**Exercise consultation/ Role play #1:**

***Instruction for the lawyer:***

On the consultation form is written: suspicion of breach of Article 3 (*covers prohibition to bring within/outside of the borders of country X, to grow, produce, sell, deliver or transport, or have in possession…*) and Article 11 (*sanctions: include fine, or one month to 6 years imprisonment depending e.g. on the quantity and intent*) Opium Law (weed).

***Instruction for the client***:

You are a man of Eastern European origin (Bosnia), did not have prior run-ins with the law in country X (besides a few traffic offences). You are arrested on a suspicion of breach of Article 3 (*covers prohibition to bring within/outside of the borders of country X, to grow, produce, sell, deliver or transport, or have in possession…*) and Article 11 (*sanctions: include fine, or one month to 6 years imprisonment depending e.g. on the quantity and intent*) Opium Law (weed). You did not express a preference for a certain lawyer, so you are visited by a duty lawyer.

What you can tell to the lawyer:

This is what you wish to tell during the consultation: You were arrested when you were ‘just driving around’ in your van late at night (in a suburb, not speeding), and officers asked you for an ID. You had no identification on you, and so the police searched your van completely. In the back of the van the police found several garbage bags with cannabis waste. You have immediately stated – after the cannabis waste was found - that a friend had asked you to get rid of the garbage bags and promised you €200 in return.

Personal circumstances:

You live in with your elderly mother. You came to country X with her as a fugitive after the war in former Yugoslavia. Your mother has a heart condition, you are worried about her. You yourself claim to suffer from post-traumatic stress syndrome caused by war trauma.

***Instruction for the trainer:***

It is doubtful whether the stop and search of the van was lawful. From the client’s account it does not appear that there was a suspicion of an offense (had there been an ongoing investigation?), and so it is unclear on which basis the van was searched when the police had only asked for identification. Client swears that the police have not said or asked about cannabis before searching the van.

Not giving a statement will likely mean that he will be detained longer (as further investigation will be necessary), and – more importantly – that mother will be thoroughly questioned, something that client would like to avoid. The police will obviously use this to get a statement. Does the lawyer manage to take this all into account? What advice has actually come out of all this?

**Addition to the scenario for role play #2**

*Challenges:*

* Client is suspicious. He is unfamiliar with the system and finds it hard to believe that a duty lawyer is independent from the police. He is quick tempered and claims to get extremely stressed by being locked up. He wants to get out as soon as he can, and he does not care what will happen afterwards.
* Client has a language problem. Because of the communication problems, he becomes more agitated.
* Hij heeft een taalprobleem. Door de problemen met communiceren, speelt de agitatie op. He paces up and down, his voice is loud, he does not listen and remains extremely mistrustful of the lawyer.

**Role play #3:**

*Instruction for the lawyer:*

A female is suspected of breach of Article 420bis/Article 420ter/Article 420quater of the Criminal Code (*laundering of goods, which the perpetrator has known, or should have reasonably known to be originating from a crime, or doing so repeatedly, punishable with fine, or imprisonment from two to six years*).

Client: young woman, has just given birth to her son (is still breastfeeding).

During the consultation, she gives the following account:

She has been arrested along with her boyfriend, who is also the father of their baby, in relation to a series of robberies and thefts. She was arrested for laundering stolen items (those allegedly stolen by her boyfriend). She does not know anything about that. She got most of the designer clothes (Burberry etc.) and shoes for their son as presents from her mother and aunt. She hung them in her walk-in closet, arranged by size and wrapped in plastic, with the price tags still attached, so that they remain intact until their son can wear them.

Procedural behavior: She wants to give a statement. She wants to get home as soon as possible to her baby. The police know that she is on pins and needles: she wants out, and fast, to get back to the baby which should be hungry by now. This means that she is about to explode (almost literally). The police use this to their advantage. Unfortunately, the allegation is rather serious, so she can be kept in detention after the interview.

Legal matters:

It is yet unclear whether the clothes can be traced back to the stores that have been robbed, but this is not difficult to investigate, so the expectation is that this will come out of the investigation shortly. If this is indeed the case, question is whether she should have suspected that the goods (some, or all) were stolen. If client states that she got them from her mother/aunt and it turns out that a large part was stolen, she is in trouble.

