

5,000 TO 6,000 DETAINEES TO BE RELEASED IN FRANCE DUE TO NATIONAL CONTAINMENT

MIN OF JUSTICE ANNOUNCE 4 LEGAL ORDERS

Paris, Washington DC, 26.03.2020, 22:50 Time

USPA NEWS - The Minister of Justice, Nicole Belloubet, presented several exceptional measures (Four Legal Ordinances among the 25 announced by the Prime minister Edouard Philippe) for justice, during the Council of Ministers. Some of which should allow the release of between 5,000 and 6,000 prisoners from French prisons. "We will have to preserve the rights and security of our fellow citizens and focus judicial activity on the most serious cases," said Prime Minister Edouard Philippe. The Minister, Nicole Belloubet spoke of the "challenges" facing justice, while the number of magistrates and clerks is reduced to a minimum in the jurisdictions, because of confinement. Among these challenges, "the impossibility of dealing with current disputes but the need to deal with urgent disputes". A first text provides for extensions of the deadlines expiring during the health crisis. Certain measures that end during this period will be extended, for example guardianship measures and protection orders for women victims of domestic violence.

1- THE LEGAL ORDER ADAPTING THE RULES APPLICABLE BEFORE CRIMINAL COURTS -----

The 1st legal order is adapting the rules applicable before criminal courts. In order to adapt to health issues and avoid physical contact, but also to the constraints of confinement and reduced activity continuation plans for services, this order suspends the limitation periods for public action and execution sentences from March 12, 2020. It eases the conditions for referral to courts and lightens their functioning, by authorizing dematerialized hearings more broadly and by expanding training for single judges. In addition, the ordinance relaxes the rules of criminal procedure applicable to persons in police custody provisionally detained or under house arrest. It allows a lawyer, with his agreement or at his request, to assist remotely a person held in custody using a means of telecommunications. It extends the maximum periods for placement in pre-trial detention and house arrest during the investigation and for the hearing. It lengthens the processing times for requests for the release of provisionally detained persons. Finally, the order relaxes the conditions for the end of the sentence, by providing in particular for two-month sentence reductions linked to exceptional circumstances.-----

2- THE SECOND LEGAL ORDER ADAPTING THE RULES APPLICABLE TO THE JURISDICTIONS OF THE JUDICIAL ORDER RULING the ordinance adapting the rules applicable to the jurisdictions of the judicial order ruling in non-criminal matters and to the condominium trustee contracts. In order to adapt to health challenges and avoid physical contact, but also to the constraints of confinement and reduced activity continuation plans for services, this ordinance lightens the functioning of civil, social and commercial courts, by making the modalities of organization of the hearings and by allowing the information of the parts and the organization of the contradictory by any means. For the same purpose, the ordinance extends certain protective measures, includes special adaptations for the benefit of children's courts and makes it possible to extend the time limits for educational assistance measures. Finally, to facilitate the operation of co-ownerships, the ordinance provides for the renewal of co-ownership trustee contracts that expire or have expired since March 12, 2020.

- THE THIRD LEGAL ORDER ADAPTING THE RULES APPLICABLE TO ADMINISTRATIVE COURTS-----

In order to adapt to health challenges and avoid physical contact, but also to the constraints of confinement and reduced activity continuation plans for services, this order makes it possible to strengthen incomplete college training by magistrates from other jurisdictions, to inform the parties by any means of the hearing dates, to make extensive use of telecommunications to hold the hearings. It authorizes the judge in summary proceedings to rule without a hearing, as do the administrative courts of appeal on requests for a stay of execution.

- THE FOURTH LEGAL ORDER RELATING TO THE EXTENSION OF DEADLINES EXPIRED.-----The ordinance relating to the extension of deadlines expired during the health emergency period and to the adaptation of procedures during this same period. In order to preserve the rights of all, and to adapt to the constraints of confinement and plans for the continuation of activity of administrations, this ordinance allows that when steps, whatever their form (act, formality, registration, etc.) whose failure to fulfill could produce legal effects such as a sanction, a prescription or the forfeiture of a right, could not be carried out during the period of state of emergency increased by one month, they may be issued at the end of this period within the period normally provided for and at the latest within two months of the end of this period. It extends certain jurisdictional or administrative measures. It also provides, for relations with the administration, the suspension of certain time limits, mainly those at the end of which an administrative decision may arise in the silence of the administration. Source: Ministry of justice, Council for Ministers, March 25

Article online:

<https://www.uspa24.com/bericht-16697/5000-to-6000-detainees-to-be-released-in-france-due-to-national-containmenent.html>

Editorial office and responsibility:

V.i.S.d.P. & Sect. 6 MDSIV (German Interstate Media Services Agreement): Jedi Foster P/O Rahma Sophia Rachdi

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