

Update on recent developments

FRENCH PROCEEDINGS

- **The place of citizens in criminal justice: an experiment limited to two courts**

Since the entry into force on 1st January 2012 of Law no. 2011-939 of 10 August 2011 on the participation of citizens in the functioning of criminal justice and the judgment of minors, two citizen assessors sit with three professional judges in special benches of the Criminal Court (citizen bench of the Criminal Court) and of the Appellate Criminal Chamber (see *Towards a broader place for citizens in criminal justice?*, by Christine Gateau, Paris International Litigation Bulletin no. 3, May 2012). This measure has only come into force on an experimental basis and for the time being only concerns the districts of the Courts of Appeal of Dijon and Toulouse (Order of 12 October 2011). As from 1st January 2013, the districts of the Courts of Appeal of Angers, Bordeaux, Colmar, Douai, Fort-de-France, Lyon, Montpellier and Orléans were also meant to be concerned (Order of 16 February 2012).

However, as there has been no report on the outcome of the experiment that started at the beginning of the year, the new French Minister of Justice, Christiane Taubira, has decided not to extend the experiment to the other eight districts (Order of 13 June 2012). Only the experiments in the districts of the Courts of Appeal of Dijon and Toulouse will continue. The French Minister of Justice wishes to conduct a thorough study relating to the duration of the hearings, the cost of the experiment, the training of the assessors and the number of judges and civil servants who would be necessary to generalise the system before making a decision.

During her hearing before the Law Commission of the French *Assemblée Nationale* on 5 July 2012, Christiane Taubira also expressed her intention to implement a broader analysis relating, notably, to the creation of a first-instance tribunal that would be made of the different first-instance courts and to a generalisation of non-professional assessors, including in civil proceedings.

Even though the participation of citizens in criminal justice is for the time being limited and delayed, Christiane Taubira's declarations suggest that this pause will only be temporary and that the functioning of the French legal system could be significantly modified by the current administration.

Christine Gateau