

FAIR TRIALS INTERNATIONAL



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PRE-TRIAL DETENTION IN FRANCE



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Introduction

1. On 13 June 2013, Fair Trials International brought together leading experts in criminal justice from France in order to learn about pre-trial detention in law and in practice (a list of participants is provided in Annex A.) Where we identified problems, we wanted to learn about ongoing efforts and new opportunities to challenge these.
2. Prior to the meeting, the participants were asked to reflect on several themes: (i) the effectiveness of judicial oversight of detention; (ii) alternatives to detention; (iii) the reasons underlying excessive use of detention; and (iv) the opportunities for law reform and litigation. This communiqué outlines the key points raised in the meeting and the key conclusions reached.

A. Specific characteristics of the French system

The Judge of Freedoms and Detention

3. Before beginning the discussion about the procedure for pre-trial detention decision-making, participants were asked about their general observations on the Judge of Freedoms and Detention (the 'JLD'), a position created by the Law of 15 June 2000 strengthening the presumption of innocence and the rights of victims.¹
4. Participants explained that, traditionally, the investigating judge (the 'IJ') in charge of the investigation of the case was also responsible for placing people in provisional detention or placing them under judicial supervision (where they are at liberty but subject to specified obligations imposed by the judge) until such time as the case was referred to the trial court. The incompatibility between the IJ's investigative and judicial functions was recognised by a thorough study on criminal procedure² prior to the 2000 reform. The issue was described at the meeting as the impossibility 'of cycling whilst also watching oneself pedalling'. The choice was therefore made to create a separate judge with responsibility for detention matters: the JLD.
5. Participants generally agreed that, fundamentally, the creation of the JLD represented progress. The separation of functions mitigated, to some extent, problems such as the pressure defendants might find themselves under to cooperate knowing that the person asking the questions (the IJ) also had the power to place them in detention. However, problems in the detail of the procedure have to some extent limited the benefits of the innovation, as described below.

The rise of summary proceedings

6. Participants underlined that the impact of the JLD has to be considered in the context of the increased recourse to summary proceedings, in which the prosecutor, if he considers that an investigation is unnecessary, refers the case direct to a trial court rather than seising an IJ to direct the investigation. This means that any advances or developments in terms of the practice of pre-trial detention in cases involving an IJ were not representative of criminal justice as a whole, as summary proceedings account for a large proportion of all criminal proceedings.

¹ Law no 2000-516 of 15 June 2000.

² 'La mise en état des affaires pénales', 1991, otherwise known as the 'Delmas-Marty' report after its primary author, available at: <http://www.ladocumentationfrancaise.fr/var/storage/rapports-publics/914059500/0000.pdf>.

7. Whilst pre-trial detention does occur in summary proceedings, it is much shorter, and longer terms of pre-trial detention with greater human impact occur in cases where an IJ directs a longer investigation (referred to here as 'investigation cases'). Accordingly, participants' comments were invited primarily on investigation cases.

B. Effectiveness of judicial oversight of detention

Procedure and respect for defence rights

8. Despite the creation of the JLD, under the current procedure in investigation cases, it is incorrect to say that the IJ is deprived of decision-making powers. The IJ is able to place the suspect under judicial supervision himself, and that decision takes effect unless appealed. If the IJ believes that the person should be detained, he refers the file to the JLD complete with a reasoned opinion as to why the person should be detained, and the JLD takes the decision as to detention.
9. Participants expressed doubts about this procedure. To begin with, the IJ makes the recommendation of detention knowing that the power to make the decision ultimately lies with the JLD; this produces a divestment of responsibility which might lead the IJ to recommend detention more readily. However, at the same time, the JLD in effect acts a second-instance decision-maker, receiving a file already full of reasons why the person should be detained. Participants explained that, while some JLDs take risks and depart from the IJ's recommendation, others perform an only very cursory review and simply confirm the IJ's recommendation. In addition, the spirit of collegiality and judicial solidarity might make a JLD reluctant to disagree with the IJ (a colleague), particularly at smaller bars where many of the JLDs were former IJs themselves.
10. The procedure was, further, said to be skewed in favour of the prosecution: since 2004, the prosecutor has been able to seize the JLD directly if the IJ opts to place the person under judicial supervision.
11. Reference was also made to general concerns within the profession about the JLD taking decisions in urgency, without time to study the file in depth, resulting in a perfunctory and incomplete judicial review of detention.
12. One view was expressed, however, that the involvement of the JLD provided the defence with a greater opportunity to obtain a quality decision, in particular because of the possibility to request a postponement of up to four days before the JLD takes his decision. This, it was said, could enable the defence to obtain more information on the accused and available alternatives to detention. In this regard, it was noted that the law prohibits the lawyer from contacting family members while the suspect is in *garde à vue* (police custody), so at the point where the IJ makes his recommendation there will have been very little opportunity to build a case. However, if a postponement is requested in order to gather more information regarding the person and their attachments, the person is liable to be detained in the meantime. Four days (the statutory limit for the postponement) of detention is a significant burden for someone with children and a family. A participant explained that 'you cannot gamble' with somebody's freedom in that way. If the JLD orders detention, this can in any case be appealed to the *chambre de l'instruction* (a chamber of the appeal court in each region) and the proceeding before that chamber represent an opportunity to seek release with further information and argumentation prepared in the meantime, so in general postponements are not requested.

