



**Association française des Victimes du Terrorisme**  
**www.AfVT.org**

(French Association of Victims of Terrorism)

**French Legislation on Terrorism**  
*Summary for the AfVT by Antoine Alexiev*

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## Provisions specific to terrorism

### **1 – Criminal Code**

#### **CHAPTER I: Acts of Terrorism**

##### **Article 421-1**

Amended by Law No. 2005-1550 of December 12, 2005 – Art. 17, *JORF (Journal Officiel de la République Française)*, December 13, 2005

The following offences, when they are intentionally associated with an individual or collective undertaking committed with the express intention of gravely undermining public order by the use of intimidation or terror, constitute acts of terrorism:

1. Voluntary attempts to take life, voluntary attempts to cause physical harm, kidnapping and sequestration, and hijacking an aircraft, a ship or any other means of transport defined in Book II of this Code.
2. Theft, extortion, destruction, degradation and deterioration of property, and offences in the field of information technology defined in Book III of the French Criminal Code.
3. Offences concerning disbanded combat groups and movements defined in Articles 431-13 to 431-17 and offences defined in Articles 434-6 and 441-2 to 441-5.

##### **Article 431-13**

As well as in cases covered by the law, a combat group is defined as a group of persons possessing or having access to arms, equipped with a hierarchical organisation and likely to undermine public order.

##### **Article 431-14**

Amended by Ordinance No. 2000-916 of September 2000 – ART. 3 (V), *JORF*, September 22, 2000, which came into force on January 1, 2002.

Involvement in a combat group is punishable by a three year prison term and a fine of 45,000 Euros.

##### **Article 431-15**

Amended by Ordinance No. 2000-916 of September 19, 2000 – Art. 3 (V), *JORF*, September 22, 2000 which came into force on January 1, 2002.

Involvement in organising the continued existence of or reconstituting, either overtly or covertly, an organisation or group that has been disbanded, in application of the Law of January 10, 1936 on combat groups and private militias, is punishable by a prison term of three years and a fine of 45,000 Euros.



When the organisation or group maintained or reconstituted is a combat group in the sense outlined in Article 431-14, the sentence is increased to a prison term of five years and a fine of 75,000 Euros.

#### **Article 431-16**

Amended by Ordinance No. 2000-916 of September 19, 2000 – Art. 3 (V), *JORF*, September 22, 2000, which came into force on January 1, 2000.

The act of organising a combat group is punishable by a prison term of five years and a fine of 75,000 Euros.

#### **Article 431-17**

Amended by Ordinance No. 2000-916 of September 19, 2000 – Art. 3 (V), *JORF*, September 22, which came into force on January 1, 2002.

Organising the continued existence or reconstitution, either overtly or covertly, of a combat group that has been disbanded, in application of the Law of January 10, 1936, quoted above, is punishable with a seven year prison term and a fine of 100,000 Euros.

#### **Article 434-6**

Amended by Ordinance No. 2000-916 of September 19, 2000 – Art. 3 (V), *JORF*, September 22, 2000, which came into force on January 1, 2002

The act of supplying the perpetrator of or accomplice to a crime or act of terrorism sentenced to a prison term of ten years or more, with an abode, a hiding place, subsidies, means of existence, or any other means of avoiding search and arrest is punishable by a three year prison term and a fine of 45,000 Euros. The penalties are increased to five years imprisonment and a fine of 75,000 Euros if the offence is committed repeatedly.

The following are exempt from the provisions outlined above:

1. Direct relatives of the perpetrator of or accomplice to the crime or act of terrorism, as well as their spouses, and the brothers and sisters of their spouses.
2. The spouse of the perpetrator of or accomplice to the crime or act of terrorism, or the person openly living in a marital relationship with him or her.

#### **Article 441-2**

Amended by Ordinance No. 2000-916 of September 19, 2000 – Art. 3 (V), *JORF*, September 2000, which came into force on January 1, 2002.

The forgery of documents delivered by the public authorities confirming rights, identities and qualities or granting authorisations is punishable by a five year prison term and a fine of 75,000 Euros.

