

**GIVEN THE EXCEPTIONAL SITUATION WE ARE LIVING THROUGH IN SPAIN, IT IS
IMPORTANT
TO KNOW YOUR RIGHTS IF YOU ARE STOPPED**

Spanish State of alarm. - Since 15th of March a state of emergency has been declared in Spain, with the aim of protecting the population and confronting the global coronavirus pandemic. This emergency state may be prolonged for several weeks. There is currently no set end date.

How does it affect me? - This situation has consequences for every person currently within Spain. Now, more than ever, you should always keep a form of identification with you (DNI, NIE, Passport, Residence Card, Asylum Seeker Card, etc.)

Nobody is allowed to leave their house or be on the streets if it is not for one of these justified reasons: to go to the pharmacy, to buy food, to the tobacconist, to the health center or to the hospital, to work, to take money to the bank, to walk the dog, to return to your house...

What if I'm on the street without a justifiable reason? - The police can stop you and ask you where you're going and order you to go back to where you are staying, sleeping or living (which must be indoors).

If you are on the street for no justifiable reason, you can be fined between 100 EUR to 30,000 EUR.

Beware of confrontations with the police - It is important that you avoid confrontation with the police to prevent a situation in which you may be detained - resistance, disobedience, and/or disorder are major crimes in Spain. If you are fined, accept the fine and you will have time to appeal it later if you do not agree or you can plead a circumstance that invalidates it.

What if you are arrested? - It's important to know what your rights are if you are detained:

1. **You have the right to an attorney.** It's the police who will call you a lawyer as soon as you get to the police station. If you want a lawyer you know to be called, you have to tell the police their name so they can contact them.

2. Due to the current state of emergency this legal assistance may be provided, **as an exception**, via telephone or videoconference. The confidentiality of your conversations with your lawyer will be respected at all times.

3. You may **be taken directly to the Courthouse** instead of the police station. They may have more resources there than at the station under these exceptional circumstances.

4. Under no circumstances do you have any obligation to **testify without the presence of your attorney**. You can keep quiet until you have had contact with your lawyer.

5. If the assistance of a lawyer by telephone or videoconference is not **possible**, it is **mandatory** that they be physically present at the police station or in the courthouse. Measures to avoid contagion between those present will be maintained.

6. If **your lawyer feels that there are insufficient guarantees of protection for his or her health**, it may be that they refuse to provide assistance. In such a case they must inform the Bar Association thereof.

7. Even if your lawyer does not want to assist you face-to-face, **you should insist that you have the right** to receive his or her services by videoconference or by phone.

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8. You have the right **to have a family member or person of confidence** informed, without undue delay, that you are detained, the place where you are detained and everything that is going on.

9. **If you are not a native Spanish speaker** and do not understand or do not speak Spanish well you have the right to have an interpreter to be present free of charge. You should also have your detention reported to your country's consular office.

10. If you are a deaf, hard of hearing, or language impaired person, you have the right to have an interpreter present free of charge.

11. You have the right to respect your physical integrity and **to not testify without the presence of your lawyer.**

12. You have the right to plead not guilty, **to remain silent, and not to answer** any questions they ask you.

13. Once your lawyer has arrived, **you can declare that you wish not to testify at the police station because you prefer to do so in court.** This will allow you time to talk to your lawyer so that they may know and study your case. You're the one who decides whether to testify in court instead of at the police station, and your lawyer can advise you on what to do.

14. You have the right to **meet privately with your attorney** before you testify.

15. You have the right **to make a call** to someone of your choice, but it will be in the presence of a police officer or someone else appointed by the judge or prosecutor.

16. If you have injuries, are sick or have health problems **you have the right to be seen by a doctor.** The police can't give you any medication without being authorized to do so by the doctor (not even a simple headache painkiller).

What if you're underage? - If you are a minor, different rules apply. You still have the right not to testify against yourself, not to confess guilty, to speak privately with your lawyer and to make a statement as quickly as possible. The Police have an obligation to report your detention to your parents, legal guardians, the Public Prosecutor's Office and your Consulate if you are a foreigner.

How long can you be detained for? - You can be detained for a maximum of 72 hours. After 72 hours you have to either be released or taken to court.

In exceptional cases, those 72 hours can be extended by another 48 hours. This is only possible if and when the police request such an extension in a reasoned manner and were said request is authorized by the Judge - all within the first 72 hours. That is, in exceptional cases you can be detained a total of 120 hours.

What can you do if your rights are not respected? - If any of these rights are not respected or guaranteed you have the right to request HABEAS CORPUS. When can you request 'HABEAS CORPUS':

- At any time during the arrest by telling the police.
- When you testify before the judge, explaining everything that has happened to you as well as providing details that will allow for the identification of the responsible people.
- By presenting a letter in the Court of Guard and a letter to the ombudsman explaining everything that has happened to you as well as providing details that will allow for the identification of the responsible people.

Your partner, family members, legal representative, members of the association you're staying in or with whom you are in contact can also request HABEAS CORPUS on your behalf.

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