***Instruction for the police:***

She is the partner of the main suspect. He is suspected of a series of robberies. You expect that it would be easy to prove this. In his house you found a lot of expensive clothes, and this is strong evidence against him. Five pieces of clothes can be traced to robberies in a shop a couple of months ago, but it is not yet clear where the other clothers come from, and you are afraid that it would not be possible anymore to trace it. You search for evidence primarily against the main suspect, so you hope that this suspect (his girlfriend) would cater proof against him.

The challenge is: to catch her on lies and/or get her to confess, so that she would incriminate her partner. She is cooperative, because she hopes that she would then be able to go home as soon as possible to give breastfeeding to her son.

*Instruction for the actress:* (NB: the actress gets the full scenario to know all possible details)

You must make a choice: either you received the clothes from your partner, or from your mother and your aunt. You keep insisting that it was your mother and aunt, because you are afraid that otherwise your partner would have a problem. You just don’t know how they could pay for all this. Your partner could not pay for this in any case. You want anyway to make a statement, because you wish to go home.

**Role play #4:**

***Instruction for the police:***

A man is suspected of breach of Article 242 (rape).

You have taken a victim statement. A young woman, very emotional, came to the police station and told that she was raped by her partner.

First there was a dispute with screaming and pushing. She has scratched his boyfriend to defend herself. She clearly has a blue eye and red marks on her neck. He has grabbed by her neck and punched her. Then he has raped her (in a missionary position only) and fell asleep.

The next day – when he left to smoke weed with his friend - she went to the police. There was his DNA found under her nails and in her vagina. At the time of giving a statement, she was absolutely hysterical, and you have absolutely no doubt of the veracity of her statement. She is clearly a victim of rape with violence.

***Information for the lawyer:***

Client: a disheveled youngman barging into the consultation room, waving his arms wildly. He does not wait until you have introduced yourself, he starts rattling right away. It is difficult to keep track of what he is saying. He comes across as a bit manic.

Consultation: It takes about 10 minutes before he sits down and tells you his name. What is going on: he was arrested for raping his girlfriend, which is an ABSOLUTE lie, she is a nutcase and often talks nonsense. They got into an argument yesterday, which happens more often, and there was some pushing and shoving going on. His girlfriend threw a vase at him (fortunately missed) and scratched him. When they were done fighting they smoked weed together and made up, which resulted in having intercourse. There was nothing involuntary about it. Now apparently she filed charges for rape!

Personal circumstances:

Client does not seem to be entirely okay: he looks manic, addiction may play a role or he may need medication to come to his senses, there are possible psychiatric problems. Client gives different signals (including that he states that he received welfare benefits for young persons with a disability), but it is unclear what exactly is going on.

The problem is that the client seems to be a loose cannon, so there is a question of whether he can be guided or advised at all.

Procedural behavior: he wants to give a statement and tell his version. Nothing else. He did not punch her and did not grab her by her neck, he keeps insisting on this.

***Instruction for the trainer:***

Rape in a relationship is difficult to prove. There are usually no eye witnesses and DNA does not prove that the sex took place involuntarily. The reliability of the statements of both parties, hence whether the client is convincing/has a good story, plays a crucial role. Even if neighbours heard something of the fight, this can add little to nothing to the evidence of rape. The sequence of events (first argument with screaming and pushing / then making up / when were charges filed / was the police notified?) is possibly relevant, but this still has to do primarily with who has given a more reliable story. Here it is also important whether your client can say something sensible about the injuries of the complainant (that the police saw when she made a complaint).

***Instruction for the client/actor:*** (NB: The actor receives full scenario for best preparation)

After the consultation, the interview starts. Client has not calmed down, he cannot stay seated, he won’t let the police finish their sentences before he starts explaining/answering with statements that often contradict themselves. The police obviously make use of this. He denies that he has punched his girlfriend in the eye (because of which she had a blue eye) or that he grabbed her by her throat.



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