The use of the forged documents by a public official described in the preceding paragraph is punishable by the same sentences.



The sentences are increased to a seven year prison term and a 100,000 euro fine if the forgery or use of forgeries is committed:

1. Either by a person in a position of public authority or responsible for carrying out a mission in the public interest acting in the exercise of his or her functions.
2. Or in an habitual manner.
3. Or with a view to facilitating a crime or procuring the impunity of its perpetrator.

#### **Article 441-3**

Amended by Ordinance No. 2000-916 of September 19, 2000 – Art. 3 (V), *JORF*, September 22, 2000, which came into force on January 1, 2002.

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he fraudulent possession of any of the forged documents defined in Article 441-2 is punishable by a two year prison term and a fine of 30,000 Euros.

The sentence is increased to a five year prison term and a fine of 75,000 Euros in cases involving the fraudulent possession of several forged documents.

#### **Article 441-4**

Amended by Ordinance No. 2000-916 of September 19, 2000 – Art. 3 (V), *JORF*, September 22, 2000, which came into force on January 1, 2002.

Forgeries of public or authentic documents or of recordings ordered by the public authorities are punishable by a ten year prison term and by a fine of 150,000 Euros.

The use of forged documents mentioned in the preceding paragraph carries the same penalties.

Penalties are increased to a fifteen year prison term or a fine of 225,000 Euros when the documents are forged or forged documents are used by a person in a position of public authority or a person exercising his or her functions while undertaking a public service mission.

#### **Article 441-5**

Amended by Ordinance No. 2000-916 of September 19, 2000 – Art. 3 (V), *JORF*, September 2000, which came into force on January 1, 2002.

Fraudulently procuring on behalf of others a document delivered by the public authorities with the purpose of establishing rights, identities or qualities, or to grant an authorisation, is punishable by a five year prison term and a fine of 75,000 Euros.

Penalties are increased to a seven year prison term or a fine of 100,000 Euros when the offence is committed by:



1. Either a person in a position of public authority, or a person exercising his or her functions while undertaking a public service mission.
2. Or on a regular basis.
3. Or with a view to facilitating a crime or to procuring impunity for its perpetrator.
4. Offences concerning weapons, explosives or nuclear materials defined in Paragraphs 2, 4 and 5 of Section 1 of Article L. 1333-9, Articles L. 2339-2, L. 2339-2, L. 2339-5, L. 2339-8 and L.2339-9, with the exception of 6<sup>th</sup> category armaments, L. 2341-1, L. 2341-4, L. 2342-57 à L. 2342-62, L. 2353-4, Section 1 of Article L. 2353-5, and Article L. 2353-13 of the French Defence Code.
5. Handling the proceeds of any of the offences described in paragraphs 1-4 above.
6. Money laundering offences defined in Chapter 4 of Section II of Book III of this Code.
7. Insider trading offences described in Article L. 465-1 of the French Monetary and Financial Code.

#### **Article 421-2**

Amended by Law No. 2004-204 of March 9, 2004 – Art. 8, *JORF*, March 10, 2004.

When committed intentionally within the framework of an individual or collective undertaking designed to gravely undermine public order by means of intimidation or terror, the following are considered terrorist acts: introducing into the atmosphere, the ground or into areas beneath the ground, into food or food ingredients or into watercourses and bodies of water including territorial waters, a substance likely to put the health of human beings and/or animals at risk and imperil the natural environment.

#### **Article 421-2-1**

Introduced by Law No. 96-647 of July 22, 1996 – Art. 3, *JORF*, July 23, 1996.

Involvement in a group or conspiracy the objective of which is to prepare, using one or more material facts, any of the terrorist acts mentioned in the preceding articles, constitutes an act of terrorism.

#### **Article 421-2-2**

Introduced by Law 2001-1062 of November 15, 2001 – Art. 33, *JORF*, November 16, 2001.

Financing a terrorist undertaking by supplying, gathering or distributing funds, values or goods of any description whatsoever or providing advice to that end with the intention of having those funds, values or goods used, or knowing that they are intended to be used, either partially or wholly, with a view to committing any of the acts of terrorism described in this chapter, independently of such an act actually occurring, is in itself considered a terrorist act.



