able to appear before a judge, a prosecutor and a police officer with dignity. An installation should allow individuals that have been in custody since the previous day to wash in the morning and a hygiene kit should be made available.

5 - The supervision of individuals in custody is not satisfactory outside the business hours of service premises, especially at night. As a minimum, a device installed in the cells must allow detainees to alert a service member at all times.

6 - The custody register, foreseen in Article 65 of the Criminal Procedure Code, 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 custody process must be ensured. The previous model, still in place in some units, should be replaced without further delay by the model defined in 2005 by the Directorate General of the Gendarmerie Nationale as it allows for better information confidentiality.

7 - Harmonisation of these registers, used by the Gendarmerie and the National Police, and dematerialisation should be sought, as already indicated by the *Contrôleur général des lieux de privation de liberté* in its annual report for 2008. This solution would allow the various phases of the custody process to be monitored in real time and to improve the working conditions of the personnel. The Minister has also expressed interest in this suggestion.

Jean-Marie Delarue