



WHAT IS PRETRIAL JUSTICE?

- ▶ Rights Based Policing
- ▶ Effective Alternatives to Pretrial Detention
- ▶ Early Access to Legal Assistance
- ▶ Accessible, Fair and Transparent Justice Systems

According to international law, everyone is innocent until proven guilty. Everyone has rights from the moment they first come into contact with the criminal justice system – rights that should be guaranteed and protected by all countries.

Place of Detention
Detention is for the shortest possible time and under humane conditions. No one is subject to torture or other abuses. Detainees are held in a recognized place of detention, that are open to unannounced visits by monitoring bodies.

Children
Pretrial detention is only used as an absolute measure of last resort and where the detention is adapted to the child's needs.

Special Needs
Women and children should be detained separately, and steps taken to accommodate persons with special needs.

Victims
Victims' interests are considered at every stage, and measures are taken to ensure access to legal and social support.



Arrest
Everyone is protected from the unnecessary use of force by the police, from summary or arbitrary arrest and from incommunicado detention.



Information
Suspects are told why they have been arrested, and made aware of their rights immediately, in a language and format that they understand.



Charges
Suspects are charged within 24-72 hours, and taken promptly to court.



Pretrial Detention
To be used as a last resort only if there is a genuine risk of the person absconding, posing a danger to the community, or interfering with the course of justice.



Review
Pretrial detention is based on reasoned decisions, subject to regular review and detainees held illegally are released.



Legal Assistance
Every person has access to competent and confidential legal assistance as soon as possible, specifically prior to any questioning. Initial access is free of charge and then based on urgency, interests of justice and the suspect's means.



Diversion
Where possible minor crimes, and those involving child suspects, are diverted away from the criminal justice system.



Pretrial Release
The norm. Bail, house arrest, electronic monitoring, supervised release and other measures can be used as the suspect awaits trial.



Trial

Organizations across the globe are working to improve pretrial justice through research, advocacy and projects that demonstrate what works. For more information contact:

Madeleine.Crohn@opensocietyfoundations.org

Kersty.McCourt@opensocietyfoundations.org