### **Article 421-2-3**

Introduced by Law No. 2003-239 of March 18, 2003 – Art. 45, *JORF*, March 19, 2003.

Not being able to justify one's lifestyle while at the same time being in regular contact with one or more persons involved in one or more of the acts outlined in Articles 421-1 to 421-2-2 is punishable by a prison term of seven years and a 100,000 euro fine.

### **Article 421-3**

Amended by Law No. 96-647 of July 22, 1996 – Art. 4, *JORF*, July 23, 1996.

The maximum custodial sentence applicable to the offences described in Article 421-1 is increased as follows when those offences constitute terrorist acts:

1. When the offence is punishable by a prison term of thirty years, the sentence is increased to a term of life imprisonment.
2. When the offence is punishable by a prison term of twenty years, the sentence is increased to a term of thirty years.
3. When the offence is punishable by a prison term of fifteen years, the sentence is increased to a term of twenty years.
4. When the offence is punishable by a prison term of ten years, the sentence is increased to a term of fifteen years.
5. When the offence is punishable by a prison term of seven years, the sentence is increased to a term of ten years.
6. When the offence is punishable by a prison term of five years, the sentence is increased to a term of seven years.
7. When the offence is punishable by a prison term of three years or more, the sentence is doubled. The first two paragraphs of Article 132-23 relative to minimum terms of incarceration are applicable to the crimes and offences, as well as to the offences punishable by a prison term of ten years defined in this article.

### **Article 421-4**

Amended by Law No. 2002-1138 of September 9, 2002 – Art. 46, *JORF*, September 10, 2002.

A terrorist act as defined in Article 421-2 is punishable by a twenty year prison term and a fine of 350,000 Euros.

In the case in which such an act causes the death of one or more persons, that act is punishable by life imprisonment and a fine of 750,000 Euros.



The first two paragraphs of Article 132-23 relative to minimum terms of incarceration are applicable to the crime defined in the current article.

#### **Article 421-5**

Amended by Law No. 2004-204 of March 9, 2004 – Art. 6, *JORF*, March 10, 2004.

Acts of terrorism defined in Articles 421-2-1 are punishable by a ten year prison term and a 225,000 euro fine.

Directing or organising a group or criminal conspiracy as defined in Article 421-2-1 is punishable by a prison term of twenty years and a fine of 500,000 Euros.

Attempting to commit the offence defined in Article 421-2-2 is punishable by the same penalties.

The first two paragraphs of Article 132-23 relative to minimum terms of incarceration are applicable to the offences described in this article.

#### **Article 421-6**

Introduced by Law No. 2006-64 of January 23, 2006 – Art. 11, *JORF*, January 24, 2006.

The penalty is increased to a prison term of twenty years and a fine of 350,000 Euros when the objective of the group or criminal conspiracy defined in Article 421-2-1 is the preparation:

1. Either of one or more crimes involving attacks on the person as defined in Paragraph 1 of Article 421-2-1.
2. Or one or more acts involving the use of explosive or incendiary devices as defined in Paragraph 2 of Article 421-1 carried out at a time or in a place likely to cause the deaths of one or more people.
3. Or the terrorist act defined in Article 421-1 carried out at a time or in a place likely to cause the deaths of one or more people.

Directing or organising such a group or criminal conspiracy is punishable by a prison term of thirty years and a fine of 500,000 Euros.

The first two paragraphs of Article 132-3 relative to minimum terms of incarceration are applicable to the crimes defined in this article.

### **CHAPTER II: Specific provisions.**

#### **Article 422-1**

Any person having attempted to commit a terrorist act is exempt from punishment if, having warned the administrative or legal authorities, the offence has been averted and, where applicable, the other guilty parties have been identified.



#### **Article 422-2**

The custodial penalty served by the perpetrator of or accomplice to a terrorist act is reduced by half if, having warned the administrative or legal authorities, the incriminated acts have been halted, or if loss of human life or mutilation has been avoided, and, where applicable, the other guilty parties have been identified. In cases in which a ruling of life imprisonment would otherwise be made, the sentence is reduced to a prison term of twenty years.

