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LRCM
Rights and Justice for all



THE RIGHTS OF DETAINED PERSON AND WAYS TO PREVENT POTENTIAL ABUSES



WHAT IS DETAINMENT?

Any holding of a person by restraining their freedom by representatives of a public authority. In other words, any action that precludes a person from moving around freely.

WHO CAN DETAIN A PERSON?



Police



National Anticorruption Center



Customs Service



Security and Intelligence Service



Other public authorities, depending on the situation

HOW LONG CAN DETAINMENT LAST?

CRIMINAL PROCEDURES

minors

NO MORE THAN 24 HOURS
from the moment of being held

adults

NO MORE THAN 72 HOURS
from the moment of being held

After this period, the detained person must be either released or interrogated by an investigative judge, who will decide whether to keep restraining their freedom (by applying pretrial arrest) or to let them go.

CONTRAVENTION PROCEDURES

adults

NO MORE THAN 3 HOURS

The investigative judge may warrant its extension to no more than **24 hours**.



DETAINED PERSON'S RIGHTS



RIGHT TO DEFENSE

Any detained person is entitled to a lawyer, either a paid one or a free one, guaranteed by the state. The criminal investigation body must ensure conditions for confidential discussions between the detained person and lawyer before the first hearing (when you give testimony).



THE RIGHT TO BE INFORMED ABOUT THE REASONS FOR DETAINMENT AND THE GUARANTEED RIGHTS

Immediately after detention, the police are required to explain, in the presence of a lawyer, the reasons for the detention and must provide written information about the rights guaranteed in case of detention.



THE RIGHT TO REMAIN SILENT

You may either make statements about the alleged illegal act you have been detained for or remain silent – that is, make no statements at all. The best of all would be to consult your lawyer before deciding how to act.



ACCESS TO DOCUMENTS

You can read the detention report, and the police must provide you with a copy immediately after signing it. Countersign the detention report in the presence of your lawyer, and if you notice mistakes or disagree with the content of the document, you may make other remarks or objections.



INTERPRETATION AND TRANSLATION

Detained person who does not speak Romanian is entitled to a free translator or interpreter (paid by the state). The translator can help you communicate with the police, your lawyer, or the court and translate parts of the documents presented to you after detention.



MEDICAL ASSISTANCE

If after the detention it is found that the person has wounds or injuries, a forensic medical examination will be ordered to establish their nature. The police must be informed immediately if you need medical assistance.



THE RIGHT TO INFORM RELATIVES OR OTHER PERSONS ABOUT YOUR DETAINMENT

This right is distinct from the right to a lawyer – so, make use of it and contact people you trust. In criminal procedures, this possibility must be made available within maximum six hours from the time of detention, and in contravention procedures – within maximum one hour from the time of detention. If your contact did not answer the call, insist on making another call until you reach someone.

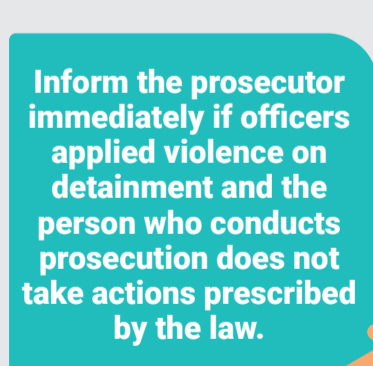


Main recommendations if your rights are violated during detention



File a complaint with the prosecutor if you think that the person carrying out procedural actions has committed irregularities.

Request medical assistance if you have suffered physical abuse.



Inform the prosecutor immediately if officers applied violence on detention and the person who conducts prosecution does not take actions prescribed by the law.

Learn about the rights in case of detention and the obligations of authorities beforehand to prepare yourself psychologically for potential detention.

Find out more in the guide **What to Do in case of Detainment?**, produced by the LRCM.

