Defendants (criminal proceedings)

France

These fact sheets explain what happens when someone is suspected or accused of an offence resulting in trial before a court. For information on minor offences such as breaches of the traffic regulations, usually liable to fixed penalties such as a fine, see fact sheet 5. If you are the victim of a crime, you will find full information on your rights here.

General introduction

The four types of court with jurisdiction to hear cases in France are:

The *Tribunal de police* (police court)

Decisions are made by a single judge in this court which mainly deals with petty offences in category five (e.g. breaches of regulations liable to specific penalties). Appeals can be filed with the *Chambre des appels correctionnels* (Court of Appeal) but only in certain cases.

The *Juridiction de proximité* (local or community court)

Decisions are made by a single judge in this court which deals with petty offences in the first four categories.

Appeals are governed by the same rules as appeals against police court judgments.

The *Tribunal correctionnel* (criminal court dealing with lesser offences)

Three judges are normally present at this court, which mainly deals with *délits* (offences not classed as "crimes", the latter being defined as criminal acts punishable by over 10 years of prison, under French law).

Proceedings can be brought in the court within whose jurisdiction the offence was committed, or the court where the accused person or persons reside or where the accused person was arrested.

Appeals against judgments of first instance may be filed before the *Chambre des appels correctionnels* (Court of Appeal).

The *Cour d'assises* (criminal court dealing with the most serious offences)

This court has jurisdiction over crimes committed by adults that do not come under the jurisdiction of a specialist court.

Cases are heard by three professional judges and nine jurors selected at random amongst French citizens.

Appeals against convictions may be filed by the prosecution service and convicted defendants before a *Cour d'assises* comprising 12 citizen jurors and three professional judges. The defendant and the public prosecutor may appeal against decisions pronounced by the *Cour d'assises*, whether these are convictions or acquittals. The civil claimant (*partie civile*) in the action may only appeal as regards damages and interest awarded by the court.

Summary of criminal procedure

Please find below a summary of the normal stages of criminal proceedings

The inquiry

Conducted by the police or gendarmerie, its aim is to establish that an offence has been committed, to gather evidence and seek the perpetrators. It is conducted under the supervision of the public prosecutor. There will always be an inquiry when the action has been brought by the public prosecutor.

There are two types: the *enquête de flagrance* (investigation of a recently committed offence) and the *enquête préliminaire* (preliminary inquiry) conducted ex officio by a CID officer or on the instructions of the public prosecutor.

In all cases, the inquiry is secret and *ex parte* (i.e. the defendant is not heard).

The pre-trial investigation

The investigation conducted by the examining judge is designed to gather evidence of the commission of an offence and seek its perpetrator. It determines whether there is sufficient evidence to send the perpetrator before the court. It prepares the case for judgment. It is secret, but persons party to the proceedings have access to the case file and can lodge requests for investigations under certain conditions.

The judgment

The judgment phase takes place with due hearing of the parties, in public, oral proceedings. The judges' deliberations result in a decision subject to a remedy at law.

You will find details of all the stages of proceedings and your rights in the fact sheets. This information cannot replace consultation of a lawyer and should only be seen as guidance.

The role of the European Commission

Please note that the European Commission plays no role in criminal proceedings in the Member States and cannot help you if you wish to complain. These fact sheets tell you how and where you can complain.

Click on the links below to find the information you need.

1 – Consulting a lawyer

2 - My rights during the investigation of a crime

My rights in police custody

My rights during first appearance questioning

Being charged and *témoin assisté* (legally-represented witness) status

The completion of the pre-trial investigation

The European arrest warrant

Preparation of the case by the defence

3 – My rights during the trial

4 – My rights after the trial

5 – Breaches of the traffic regulations and other petty offences

Related links

Your Rights

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