#### **Article 422-3**

Amended by Law No. 2008-776 of August 4, 2008 – Art. 70.

Natural persons guilty of any of the offences defined in this article will also face the following, additional penalties:

1. Suspension of civic, civil and familial rights as defined in Article 131-26. However, the maximum period of suspension is fifteen years in the case of crimes which caused the death of one of more victims, and to ten years in the case of an offence which did not result in any deaths.
2. Following the procedures defined in Article 131-27, guilty parties are debarred from exercising the public function or professional or social activity during which the offence was committed for a period of up to ten years; in regard to the crimes described in Paragraphs 1 to 4 of Article 421-3, Article 421-4, Paragraph 2 of Article 421-5, and Article 421-5, guilty parties are debarred from exercising a commercial or industrial profession, and from directing, administrating or running in any capacity whatsoever, on their own behalf or on the behalf of other parties, a commercial or industrial enterprise or a commercial company. Sentences concerning such interdictions can be cumulative.
3. The refusal of a residence permit, according to the procedures defined in Article 131-31. The maximum penalty is fifteen years in the case of crimes which caused the death of one of more victims, and ten years in the case of an offence which did not result in any deaths.

#### **Article 422-4**

Amended by Law No. 2003-1119 of November 26, 2003 of November 26, 2003 – Art. 78, *JORF*, November 27, 2003.

Any foreigner judged guilty of any of the offences defined in this article can be debarred from entering French territory in the conditions outlined in Article 131-30, either definitively or for a period of up to ten years.

#### **Article 422-5**

Corporate bodies can be declared legally responsible for terrorist acts defined in this article in the conditions outlined in Article 121-1.

The following penalties are applicable to corporate bodies:

1. A fine imposed according to the procedures outlined in Article 131-38.





2. The penalties outlined in Article 131-39.

Paragraph 2 of Article 131-39 states that guilty parties are prohibited from undertaking the functions in which the offence has been committed.

#### **Article 422-6**

Introduced by Law No. 2001-1062 of November 15, 2001 – Art. 33, *JORF*, November 16, 2001.

Additionally, all or part of the goods, whatever the nature of those goods, be they comprised of furniture or property, either partially or wholly owned, will be confiscated from natural persons or corporate bodies found guilty of terrorist acts.

#### **Article 422-7**

Introduced by Law No. 2001-1062 of November 15, 2001 – Art. 33, *JORF*, November 16, 2001.

All financial or asset-based sanctions awarded against individuals found guilty of committing terrorist acts will be paid into the guarantee fund established for the victims of terrorist acts and other offences.



## **2 - Code of Criminal Procedure**

### **Article 2-9**

*(Inserted by Law No. 90-589 of July 6, 1990, Art. 1, Journal Officiel; July 11, 1990)*

In cases in which the prosecution has been initiated by the public ministry or by the injured party, all associations officially established at least five years from the date on which the crime was committed and whose statutes declare the objective of assisting the victims of offences are authorised to exercise the rights granted to the civil party in regard to the offences covered by the field of application of Article 706-16.

### ***Title XV: The prosecution, investigation and judgment of terrorist acts.***

### **Article 706-16**

Amended by Law No. 2006-64 of January 23, 2006 – Art. 11, *JORF*, January 24, 2006

Terrorist acts and related offences described in Articles 421-1 to 421-6 of the Criminal Code are prosecuted, investigated and judged according to the rules of this Code subject to the provisions outlined in this article.

These provisions are also applicable to the prosecution, investigation and judgment of terrorist acts committed outside French territory in cases in which French law is applicable in virtue of the provisions of Section 2, Chapter III of Title 1, Book I of the Criminal Code.

### ***Section I: Jurisdiction.***

### **Article 706-17**

Amended by Law No. 2007-291 of March 5, 2007 – Art. 7, *JORF*, March 6, 2007, which came into force on March 1, 2008.