13. However, in summary proceedings, participants reported that postponements would be requested more frequently, to avoid rushing to a trial within a few hours which might result in a lengthy prison sentence. In such situations, postponement was considered by participants to be a sensible option.
14. It was reported that the compensation available for providing representation in legal aid cases was generally very low: 1000 € in *criminel* ('criminal') cases, involving the most serious offences, and 450 € in *correctionnel* ('correctional') cases, involving most other offences. These fees are intended to cover the whole procedure, including all visits, hearings with the IJ and detention hearings. As a result, young, ill-paid lawyers are overstretched and often unable to make regular applications for release.
15. Concerns were also expressed about the conditions in which JLDs perform their duties. In practice, the organisation of proceedings between police, IJ and JLD is such that the JLD usually receives the case at the end of the day, often around 6pm or 7pm, along with many other files to consider. In addition, JLDs will often sit in communal offices or overloaded courtrooms. Such conditions are not conducive to effective decision-making. It was also noted that JLDs are in fact judges of a criminal court who are appointed by the President to play that function: there is no separate 'office' of JLD. Thus, in one well-known case, a JLD who became known as 'liberator' for his refusals to order extensions of police custody, and who found little favour with police and prosecutors, was transferred to be president of another chamber where he would have less influence in the conduct of investigations.
16. In general, it was agreed that the better forum for seeking the release of a person detained pre-trial was the *chambre de l'instruction*. However, success rates are not high at the *chambre de l'instruction* either: commonly dubbed the 'confirmation chamber', the latter is criticised for its reluctance to reverse decisions. In Paris, there had recently been a petition signed by many eminent lawyers criticising the *chambre de l'instruction* of the Paris appeal court for being what was described in the meeting as a 'slaughterhouse' systematically confirming decisions.

Substance: judges' assessment and decision-making

17. Under French law (Article 144 of the Criminal Procedure Code) pre-trial detention can be ordered or extended only if it is established, on the basis of precise and substantiated circumstances arising from the case file, that it is the only means to achieve one of the following objectives, which could not be achieved through judicial supervision or an electronically-monitored residence requirement:
 - 1) conserving evidence or material clues necessary to the manifestation of the truth;
 - 2) preventing the pressuring of witnesses or victims and their families;
 - 3) preventing of unlawful collusion between the person under investigation and their co-authors or associates;
 - 4) protecting the person under investigation;
 - 5) ensuring that the person under investigation is at the disposal of the court;
 - 6) bringing the offence to an end or preventing its further commission; [and/or]
 - 7) bringing an end to the exceptional and persistent disturbance to public order caused by the gravity of the offence, the circumstances of its commission or the extent of the harm caused by it. Such disturbance shall not arise solely from the media resonance of the case. This ground does not apply in *correctionnel* matters.

