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## RECOMMENDATIONS

of 3rd April 2009

from the French *Contrôleur général des lieux de privation de liberté*  
concerning the custody cell of the Court of first instance in Bobigny  
(Seine Saint Denis)

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The custody cell of the Court of first instance in Bobigny was visited by four inspectors from the French *Contrôle général des lieux de privation de liberté* on 13<sup>th</sup> October 2008.

Factual findings from this inspection were communicated on 22<sup>nd</sup> October 2008 to the Commander of the Brigade of Judicial Guards for the Seine-Saint-Denis Departmental Department of Public Security. A response to this was provided on 14<sup>th</sup> November 2008.

Following this response, the inspectors revisited the site on 26<sup>th</sup> November 2008 in order to obtain supplementary information.

The full report of the visit was submitted for observations to both the Minister of Justice and the Minister for the Interior, Overseas Territories and Local Authorities on 28<sup>th</sup> November 2008.

The Minister of Justice replied on 13<sup>th</sup> February 2009.

The Minister for the Interior, Overseas Territories and Local Authorities made his response known on 12<sup>th</sup> March 2009.

Following this procedure, and in accordance with Act no. 2007-1545 of 30<sup>th</sup> October 2007, the French *Contrôleur général des lieux de privation de liberté* has decided to make the following recommendations public:

1 - A permanent house-keeping and maintenance process must be put in place and additional works undertaken to eliminate the unhygienic situation which, in the cells, is simply unacceptable: offensive smells, blocked toilets, presence of urine-filled plastic bottles, traces of excrement on the walls, etc.

2 - The configuration of the search area should be reviewed. In effect, despite the recess hidden by a partition, privacy is not guaranteed during physical body searching of persons on arrival: as the room in which the search takes place is not closed, a person undressing himself there can be seen by a third party.

3 – The practice of removing brassieres and corrective eyewear should be stopped - this is prejudicial to human dignity and cannot be justified by any security imperative put forward.

4 - Discussions between persons referred to the court or discharged and their lawyers, social workers and interpreters must be held in confidence, but the current cabins used for this purpose do not guarantee such confidentiality.

5 – All persons must be able to be presented before their judges in a dignified manner; this requirement is part of the rights of the defence. The current situation does not allow this:

a) sleep is disrupted by permanent, including all night, lighting in the cells and the absence of anything that could truly be called a bed;

b) washing or showering is impossible;

c) persons discharged are given no breakfast before leaving the court building and the sandwich given to those referred to the courts can in no way be called a proper meal.

6 - Joint discussions need to be held as a matter of urgency between the Ministry for the Interior, Overseas Territories and Local Authorities and the Ministry of Justice to resolve the lack of clear dividing lines between the responsibilities of the appropriate administrative and judicial authorities. The current situation reveals a system that is broken and which is perceived by the public servants involved as demonstrating a lack of understanding and support.

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