

Express yourself and let the 54 guess



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نقاطح
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 **creative
commons**





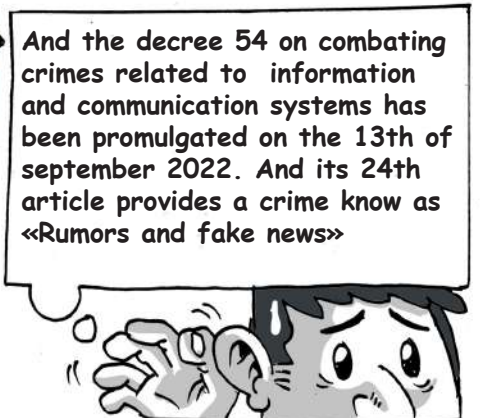
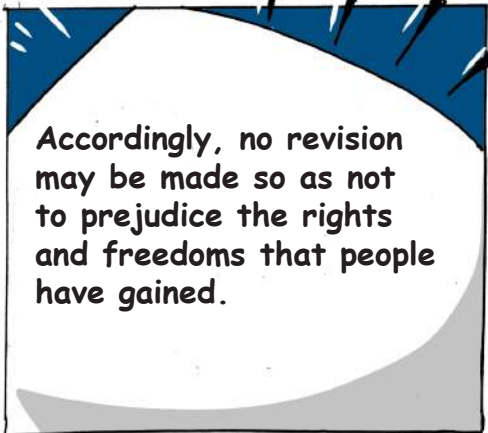
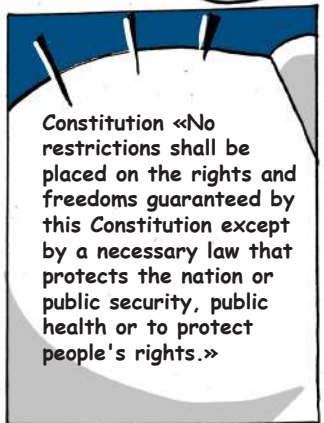
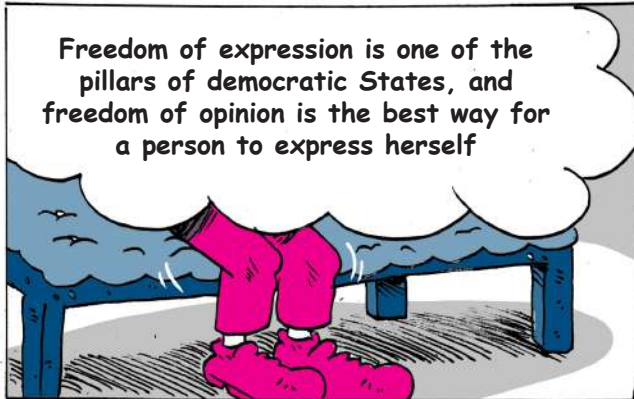
OBSERVATORY OF VIOLATIONS OF THE FREEDOM OF OPINION AND EXPRESSION



Freedom of opinion and expression is guaranteed to everyone to express themselves.

What about Decree 54? Is it really dangerous?

This comic book is a simplification of the decree and a facilitation of all procedures related to it. It will help you know your rights in case you're being detained on its basis and be aware of the procedures you can go through.



And this crime occurs when a person uses social networks to create, share or send rumors and incorrect or fake news.



It even occurs when the person creates fake documentation to cause harm either to others or to public security and national defense



And the punishment doubles if the harmed person is a public official



Do you want me to tell you about what you need to know in case they arrest and detain you for a crime under law 54 ?



Above all, we need to know which people are specialized in reviewing the crimes of decree 54



Prosecutors



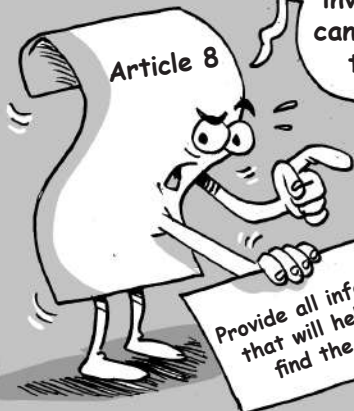
Judicial and Military Division



Ministry of Communication agents who were enabled by the law with this power

Powers

Article 9 determines the parties who are able to look for evidence Article 9 provides that the prosecutor, the investigator or the police are those who can pass a written decision : among them the information saved in the system



Provide all information that will help them find the truth



Article 9 enables them to keep the information or copy them

They can also ask specialists to help them get to the system



The system

So, if a person gets arrested for a crime under law 54



The investigator can, with a written permission from the prosecutor, ask the arrested person to provide her computer or her USB.