In regard to the prosecution, investigation and judgment of offences covered by the field of application of Article 706-16, the Procurator of the Republic, the Investigating Magistrate, the Criminal Court and the Paris Court of Appeal exercise concurrent jurisdiction resulting from the application of Articles 43, 52 and 382.

Insofar as minors are concerned, the Procurator of the Republic, the Investigating Magistrate, the Children's Court Judge, the Children's Court and the Paris Juvenile Court of Appeal exercise concurrent jurisdiction resulting from the application of the provisions of Ordinance No. 45-174 of February 2, 1945 relative to juvenile delinquents.

When they have jurisdiction to prosecute and investigate offences covered by the field of application of Article 706-16, the Procurator of the Republic and the Paris Investigating Magistrate exercise their attributions throughout the national territory.



Responsibility for the investigation of terrorist acts defined in Paragraphs 5 to 7 of Article 421-1 of the Criminal Code and in Articles 421-2-2 and 421-2-3 of the same code can be granted, where appropriate and in the conditions described in Article 83-1, to a magistrate attached to the Paris Court of First Instance (*Tribunal de Grande Instance de Paris*) specialising in investigations in the fields of economics and finance in application of the provisions of the last paragraph of Article 704.

NB: The current version of this article will be in force until January 1, 2010.

#### **Article 706-17-1**

Introduced by Law 97-1273 1997-12-29 – Art. 1, *JORF*, December 31, 1997

In regard to the judgment of offences and crimes covered by the field of application of Article 706-16, the First President of the Paris Court of Appeal (*cour d'appel de Paris*) can, on the demand of the Procurator General, and upon receiving advice from the heads of the appropriate Courts of First Instance, from the President of the Paris Bar and, where necessary, the President of the Paris Trial Court (*cour d'assises de Paris*), rule that the hearings of the Criminal Court (*tribunal correctionnel*), the Paris Chamber of Criminal Appeals (*chamber des appels correctionnels de Paris*), or the Paris Trial Court, will, in exceptional circumstances and for security reasons, be held in an area outside the geographical jurisdiction of the Court of Appeal in which hearings of those jurisdictions are normally held.

The appropriate courts are informed of the ordinance used in application of the preceding paragraph by the Procurator General. This ordinance is a measure taken by the legal administration and no appeal can be lodged against it.

#### **Article 706-18**

Amended by Law No. 2004-204 of March 9, 2004 – Art. 28, *JORF*, March 10, 2004

The Procurator of the Republic attached to a Court of First Instance other than the Paris Court of First Instance can, in regard to offences covered by the field of application of Article 706-16, request that the Investigating Magistrate step down in favour of the investigative jurisdiction of the Paris Court. The parties are advised beforehand and invited to make known their observations to the Investigating Magistrate: the ordinance is rendered a week at the earliest and a month at the latest after such advice has been delivered.

The ordinance by which the Investigating Magistrate steps down only takes effect after a period of five days as stipulated in Article 706-22; when a right of recourse is exercised in application of this article, the Investigating Magistrate retains jurisdiction until the judgement of the Criminal Chamber of the Court of Cassation has been communicated to him or her.

As soon as the ordinance has become definitive, the Procurator of the Republic will send the procedural dossier to the Procurator of the Republic of Paris.

The provisions of this article are applicable in the Chamber of Investigation.

NB: The current version of this article will be in force until January 1, 2010.



### **Article 706-19**

Amended by Law No. 2005-516 of June 15, 2000 – Art. 83, *JORF*, June 16, 2000, which came into force on January 1, 2001.

When the Paris Investigating Magistrate considers that the facts over which he or she has jurisdiction do not constitute one of the offences covered by the field of application of Article 706-16 and do not come under his or her jurisdiction in other respects, the Magistrate declares him- or herself incompetent to act, either on the request of the Procurator of the Republic or, after having received the advice of this last, automatically or on the request of the parties. The party or parties who have not lodged a request are advised of the procedure and invited to make their observations known: the ordinance is rendered a week after this AVIS at the earliest.

The provisions of Paragraph 2 of Article 706-18 are applicable to the ordinance by which the Paris Investigating Magistrate declares him or herself incompetent to act.