18. Participants shared the view that decisions extending detention or applications for release are often perfunctory and formulaic, to the extent that little is gained from reading them. An order might simply assert the necessity of detention to prevent a suspect absconding, without addressing the fact that the suspect has a local address, a family and a stable life. It was said that the reasoning in a decision ordering release is often not any more enlightening.
19. It was felt that the JLDs and, in particular, the *chambre de l'instruction* in fact oversee detention in a more informal manner, through off-record conversations with IJs to which the defence are often not privy, rather than purely responding to (respectively) applications for release or appeals against JLD decisions. This contributes to a sense among defence lawyers that actual the written decisions formally satisfy the requirements of law without bearing witness to the actual decision-making.
20. Participants were asked, specifically, about the 'public order' criterion in Article 144(7) of the Criminal Procedure Code, which allows pre-trial detention to be ordered if this is necessary to put an end to a serious disturbance to public order resulting from the offence. Following reforms in 2007, this ground is now only available in criminal cases, involving the most serious offences, and is unavailable in *correctionnel* cases involving other offences.
21. There was general agreement that the 'public order' ground was a broad, ill-defined criterion which could encompass a very wide range of facts and allowed detention to be ordered too readily. However, there were divergent views as to the impact of the 2007 reform. On one view, the reform could be considered essentially cosmetic in nature: if the relevant judge wishes to detain a person, there are still plenty of grounds available on which to order this. On another, the exclusion of the 'public order' ground in *correctionnel* cases was moderately useful, though the expansive manner in which the other grounds were applied meant that detention remained a very easy option for the judge. On a final view, however, the 2007 reform did have a significant impact. It was said that, in 2007, the figure of pre-trial detainees dropped sharply from 20,000 and stabilised at about 16-17,000, a decrease attributable only to the reform as there was no other significant change at the time. An alternative statistic was, however, provided, indicating that of those referred for trial in investigation cases, 40% were detained, with no significant change after 2007. However, it was pointed out that this rate applied to a lower number of cases, as increasingly only the most complex cases became investigation cases (with others going to summary proceedings), and given the nature of the cases the rate of detention was to be expected.
22. The view was expressed that some of the other criteria for pre-trial detention also required further legislative attention. One criterion regularly abused is the provision relating to the risk of absconding. The judge looks for *garanties de représentation* – factual elements providing assurance that the person will not abscond. It is at the judge's discretion whether to consider that a person's social attachments counterbalance any risk of absconding and decisions in this regard often overlook even solid attachments, leaving the non-resident in a very invidious position.
23. One of the aids which may be available to help lawyers combat this form of injustice, in particular by relying on *enquêtes sociales* (personal situation inquiry) (in less serious correctional cases) or *enquêtes de personnalités* (inquiry into the person) (in more serious correctional cases and criminal cases) established by non-profit organisations providing pre-trial assistance ('bail organisations'). These inquiries are based on information collected in interviews with the accused person, which is then verified.

Their results are recorded as a report in accordance with established parameters. This forms an independent record which may be of assistance to the court deciding on pre-trial detention.³ For subjects without fixed abode, the *enquête sociale* can lead to a proposal for accommodation by a charitable organisation and, thereby, provide a sufficient *garantie de representation* for the judge. However, ultimately, achieving fairness depends upon a fairer judicial assessment.

24. It was, finally, observed that judicial decision-making occasionally displayed disloyalty to the spirit of the law while complying with its letter, in particular in relation to the characterisation of the facts. For example, it is open to the judge to qualify a simple theft as a major crime needing complex investigation – which in turn justifies more extensions of detention – and this depends on the judge’s sovereign power of assessment of the facts, so loyalty to underlying legal principles is essential.

A. Alternatives to detention

25. French law lists 17 possible judicial supervision obligations which must be ordered in preference to detention if they are sufficient to achieve the relevant objective. Participants were asked about the frequency with which recourse was had to such alternatives to detention, whether they were duly considered before detention, and what could be improved.
26. The view was expressed that the judges do comply with the ‘last resort’ approach and consider whether alternatives are available before ordering detention. Many suspects are placed under judicial supervision. Where judges are aware of the options and have sufficient confidence in them, they do not seem to be especially reluctant to use it.
27. One difficulty with judicial supervision arises from the fact that it is ordered too readily. Judges take insufficient account of the burden which judicial supervision places upon the subject. This is particularly problematic because once a person is not in detention, the case loses priority and is treated without urgency, meaning that judicial supervision obligations, often significantly restrictive of freedom, may last a long time: a person might, for instance, spend 5 or 6 years required to attend a police station on a weekly basis or unable to enter certain localities. Judicial supervision could also be a punishment in itself: a doctor prohibited from exercising for five years, albeit at liberty, will suffer an irreversible professional impact. Such problems are compounded by the fact that there are no time limits on the use of judicial supervision.
28. A distinction was drawn between the two main kinds of judicial supervision obligations: (i) *pointage* (regular reporting to a police station or ‘clocking in’), the standard, simple form of judicial supervision which involves no investment on the part of the state; and (ii) *socio-éducatif* (‘socio-educational’) obligations, more resource-intensive measures involving drug treatment, training and so on. The management of socio-educational judicial supervision has been delegated to the private sector and especially bail

