



If the police deprive you of your liberty, YOU HAVE THE RIGHT TO:

- REQUIRE ONE OR MORE MEDICAL EXAMINATIONS
- by a DOCTOR OF YOUR CHOOSING, whose contact details you will give the public officials
- A CONFIDENTIAL MEDICAL EXAMINATION in the police unless the doctor insists on the presence of an officer for security reasons
- REQUIRE OF THE DOCTOR TO WRITE DOWN your claims about WHO WHO INJURED YOU, WHEN AND HOW
- require of the doctor TO PRECISELY DESCRIBE IN THE REPORT ALL THE INJURIES TO YOUR BODY resulting from ill-treatment
- require of the doctor TO PHOTOGRAPH ALL THE IDENTIFIED INJURIES
- RECEIVE A COPY OF THE DOCTOR'S REPORT on the examination performed in the police
- RAISE OBJECTIONS TO THE CONTENT OF THE DOCTOR'S REPORT

YOUR FAILURE TO EXERCISE THESE RIGHTS WILL LESSEN YOUR CHANCES OF PROVING YOU WERE ILL-TREATED BY POLICE OFFICERS AND OF THEM BEING PUNISHED.

If your injuries resulting from police ill-treatment are not promptly and thoroughly described and photographed, or the doctor's report does not include your claims of how you sustained them, YOU WILL LATER HAVE TROUBLE PROVING that:

- You sustained the injuries during arrest or in the police station
- The police inflicted them in a specific way (e.g. police baton, open hand, fist, kicking)
- The doctor who examined you had been under the pressure of the police officers who were present
- The injuries you had at the time of the medical examination in the police were not specified in the doctor's report which you had no objections to at the time



Belgrade Centre
for Human Rights

Your Rights upon Arrest

MEASURES FOR PREVENTING AND PROVING POLICE ILL-TREATMENT



If you are deprived of liberty by the police, YOU HAVE THE RIGHT TO:

- **BE TOLD WHY YOU WERE DEPRIVED OF LIBERTY** – everything you are suspected of
- **NOTIFY A PERSON OF YOUR CHOICE** (family member, another close individual, etc.) OF YOUR ARREST
- **CONTACT A LAWYER OF YOUR CHOICE** (or, in case do not choose one, be assigned a public defender in case you must have or cannot afford a lawyer)
- a **CONFIDENTIAL CONVERSATION** with your lawyer **BEFORE YOU MAKE ANY STATEMENT** to the police or prosecutors
- **THE PRESENCE OF YOUR LAWYER EVERY TIME YOU MAKE A STATEMENT**
- **RAISE OBJECTIONS TO THE POLICE REPORT** quoting your statement **EITHER YOURSELF** or have **YOUR LAWYER** raise them it
- **REQUIRE THAT YOUR LAWYER ATTEND YOUR MEDICAL EXAMINATION** in the police



If you are a victim of torture or inhuman or degrading treatment by a public official

YOU ARE ENTITLED TO FREE LEGAL AID provided by the state, which includes **FREE LEGAL REPRESENTATION REGARDLESS OF YOUR FINANCIAL STANDING!**

This right is guaranteed under the **FREE LEGAL AID ACT.**

How can you exercise THE RIGHT TO FREE LEGAL AID?

- **SUBMIT AN APPLICATION TO THE ADMINISTRATION OF THE CITY OR MUNICIPALITY** where you are living habitually or temporarily or where free legal aid is to be provided
- **SUBMIT THE APPLICATION IN PERSON OR VIA YOUR ATTORNEY-IN-FACT**
- **attach to the application COPIES OF THE DOCUMENTS** (e.g. the police custody ruling, doctor's report on your injuries and your statement that they resulted from ill-treatment, the criminal report you filed against the police officers, etc.)

YOUR APPLICATION for free legal aid **WILL BE DECIDED URGENTLY, WITHIN EIGHT DAYS.**

If there is a **RISK OF IRREPARABLE HARM**, the **DEADLINE** for rendering a decision on your application is **THREE DAYS.**

If your **APPLICATION IS REJECTED**, you can file an **APPEAL** with the Ministry of Justice **WITHIN EIGHT DAYS.**

Your application will be **DEEMED REJECTED** IF IT HAS NOT BEEN DECIDED **WITHIN THE STATUTORY DEADLINES**, in which case **YOU ARE ENTITLED TO FILE AN APPEAL** with the Ministry of Justice **WITHIN THREE DAYS** from the day the deadline expired.



Belgrade Centre for Human Rights

Kneza Miloša 4, 11000 Belgrade, Serbia
+381 11 3085 328
bgcentar@bgcentar.org.rs
www.bgcentar.org.rs

