

# Self-Advocacy Note

- ❖ Period filled out : From\_\_\_\_\_ (yyyy)\_\_\_\_ (mm)\_\_\_\_ (dd)  
To\_\_\_\_\_ (yyyy)\_\_\_\_ (mm)\_\_\_\_ (dd)
- ❖ Case number :
- ❖ Completed by : (Defense counsel : )

- This Self-Advocacy Note is designed to record the contents of interrogation at every stage to defend yourself, and to be provided to defense counsel to have legal assistance. This note is not to be submitted to any investigative institution.
- This Self-Advocacy Note consists of ① an introduction to the manual, ② information on the rights of a criminal suspect during the investigation procedure, ③ free pages to take down notes, and ④ Self-Advocacy Note checklist.
- If the investigator prevents you from taking notes, please inform him/her that the suspect's right to take notes has been recommended to be guaranteed by the National Human Rights Commission of Korea, allowing investigative institutions to guarantee the suspect's right to take notes. If the investigator continues to prevent you from taking notes, please contact the Human Rights Protection Officer or Associate Human Rights Protection Officer of the Public Prosecutor's Office, Office of Inspection & Public Complaints of the Police, or the National Human Rights Commission of Korea (call 1331).
- You can download this Self-Advocacy Note from the homepage of the Korean Bar Association and each local bar association. You can also search for a lawyer on the Korean Bar Association website ([koreanbar.or.kr](http://koreanbar.or.kr)) or from the 'My Lawyer' QR code at the top.



Korean Bar Association

Name of the Lawyer

(Who provided this Note)

# Self-Advocacy Note, Introduction to the Manual

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## 1 What is the 'Self-Advocacy Note'?

Maybe you had just received this strange notice. Where are you now?

You will probably meet a police officer or a prosecutor to be questioned soon. You are lucky if you have an attorney-at-law, but if you do not have one, you might be really scared.

The investigation procedures will be conducted in accordance with the Criminal Procedure Act which has been enacted to protect your rights while you are being investigated, and to ensure a fair and appropriate investigation.

This note will help you exercise your rights to self-advocacy in the future by examining whether your rights as stipulated in the Criminal Procedure Act are thoroughly protected, and whether the investigation is conducted in a fair and proper manner.

## 2 Is the 'Self-Advocacy Note' really helpful?

*“Of course, 'Self-Advocacy Note' is your basic means of defense.”*

We cannot guarantee that your rights will be fully protected even if you write down everything in this note. However, it will be the first step of your 'self-advocacy' to check and maintain your rights.

*“Providing your signature and seal are very important.”*

After conducting an investigation, the investigator will ask you to sign (signature and seal) the investigation report. As undergoing an investigation is so tedious and difficult, you might feel like you want to sign it in a hurry without reading it in detail because you want to go home soon. But in case you later have a trial, the judge will acknowledge the contents of the investigation report and it will be hard for you to deny it. Therefore, you must read the contents of the report precisely before signing.

Please pay more attention and give greater efforts to check if there is something you did not mention previously or if it has different meanings from what you had intended. Then you can sign it.

*“ An investigative agency should NEVER treat you unfairly. ”*

The investigator should not ignore you or speak rudely or show forceful attitude or demeanor. He/she should not force you to confess. If you experience any unduly treatments, please write them in this note.

### 3 Isn't it difficult to fill out the Self-Advocacy Note?

*“ No, it is not difficult. Without considering the given items, just write down anything freely. ”*

For your convenience in filling it out, we have classified some important items in the form of questions. If you don't understand a question, please ask someone around you for help. Don't worry if you don't know which items are appropriate for the contents you wish to write down. Do not be restricted to the given items. Just freely write down the contents of the investigation and its circumstances anywhere in this note.

*“ Writing down the actual contents you were investigated immediately after the investigation is important. ”*

Please write down the things you were investigated in a truthful and specific way. Of course, you should not exaggerate the events or describe something which is not true. As much as possible, please write it down quickly while being investigated or during the break time when your memory is still clear.