³ One such organisation, the *Association de politique criminelle appliquée et de réinsertion sociale* (‘APCARS’) was represented at the meeting. In 2012, Apcars prepared over 16,000 *enquêtes sociales* and 549 *enquêtes de personnalité*. Subsequently to the meeting, a member of Fair Trials’ staff observed a hearing in the *Tribunal de grande instance* of Paris in which an *enquête sociale* prepared by APCARS was taken into account by a chamber deciding, in a *comparution immédiate* case where a one month adjournment was necessary, whether the person should be detained until the next court date. The court granted bail.

organisations which face huge financial challenges. Many have closed down in recent years, reducing the options available to judges.

29. Recourse to socio-educational judicial supervision may also be lacking because of IJs' and JLDs' insufficient grasp of what it actually involves. The view was expressed that judges 'do not know the product' which is available to them, and non-profit organisations face challenges in communicating with the judges to ensure they understand what options are available. In addition, judicial supervision (with the exception of *pointage*) is less easily ordered as it requires a programme to be established; ordering detention, by contrast, requires only a signature.
30. It is, in principle, possible for the defence to mitigate this to some extent by liaising with a bail organisation to (for instance) find temporary accommodation for those without an address, or devise a socio-educational alternative to detention. However, there was perhaps scope for increased dialogue between defence and bail organisations. By and large, defence lawyers focus primarily on contacting family and placing evidence of social attachments before the judge to try to counter prosecutorial assertions regarding the risk of absconding.
31. The view was, moreover, expressed that judicial supervision was not, in practice, an alternative to detention but an alternative to liberty. The use of judicial supervision has no real impact on the numbers of people detained; it simply means that of those who are not detained, more are subject to unjustifiably onerous obligations.
32. It was remarked that the use of judicial supervision appears to be on a downward trend, despite the wide recognition that it is preferable to having someone in detention. It was suggested that this was quite possibly due to the economic situation. Among the judicial supervision obligations, some of them, involving 'socio-educational' obligations such as health and drug treatment, implied ongoing costs. It was said that an organisation providing such services would receive payment (of approximately 950 €) per six months of service, with payment ceasing altogether after three years.
33. Participants were asked whether some forms of judicial supervision worked better than others. It was said that some obligations can impact positively on the case: for instance, if a person duly attends drug or alcohol treatment further to judicial supervision obligations, this can reflect positively on them later, when the trial court comes to sentencing. In other cases, obligations can be difficult to comply with: a person required not to attend their family home might sleep in the car for a period, and at some time infringe the obligation. It was felt that more could be done to protect the victim whilst also reaching a more practicable judicial supervision settlement taking into account the possibilities of compliance for the suspect. There is also a lack of 'joined-up' thinking between departments: organisations which find bail accommodation for suspects are funded by the Ministry of Social Affairs, and there is no dialogue with the Ministry of Justice which administers the judicial system.
34. Finally, participants made remarks on the system of electronically monitored residence requirements, which since 2010 has been regulated by a separate decree⁴ and has to be considered separately from general judicial supervision obligations. It was said that, in reality, this device is seldom used: approximately 450 times annually in recent years. It takes several weeks to put in place, and is not a realistic solution for shorter periods of

⁴ Décret n° 2010-355 du 1er avril 2010 relatif à l'assignation à résidence avec surveillance électronique et à la protection des victimes de violences au sein du couple.

detention. It is, in any case, of no use to the most vulnerable, who in many cases simply have no residence to which to be assigned for the purposes of monitoring.