As soon as the ordinance has become definitive, the Procurator of the Republic of Paris will send the procedural dossier to the territorially competent Procurator of the Republic.

The provisions of this article are applicable when the Chamber of Investigation of the Paris Court of Appeal gives a ruling on its jurisdictional competence.

NB: The current version of this article will be in force until January 1, 2010.

### **Article 706-20**

Amended by Law No. 92-1336 of December 16, 1992 – Art. 74, *JORF*, December 23, 1992, which came into force on March 1, 1994

When the Criminal Court (*cour correctionnel*) or the Paris Children's Court (*tribunal pour enfants de Paris*) declares itself jurisdictionally incompetent to act for motives outlined in Article 706-19, it refers the case to the Public Ministry; it can, having consulted with the public ministry, establish, by means of the same judgment, a committal order or a judgment against the accused.

### **Article 706-21**

Amended by Law No. 92-1336 of December 16, 1992 – Art. 74, *JORF*, December 23, 1992, which came into force on March 1, 1994

In the cases outlined in Articles 706-18 to 706-20, the committal order or judgment retains its enforceability; prosecution or investigation procedures and the formalities observed before the decision to relinquish jurisdiction has become definitive must not be renewed.



## **Article 706-22**

Amended by Law No. 2004-204 of March 9, 2004 – Art. 28, *JORF*, March 10, 2004

Any ordinance rendered on the basis of Article 706-18 or Article 706-19 by which an Investigating Magistrate gives a ruling on a relinquishment of jurisdiction, or by which the Paris Investigating Magistrate gives a ruling on its jurisdiction can, to the exclusion of any other means of recourse, be deferred within five days of notification on the request of the Public Ministry, the parties, or the Criminal Chamber of the Court of Cassation (*chambre criminelle de la Cour de cassation*) which designates, within a week of receiving the dossier, the Investigating Magistrate responsible for pursuing the case. The Public Ministry can also bring the case directly to the Criminal Chamber of the Court of Cassation when the Investigating Magistrate has not rendered his or her ordinance within the period of a month stipulated in Paragraph 1 of Article 706-18.

The Criminal Chamber which decides that the Investigating Magistrate of the Paris Court of First Instance does not have jurisdiction can nevertheless, in the interests of the efficient administration of justice, rule that the case will be pursued by that court.

The ruling of the Criminal Chamber is made known to the Investigating Magistrate, as well as to the Public Ministry and the parties.

The provisions of this article are applicable to the ruling given on the basis of the last paragraph of Articles 706-18 and 706-19 by which a Chamber of Investigation rules on the relinquishment or retention of jurisdiction.

NB: The current version of this article will be in force until January 1, 2010.

### **Article 706-22-1**

Introduced by Law 2006-64 of January 23, 2006 – Art. 14 (V), *JORF*, January 24, 2006, which came into force of May 1, 2006

The provisions of Article 712-10 stipulate that the only bodies able to rule on persons found guilty of an offence covered by the field of application of Article 706-16, regardless of the place in which the guilty parties are held or in which they are domiciled, are the Judge for the Execution of Sentences of the Paris Court of First Instance, the Paris Court for the Execution of Sentences, and the Chamber for the Execution of Sentences of the Paris Appeals Court.

These decisions are taken after a report has been supplied by the Judge for the Execution of Sentences in application of Article 712-10.

In regard to the exercise of their attributions, magistrates of the jurisdictions mentioned in the first paragraph have the right to visit any part of the national territory without prejudice to the application of the provisions of Article 706-71 on the use of telecommunication technology.



## **Section II: Procedure.**

### **Article 706-24**

Introduced by Law No. 2006-64 of January 23, 2006 – Art. 12, *JORF*, January 24, 2006

The officers and agents of the Criminal Investigation Police assigned to Criminal Investigation units specifically responsible for the fight against terrorism can be authorised by name by the Procurator General attached to the Paris Appeals Court to investigate offences covered by the field of application of Article 706-16, identifying themselves using their administrative registration number. They can be authorised to supply written evidence or appear as witnesses using the same registration number.