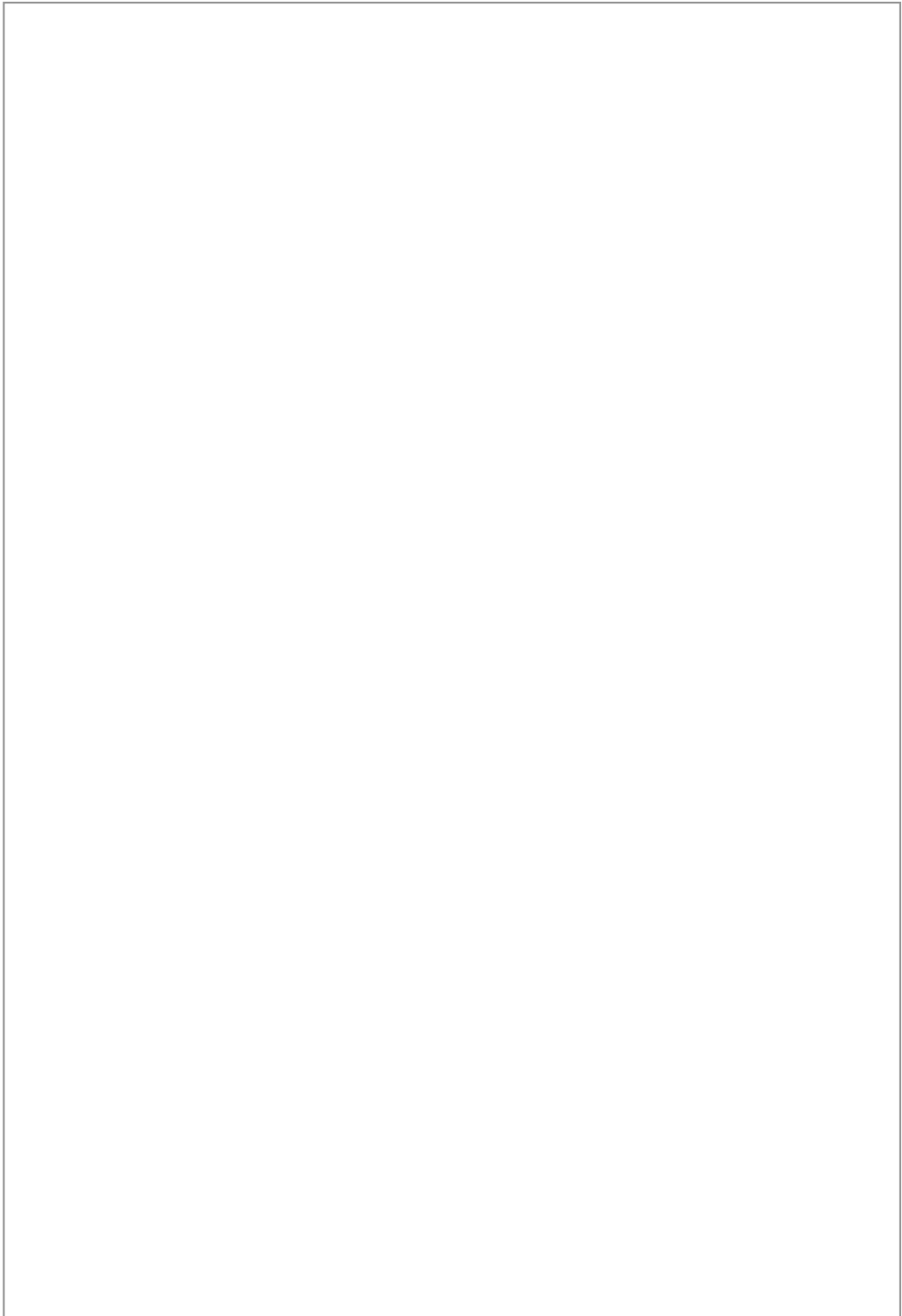
*“ Please hand this note to an defense counsel. ”*

Please hand over this note to the defense counsel you want to consult. This will be helpful for your defense counsel to understand the circumstances under which you were investigated and this will be helpful when he/she defends you in court.

