

[Home](#) > 3 - My rights during the trial

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If you are of age, you admit the accusations against you and your offence is punishable by a fine or a maximum of five years' imprisonment, you may take advantage of the procedure known as "*comparution immédiate sur reconnaissance préalable de culpabilité*" (immediate appearance with prior acknowledgement of guilt). It is compulsory for you to be assisted by a lawyer. This accelerated procedure makes it possible for you to receive a lighter penalty.

Where will the trial be held?

The scope of jurisdiction depends on the nature of the offence and territorial competence. For petty offences, the police court or local court of the place where the offence was committed, or your place of residence, will have jurisdiction.

In the case of *délits* (lesser offences), the *tribunal correctionnel* (criminal court dealing with *délits*) of the place where the offence was committed, or your place of residence or arrest, will have jurisdiction.

Finally, in the case of a crime, the *cour d'assises* (criminal court dealing with the most serious offences) of the place where the offence was committed, or your place of residence or arrest, will have jurisdiction.

Proceedings in criminal trials are oral and public. By way of exception, the trial may be held in camera, in cases of juvenile delinquency or at the victim's request in cases of rape, torture and acts of savagery accompanied by sexual assault.

In the case of *délits* and petty offences, decisions are taken by one or more professional judges, whereas the *cour d'assises*, made up of nine citizen jurors and three professional judges, takes decisions by qualified majority of eight people.

Can accusations/charges be changed during the trial?

Only the accusations described in the document instituting proceedings will be referred to the court, which cannot take other charges into account.

However, the court is entitled during the hearing to reclassify the actions referred to it, on condition that you have been able to submit your comments on the new charges. If this reclassification involves extending the referral to new developments, you must agree to attend on a voluntary basis to answer the charges.

The procedure of pleading guilty does not exist in France. It is only possible, for some offences, to ask to take advantage of the accelerated procedure (immediate appearance with prior acknowledgement of guilt) before any trial. Any confessions you make will be subject to examination and assessed by the judges during the proceedings, like any other element of proof.

What are my rights during the trial?

Your presence is compulsory throughout the trial. Unless you have a valid excuse, you will be judged in absentia except where the court agrees to defer the hearing until your return. However, the court is not obliged to grant such a request. If your lawyer is present, however, he or she may be heard and represent you. In cases involving crimes under French law, a warrant may be issued for your arrest.

In France, the use of videoconferencing is permitted exclusively for the hearing of witnesses, civil claimants and

experts.

If you do not understand the language of the court, an interpreter will be appointed for you.

The assistance of a lawyer is mandatory where crimes are involved. It is only optional in the case of *délits* and petty offences. You may change your lawyer during the trial.

You will be given the opportunity to speak during the trial. However, you have the right to remain silent throughout the proceedings. This stance may have an effect on the judges' intimate conviction.

You cannot be convicted simply because you have lied at the hearing. However, lying will influence the court's decision. Moreover, it might compromise your lawyer's strategy.

What are my rights in relation to evidence put forward against me?

All elements of proof in the case must be submitted for full argument on both sides so that you can debate them. Any form of evidence is admissible in French criminal law and can be produced in all circumstances. You may therefore produce all the elements of proof you need, including those collected by a private detective, the only restriction being that the evidence must be legal.

You may ask for witnesses to be heard. You may put questions, either directly or through your lawyer, to witnesses at the hearing and contest their evidence by any means.

Will information on my criminal record be taken into consideration?

The judges will look at the content of your criminal record. A statement will be on file throughout the proceedings. The competent judicial authority to which your case is referred may possibly ask another Member State for extracts of your criminal record.

What will happen at the end of the trial?

The outcome of your trial will have been considered beforehand with your lawyer, on condition that you have fully informed him or her of your position. It could be discharge, acquittal or conviction.

In the event of conviction, the possible penalties are:

Deprivation of freedom:

- In the case of crimes, either life imprisonment or a fixed prison sentence. For the latter, the criminal code establishes maximum terms of between 10 and 30 years.
- In the case of *délits*, the maximum prison sentence is 10 years.

Penalties involving deprivation of freedom may, if they are not mandatory sentences, be commuted, for example to conditional release, day release or remission.

Other penalties:

- In all cases, a fine may be imposed, of an amount set for each offence.
- In the case of *délits* and petty offences, "reparation" may be ordered, i.e. you may be sentenced to make good the loss suffered by the victim.
- Supplementary penalties may be imposed, such as community work (with your consent), deprivation of certain rights (driving licence, etc.), confiscation of property, closure of an establishment, withdrawal of civic rights (right to vote, etc.) or ban on issuing cheques. In addition, banishment from French territory (if you are a foreigner) or parts of French territory may be ordered.

What is the victim's role during the trial?

Victims may be present or represented at the trial. Failing this, victims are deemed to have abandoned their suit. The victim may instigate proceedings. The presence of the victim or his/her lawyer at the trial ensures that the

victim's interests are protected and reparation can be sought for the harm suffered.

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