B. Excessive remand periods

35. The problem of long-term detentions arises only in investigation cases, as simpler cases will generally be handled by way of summary proceedings. The complexity of cases now being dealt with in investigation cases means that detentions can often be very long: 25 months, on average, and some much longer. The investigation process has itself become more complicated, in part as a result of reforms by successive *Gardes des sceaux* (ministers of justice) designed to make the investigation process more adversarial, with more participation of defence lawyers, but also because of the increased reliance on forensic evidence. It might, for instance, take six months to obtain DNA expertise, and the defence will then request a counter-expertise which will take a further six months. If it becomes necessary to obtain evidence from abroad, delays can be even longer.
36. It was noted that lengthy pre-trial detention periods in investigation cases were attributable to delays in bringing a person to trial (particularly before the assize courts in murder, sexual offences and other serious crimes) once the investigation is complete.
37. Concern was expressed about the automatism with which extensions of detention are requested by the prosecution while such prolonged proceedings are ongoing. Young prosecutors, often with little knowledge of the case, request extensions systematically, simply asserting that the Article 144 conditions are met.
38. It was said that, ultimately, the key question is whether the judge wishes to refer the case to the trial court with the person detained or not. If the answer is yes, the law allows the judge sufficient latitude to ensure that the case qualifies for all available extensions and to complete the necessary investigative steps within the time limit.
39. There was, finally, general concern regarding the impact of pre-trial detention on final sentencing by the trial court. If a defendant has been detained for eight months pre-trial, the judge will often order 16 months' imprisonment in a case where eight months would themselves seem amply sufficient punishment in relation to the facts. As a result, one lawyer explained that they would often advise clients that it was best to spend two years detained pre-trial, be released and appear before the tribunal as a free man than to get to trial more quickly and appear as a detained person. In the former case, the court would see the 'punishment' as having been served; in the latter, there would be a temptation to impose additional time so as to cover the time already served.
40. Given the importance of 'winning the battle' at the pre-trial stage, the concerns raised in relation to the effectiveness of judicial review of detention, discussed above, become all the more significant.

C. Reform outlook

41. Participants were asked about two of the major reforms discussed during the day: the creation of the JLD in 2000, and the removal of the 'public order' criterion in *correctionnel* cases in 2007. They were asked to comment on the social and political impetus for such reforms.
42. It was said that the 2000 reform was motivated by 'reason', the 2007 reform by 'emotion'. The latter reform was a reaction to the so-called *Outreau* case, a disastrous

case which produced a number of miscarriages of justice. Thirteen people were implicated of serious child sex offences and detained for several years pre-trial (one died in prison), in the context of intense media pressure on the inexperienced IJ handling the case, before the assize court eventually acquitted them. The subsequent outrage at the failings in the case pervaded even the political and academic classes and the case gave rise to a parliamentary commission, which was televised. The 2000 reform, on the other hand, as noted above, was the product of a steady academic reflexion about the allocation of judicial and investigative functions in France.

43. Participants were also asked for their general observations on what needs to happen in order to reduce recourse to pre-trial detention. A variety of opinions were expressed. It was said that advantage should be taken of the one thing which is not susceptible to circumvention and involved no human assessment of facts: time limits. Work should be done to reduce these, as investigation cases simply expand to fill the available time and could shorten commensurately. It was also suggested that the 'public order' criterion (absent in many other national legislations) should simply disappear altogether. It was also said that prison itself, as an institution, is only 200 years old and its use at the pre-trial stage had only recently come under scrutiny. Other observations made it clear that in order to meet the challenge of reducing recourse to pre-trial detention, a change of mindset among judicial and prosecutorial personnel is required.

D. Key recommendations

Effectiveness of judicial oversight of detention

- a. The judiciary should be made aware of the defence's perception that the formal process of pre-trial detention decision-making is something of a simulacrum, with the real decision-making happening behind the scenes in conversations between the judges to which the defence are not privy and cannot influence. Documents such as the present communiqué should be forwarded to judiciary bodies to begin this dialogue.
- b. Bar association networks should be used to circulate template reasoning for the use of defence lawyers, with reference to national and international case-law which can be adapted to allow the systematic challenging of decisions which fail adequately to justify the conclusion that detention is necessary. This would be particularly beneficial where a risk of absconding is asserted despite evidence showing that the defendant has a stable life.
- c. The post of JLD should be elevated to an independent judicial office, instead of merely being a function to which a judge of the criminal court is assigned.
- d. Cases where pre-trial detention leads to serious injustice should be publicised in order to draw attention to abuses of pre-trial detention; likewise, examples of good practice by IJs, JLDs and/or *chambre de l'instruction* judges should be held up as models.

Alternatives to detention

- e. The power to impose judicial supervision should be expressly framed as one applying 'where strictly necessary', to combat the use of judicial supervision as an alternative to liberty and an additional reassurance in cases which do not genuinely require close supervision.
- f. Where judicial supervision is imposed, there should be a requirement for an automatic review of the necessity of maintaining the obligations after one year, failing which the

judicial supervision order would become void. The law should in any case require the automatic, progressive lightening of obligations (in particular the frequency of *pointage*) over time.

