

GUIDANCE ON THE RIGHTS OF THE ARRESTED PERSON IN A PETTY OFFENCE CASE

The arrested person in a petty offence case has the following rights:

1. Right to be informed of the reason for the arrest and to be heard (Article 46 § 1¹⁾).
2. Right to make a statement or to refuse to make a statement in their case (Article 46 § 2).
3. Right to contact an advocate or a legal adviser and to hold a direct conversation with them (Article 46 § 4).
4. If the arrested person does not speak Polish sufficiently well – right to be assisted free of charge by an interpreter (Article 20 § 3, Article 72 § 1 of the Code of Criminal Procedure (*Kodeks postępowania karnego – KPK*)).
5. Right to receive a copy of the arrest report (Article 46 § 2).
6. Right to request that their close relative/partner and their employer be notified of the arrest (Article 46 § 3).
7. If the arrested party is not a Polish citizen – right to contact the consular office or the diplomatic representation of the country of their citizenship. If the arrested party is not a citizen of any country – right to contact a representation of the country in which they permanently reside (Article 46 § 3, Article 612 § 2 of the *KPK*). If a consular agreement between Poland and the country of the arrested person's citizenship so provides, the relevant consular office or the diplomatic representation will be informed of the arrest also without the arrested person's request.
8. Right to file a complaint against the arrest with a court within 7 days from the arrest. The complaint may include a request for the legitimacy, lawfulness and correctness of the arrest being examined (Article 47 § 1 and 2, Article 108).
9. Right to be immediately released if the reasons for the arrest cease to exist or after 24 hours, or 48 hours in the event that the case is initiated in an accelerated procedure, from the moment of being arrested (Article 46 § 5 and 6).
10. Access to free medical assistance.

"I acknowledge receipt of this guidance"

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(date, signature)