

# Rights and liberties protection in criminal cases for the alleged offender

## “The Alleged Offender”

means the person who is accused of having committed an offence but has not yet been prosecuted to the Court.

### Rights of the alleged offender who is a child:

1. The alleged offender who is a child not exceeding 18 years of age shall be entitled to have a psychologist or a social worker, a person as requested by the alleged offender and the public prosecutor participate in the interrogation to be exclusively conducted by the inquiry officer in a nappropriate condition.



2. In a case with the capital punishment, or in a case where the alleged offender is a child not exceeding 18 years of age on the date of notification of charge by the inquiry officer, before starting the inquiry relating to defences, the inquiry officer shall ask if the alleged offender has a lawyer; if not, the authorities shall provide a lawyer to the alleged offender.

In a case with the punishment of imprisonment, before starting the inquiry relating to defences, the inquiry officer shall ask if the alleged offender has a lawyer; if not, and the alleged offender requires a lawyer, then, the authorities shall provide a lawyer to the alleged offender.



3. Regarding the police lineup of the alleged offender who is a child not exceeding 18 years of age, the inquiry officer shall provide the identification thereof at an appropriate place for the child and shall prevent the alleged offender who is a child from seeing the person who has identified such alleged offender.



## Rights of the alleged offender according to the law:



1. Rights to meet and consult with the prospective lawyer in private and to be provided with a lawyer free of charge.
2. Rights to assign a lawyer or a trusted person to attend the interrogation of the alleged offender at the police interrogation stage.
3. Rights to receive visitation or contact from relatives as may be reasonable.
4. Rights to timely access to medication and treatment.
5. Rights to receive notification of existing rights under Clauses 1-4 from administrative officers or police officers.

6. In a case with the punishment of imprisonment of more than 3 years, the alleged offender shall be entitled not to give consent to the inquiry officer relating to the collection of specimens of blood, tissues, skins, hair, body hair, saliva, urine, feces, secretion, genetic materials or body components or to conduct body search of the alleged offender.
7. Rights to receive notification of facts relating to accusation that the alleged offender has committed an offence, then, charges shall be notified.
8. Rights to be inquired in a speedy, consecutive and fair manner.
9. Rights to be given an opportunity to clear up the charge and to disclose self-favorable facts.



10. Rights to testify or not to testify, or to testify in the Court because answer may be used as evidence at trial of the Court.
11. Rights to receive notification of rights from the inquiry officer before starting the inquiry relating to answers of the alleged offender.
12. Rights to be provided with an interpreter or a sign language interpreter.
13. Rights to request for provisional release or to request to the Court for release, in case of unlawful detention (habeas corpus).



14. Rights to deny any unnecessary or unreasonable arrest or search.
15. Rights to receive notification of non-prosecution order against the alleged offender.
16. Rights to request to the public prosecutor for summary of evidences and opinions of the inquiry officer and the public prosecutor in case of having a final non - prosecution order.
17. Rights to lodge an appeal or a dika appeal against the Court's order of not granting the provisional release.