The civil status of the officers and agents of the Criminal Investigation Police mentioned in the first paragraph can only be made known with the authorisation of the Procurator General attached to the Paris Court of Appeal. Such information is also communicated, on his or her request, to the President of the jurisdiction dealing with the case.

The provisions of Article 706-84 are applicable in cases, other than those covered in the preceding paragraph, in which the identity of officers and agents of the Criminal Investigation Police is revealed.

No conviction can be delivered on the sole basis of procedural acts undertaken by investigators who have benefited from the provisions of this article and whose civil status has not been made public, at his or her request, to the President of the jurisdiction dealing with the case.

The methods of application of this article are, where applicable, defined by decree by the *Conseil d'Etat*.

### **Article 706-24-3**

Introduced by Law No. 2002-1138 of September 9, 2002 – Art. 46, *JORF*, September 10, 2002

In regard to the taking of evidence in cases involving the offense of belonging to a criminal organisation (*délit d'association de malfaiteurs*) defined in Article 421-5 of the Criminal Code, the maximum period during which a suspect can be detained prior to trial, defined in Paragraph 2 of Article 145-1, is three years.

### **Article 706-25**

Amended by Law No. 2007-1198 of August 10, 2007 – Art. 5, *JORF*, August 11, 2007

In regard to the judgment of adults, the rules relative to the composition and functioning of the Trial Court (*cour d'assises*) are defined in the provisions of Article 698-6. In regard to the judgment of minors aged at least sixteen years of age, the rules relative to the composition and functioning of the Trial Court for Minors (*cour d'assises des mineurs*) are also defined by these provisions, two assessors being selected from the Children's Judges of the jurisdiction of the Appeals Court, in conformity with the provisions of Article 20 of Ordinance No. 45-174 of February 2, 1945 relative to child delinquency, to which the 8<sup>th</sup> to 16<sup>th</sup> paragraphs are applicable.



In regard to the application of the preceding paragraph, the Investigating Magistrate of the Investigating Chamber which commits the accused for trial ensures that the facts are covered by the field of application of Article 706-16.

NB: The current version of this article will be in force until January 1, 2010.

#### **Article 706-25-1**

Amended by Law No. 2004-204 of March 9, 2004 – Art. 9, *JORF*, March 10, 2004.

The prosecution will request a sentence of thirty years for crimes outlined in Article 706-16. The penalty for such crimes is a thirty year prison term commencing on the date on which the judgment becomes definitive.

The prosecution will request a sentence of twenty years for offences outlined in Article 706-16. The penalty for such crimes is a twenty year prison term commencing of the date on which the judgment becomes definitive.

#### **Article R50-29**

Introduced by Decree No. 2007-1-388 of September 26, 2007 – Art. 13, *JORF*, September 28, 2007

In the Public Prosecutor's Office, in view of the application of Article 706-24, a numbered and initialled register is held containing the identification authorisations delivered by the Procurator General of Paris to officers or agents of the judiciary police working in the departments of the Criminal Investigation Police specifically responsible for the fight against terrorism. Such officers and agents identify themselves by means of the administrative registration numbers. The register contains copies of the identity authorisations delivered by the Procurator General of Paris.

Administrative registration numbers are provided by the head of the department. Different registration numbers can be used for each procedure involving officers or agents of the Criminal Investigation Police. Numbers referring to each individual procedure are entered in a numbered and initialled register held by the department. The register contains copies of the authorisations. The authorisations are valid for the entire period during which the officers or agents of the Criminal Investigation Police are attached to the department.

Officers and agents have the right to sign their reports with a signature different from that which they normally use by reproducing, where applicable, some or all of the registration number of which they have appended a copy in the register mentioned in Paragraph 2 of the article.



**Section V: Provisions applicable to persons found guilty of terrorist acts.**

**Article D49-75**

Amended by Decree No. 2007-699 of May 3, 2007 – Art. 8, *JORF*, May 5, 2007

The procedures for the application of the provisions of Article 706-22-1 empowering the Judge for the Execution of Sentences of the Court of First Instance of Paris, the Paris Execution Court, and the Paris Chamber for the Execution of Sentences, to take decisions concerning persons convicted of offences covered by the field of application of Article 706-16 are described in the provisions outlined in this section.