In necessary cases, they can overhear the suspect's calls to get the information they need or even

The article 10 of the decree 54

In the same context



The things they detain have to be listed and then written in a report of detention



The things they detain have to be put in boxes according to their nature (plastic, metallic..)

It's also applicable in the case of flagrante delicto with a way that leaves written traceability

Who has the authority to make the retention decision?



Retention time: 48 hours for felonies and misdemeanors

A decision of detention can be taken against the suspect

"The necessity of the investigation"

Article 13



I swear I'm innocent



Fetch card

little doubt

A big doubt

Or

Someone against whom there is proof that he committed the crime

Retention time

The maximum duration considering the extension: 72 hours for misdemeanors

The principle

48 hours

24 hours

Felonies

Misdemeanors

Except those suspected of terrorism

And 96 hours for felonies and 24 hours for offenses.

24 hours

is the needed time to hear my statements

It can last an hour or a little bit more but they can't extend it.



My rights as a detainee

The rights of the detainee are four

1- Right to inform, usually two people

They have to inform me about the cause of my detention

The duration of my detention and if it can be extended or not

They have to inform me about my right to call a doctor



And my right to call a lawyer to attend the detention with me

In case the detainee is a foreigner : they have to inform the consulate that will provide me with a translator.

The police have to inform one of the relatives' detainees or a person he chooses.



Hello, dad...

They must inform them with:

2- The right to know why his detention has been extended



It has to be legal There has to be a cause to the extension and

they have inform the suspect The extension has to be with a justified decision

The decision of detention can only be taken by the prosecutor under the article 13 bis



After the expiration of the original period of detention, the superintendent must present the suspect to the prosecutor.

Tell me

After the prosecutor heard the suspect, he can explain why the detention has been extended



Prosecutor

I have the right to ask for a doctor



in accordance to

Article 13 bis of the Code of Criminal Procedure

They can ask for the medical examination during or after the detention.

And this means that

Every medical examination taken before the detention is illegal



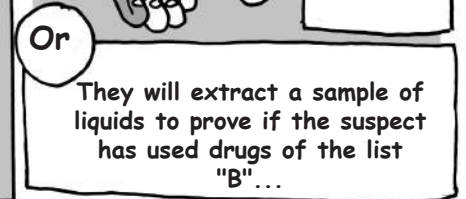
They can also ask for an "Anal examination" or a "Virginity examination" to prove or exclude the commission of some crimes like the crime of secret prostitution, the crime of sodomy or the crime of rape.



The blood test is to prove that you weren't under the effect of alcohol when you were driving.

Or

They will extract a sample of liquids to prove if the suspect has used drugs of the list "B"...



These tests are voluntary and I only submit to them with my consent.

Even if I refuse them, the judiciary won't be hindered

And it will allow the Court to use other arguments



But be careful

In case the suspect refuses the blood test that will prove that he was drunk while driving...



In this case he'll be punished for not "submitting to the tests"

And for not respecting traffic regulations



The crime of using drugs can be proven like the other crimes, by the presumption of non-compliance with the analysis without acceptable ground.

The rejection of passing the tests to prove or exclude the use of drugs doesn't exempt you from the punishment because the Court can use it as a presumption that you used drugs.



What's the role of the lawyer in front of the initial researcher?

View the search procedures
Visit the retained hearing process
Attend the confrontation
Ask questions
Make observations
Submission of written observations
Request a medical examination for the detainee
Sign on the report if he wants



According to article 13 you have to immediately call my lawyer when I give you his name.

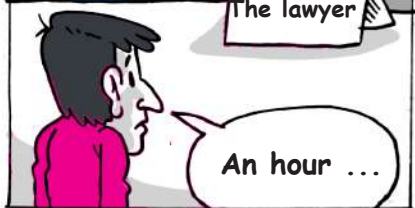


And this procedure is one of the guarantees to benefit the detainee.

I accord you an hour to consult the file and half an hour to visit the suspect



The lawyer



An hour ...

Even if they don't detain me... The lawyer can still visit me outside of the police station before the hearing and the time is the same.

They have to inform the lawyer at least two hours before my hearing and not forget to consider



I have an hour to examine the reports and half an hour to meet my client face to face

The lawyer



the time that the lawyer can take to get to the police station

Which can be between an hour and two

What if the lawyer is late ?

The time between consulting the file and meeting the lawyer will decrease

Hey you can hear me without a lawyer



We have the right to

ask to write down in the report that you don't want a lawyer

Write



I can't attend

The lawyer



I have the right to choose another lawyer to attend with me

I also have the right to meet my lawyer alone for 30 minutes but if the detention has been extended I can ask for another 30 minutes



Without the presence of the investigator