- g. There should be greater dialogue between the criminal defence bars and bail organisations to develop a more coordinated approach whereby a package of socio-educational judicial supervision obligations can be effectively proposed and explained to the competent judge.
- h. Statistical data should be collected regarding re-offending rates in cases where the person is placed in pre-trial detention as against cases where the person is subject to socio-educational judicial supervision, to develop the understanding of the long-term advantages of judicial supervision.
- i. France should be encouraged to implement the Framework Decision on the European Supervision Order, which may help mitigate the proportionally greater likelihood of detention and/or the human impact of judicial supervision where the defendant is a foreign national.

Excessive detention periods

- j. The length of detention in investigation cases appears to be linked to the increasing complexity of those cases and the difficulty for the IJ effectively to direct such investigations, which require the participation of many different institutions and actors. Academia and the legal professions should be encouraged to view the ongoing debate about the role of the IJ in French criminal proceedings through the prism of detention and the serious, irreversible human impact which arises from lengthy detentions.

Reform outlook

- k. The legislature should be encouraged to remove the 'public order' criterion from the Code altogether. France has repeatedly been found in violation of the ECHR in cases where this provision has been applied, showing its susceptibility to abuse. France should show international leadership vis-à-vis other countries which have similar provisions in their laws and drop the criterion altogether.
- l. The Ministries of Justice and Social Affairs should be encouraged to coordinate the provision of socio-educational judicial supervision measures by bail organisations and the administration of justice, including by training judges regarding the kinds of measures which are available and their effectiveness.
- m. Further research should be carried out to assess whether the fact of the defendant appearing before the trial court as a detained person and the length of the pre-trial detention until then impact upon the type of sentence ordered and, if the sentence is custodial, its length.

**Fair Trials International
Local Expert Group (France)
8 October 2013**

Annex

PARTICIPANTS (in alphabetical order)

Bruno Aubusson de Cavarlay is the new President of the *Commission de suivi de la détention provisoire* (Provisional Detention Monitoring Committee). He is a researcher at the *Centre de recherches sociologiques sur le droit et les institutions pénales* (Centre for Sociological Research on Criminal Law and Criminal Justice Institutions), specialising in criminal statistics. He did not represent the Committee at the meeting.

Marie Guiraud is a lawyer at the Paris Bar, specialising in criminal law. She practices in all areas of criminal law, and also acts in cases relating to prisons and terrorism. She is a member of the Legal Action Group of the *Fédération internationale des droits de l'homme* (FIDH), representing civil parties before the Extraordinary Chambers of the Criminal Courts of Cambodia. She studied human rights law at University College London.

Anta Guissé is a lawyer at the Paris Bar specialising in criminal law, with a particular focus on international criminal law, having worked for the defence in cases before the UN International Criminal Tribunal for Rwanda, and the Extraordinary Chambers of the Criminal Courts of Cambodia.

Frédéric Lauféron is the President of the *Association de politique criminelle appliqué et de réinsertion sociale*, which works toward better use of alternatives to detention, including by providing background information to the courts on the material and social situation of defendants.

Raphaële Parizot is a Professor of criminal law at the University of Poitiers, having been Maître de conférences at the Sorbonne (Université Paris I). Raphaële is Vice-President of the *Association de recherches pénales européennes* (European Criminal Studies Association), undertaking a cross-border study of criminal procedure in France, Spain and Italy.

Serge Portelli is a chamber president at the Court of Appeal of Versailles, and former head investigating judge at the Créteil tribunal in Paris. He has practised as an investigating judge for over 25 years and has written extensively on criminal justice and preventing reoffending.

Dominique Tricaud is a lawyer at the Paris Bar, working at the chambers at Tricaud Traynard et associés and specialising in criminal law. He is a Patron of Fair Trials International and a member of the Legal Expert Advisory Panel. He is also a former member of the *Conseil de l'Ordre* of the Paris Bar and works regularly on extradition cases.

Philippe Vouland is a lawyer at the Marseille Bar, at Vouland & Grazzini avocats, specialising in criminal law. He is co-founder of the *Institut de défense pénale*, which provides training to criminal defence lawyers in response to the changing landscape of criminal justice.