**Article D49-76**

Amended by Decree No. 2007-699 of May 3, 2007 – Art. 8, *JORF*, May 5, 2007

Requests from the convicted person as defined in Article D. 49-11 are addressed, in conformity to the provisions of the article, to the territorially competent Judge for the Execution of Sentences in application of Article 712-10. Requests are passed on, accompanied by the Judge's report, that of the Procurator of the Republic, and that of the representative of the penitentiary establishment, to the Judge for the Execution of Sentences of the Paris Court of First Instance.

In urgent cases, requests can be directly addressed to the Judge for the Execution of Sentences of Paris.

**Article D49-77**

Amended by Decree No. 2007-699 of May 3, 2007 – Art. 8, *JORF*, May 5, 2007

Individual files on the convicted person, as described in Article D. 49-29, are held by the office of the Paris Judge for the Execution of Sentences. A copy of all or part of the file is held by the office of the competent Judge for the Execution of Sentences in application of Article 712-10.

**Article D49-78**

Amended by Decree No. 2007-699 of May 3, 2007 – Art. 8, *JORF*, May 5, 2007

The Judge for the Execution of Sentences at the Paris Court of First Instance has the right to preside over sessions of the Commission for the Execution of Sentences examining the case of a person convicted for an offence covered by the field of application of Article 706-16 either in person or by means of the audiovisual telecommunications technologies outlined in Article 706-71.

In circumstances in which this is not possible, the judge of the jurisdiction in which the penitentiary establishment is located will act as the Judge for the Execution of Sentences presiding over the sessions of the Commission for the Execution of Sentences. The Paris Judge for the Execution of Sentences has the right to supply that judge with all and any documents likely to throw light on the case prior to the latter delivering his or her ruling. That ruling is then delivered by the Judge for the Execution of Sentences of the penitentiary establishment in question to the Paris Judge for the Execution of Sentences.





#### **Article D49-79**

Amended by Decree No. 2007-699 of May 3, 2007 – Art. 8, *JORF*, May 5, 2007

In urgent cases, the Judge Responsible for the Execution of Sentences of Paris is empowered to deliver a ruling without consulting the Judge Responsible for the Execution of Sentences in the competent jurisdiction in application of Article 712-10.

#### **Article D49-80**

Amended by Decree No. 2007 of May 3, 2007 – Art. 8, *JORF*, May 5, 2007

In debates held before the Paris Judge or Paris Court for the Execution of Sentences, the Public Ministry is represented by the Procurator of the Republic of the Paris Court of First Instance. The debates are held at the Paris Court of First Instance using, in conjunction with the penitentiary establishment in which the prisoner is held, a means of audiovisual communication as described in Article 706-71. The provisions outlined in Paragraph 4 of Article 706-71 are applicable in such cases.

When circumstances demand it, the Paris Judge or Court for the Execution of Sentences as well as the Procurator of the Republic attached to the Paris Court of First Instance have the right to visit, along with the Officer of the Court of the jurisdiction in question, the penitentiary establishment in which the prisoner is held. In exceptional circumstances, the Judge for the Execution of Sentences can order that the prisoner is given leave to appear in person.

#### **Article D49-81**

Amended by Decree No. 2007-699 of May 3, 2007 – Art. 8, *JORF*, May 5, 2007

When the prisoner is the object of one of the measures outlined in Articles 712-6, 712-7 and 721-2, the Judge for the Execution of Sentences can mandate the territorially competent Penitentiary Department for Insertion and Probation in regard to the regular place of residence or place of assignation of the interested party to implement all obligatory supervisory measures. The department sends regular reports to the judge.

When the circumstances justify it, the Paris Judge for the Execution of Sentences can delegate responsibilities for monitoring the application of the measures to the Judge for the Execution of Sentences in the jurisdiction in which the regular place of residence or place of assignment of the prisoner is located. The latter judge will keep the former informed of developments.