



France: Courts of General Jurisdiction Competent Over Military Offenses and Terrorist Acts

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FRANCE

COURTS OF GENERAL JURISDICTION COMPETENT OVER MILITARY OFFENSES AND TERRORIST ACTS

Law No. 82-621 of July 21, 1982, abolished military tribunals in time of peace with the exception of the Paris *Tribunal aux armées* which is only competent for criminal offenses committed outside of the French territory by French military forces stationed or operating abroad and offenses committed against such military forces or their installations, when these offenses are punished by the French Criminal Code.¹

Instead, the law provides that in the district of each Court of appeal, two of the general jurisdiction courts have specific competence over military offenses listed in book III of the Code of Military justice.² One court, *the Cour d'assises*, is competent over *crimes*, while the other, the *tribunal correctionnel* is competent over *délits*.³ These courts have also competence over common law *crimes* and *délits* committed in the execution of service by the military. They are competent as regards all persons having reached majority, perpetrators or accomplices having taken part in the offenses. This last provision includes civilians who took part in the offenses.⁴ Among the major differences between an ordinary *Cour d'assises* and a specialized one are the absence of a jury and an expanded panel of judges. Thus, instead of three judges and nine jurors found in ordinary *Cours d'assises*, each specialized court has seven professional judges.⁵ This provision has been extended to the *Cours d'assises* adjudicating terrorist acts to prevent pressure being applied to or threats being made against the juries.⁶ Cases are tried, with a few exceptions, according to common law procedure as contained in the Code of Criminal Procedure.

Military tribunals are immediately reinstated in time of war when any of the following occurs: (1) a declaration of war authorized by the parliament under article 35 of the Constitution; (2) the state of siege is decreed in the Council of Ministers; or (3) the government decides to commence mobilization measures.

¹ CODE DE JUSTICE MILITAIRE (Daloz 2001), arts. 3 and 59.

² CODE DE PROCÉDURE CIVILE [C. PROC.CIV.] (Daloz 2001) art. 697.

³ In broad terms French law distinguishes three categories of offenses: (1) *crimes* are a small category of very serious offenses (murder, rape.); *délits* are less serious (theft, assault, fraud.); and *contraventions* include a large range of regulatory offenses often of strict liability. The *Cours d'assises* are competent to adjudicate crimes, *the tribunaux correctionnels* are competent over *délits* while the police courts hear *contraventions*.

⁴ C. PROC. CIV. art 697-1

⁵ *Id.*, art. 698.6. The composition of the *tribunaux correctionnels* stays the same, a panel of three judges.

⁶ *Id.*, art.706-25.

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