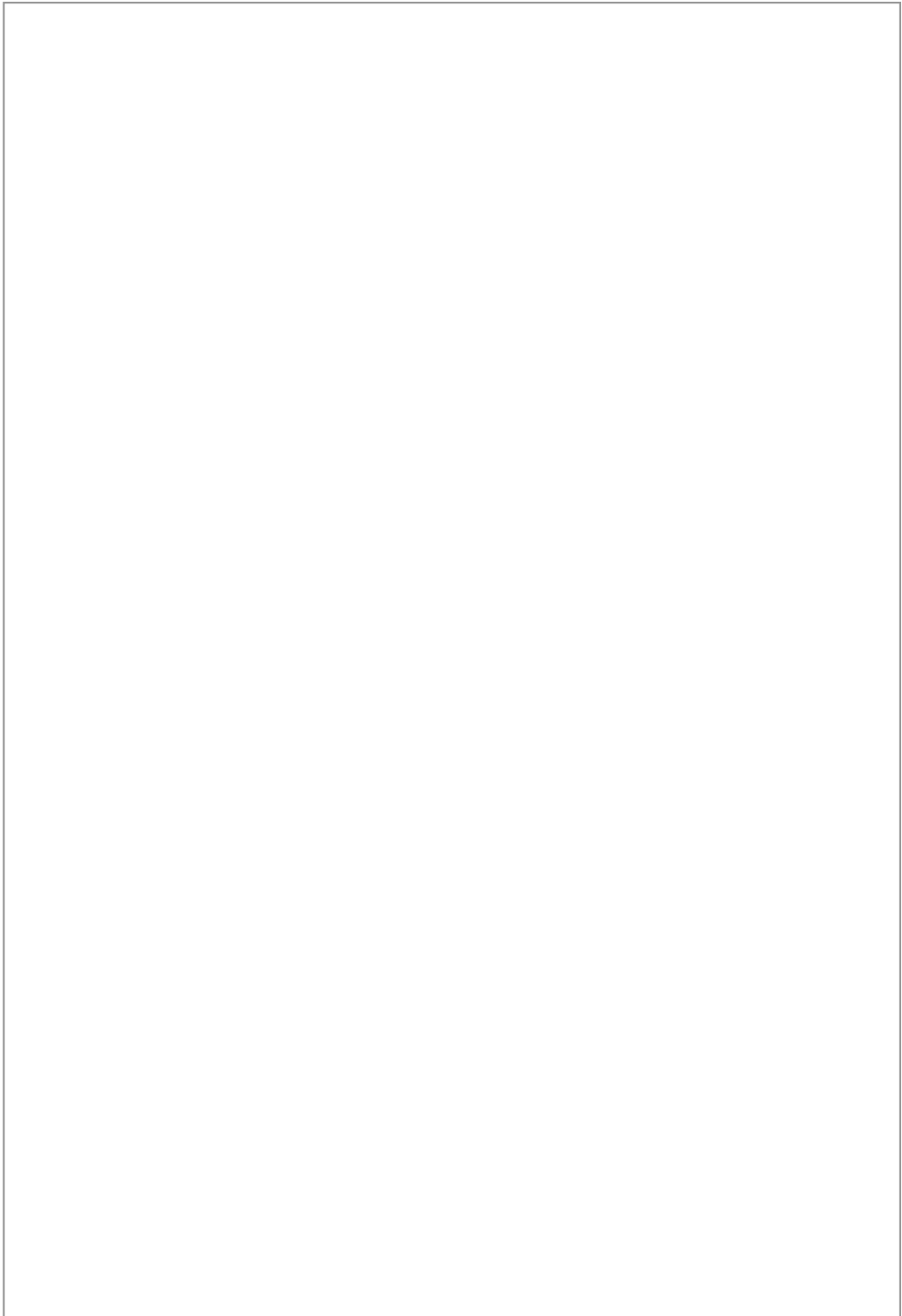
## Take your notes freely here

- ❖ You can write down notes on what is considered important while being investigated as follows:
- ① What is the name of the crime or the case you were investigated for,
  - ② What was the evidence presented by the investigator,
  - ③ How you made a statement,
  - ④ Who was the witness, in case you confronted him/her,
  - ⑤ What was said from the witness,
  - ⑥ Whether there was any evidence you have submitted,
  - ⑦ What evidence the investigator asked you to submit,
  - ⑧ Contents that you must be discussed with your defense council etc.
-

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A large, empty rectangular box with a thin black border, occupying most of the page below the header. It is intended for the user to take notes freely.





## Self-Advocacy Note Checklist

### 1 Date of Investigation    year    month    day    time(s) of investigation

① The date and time of the investigation can be determined in consultation with the investigator. Did you set the date and time of the investigation through consultation?

Yes     No

② Venue of investigation     Police station (                      Police Station, Department)

Prosecution office (                      )     other (                      )

③ Name of Investigator (Investigator \_\_\_\_\_, Prosecutor \_\_\_\_\_)

④ After completing the investigation, the investigator writes the starting time and the ending time of the investigation on the report. Are the starting time and the ending time of investigation filled out correctly?

Yes     No

### 2 About the investigation

① Were you wearing protective equipment such as handcuffs and ropes while being interrogated?     Yes     No

If yes, ①-1. Why were you wearing protective gear and being interrogated?

①-2. Did you ask the investigator to remove the protective equipment?

②-1. At the start of the investigation, did the investigator inform you that you have the right to remain silent or make no statement for each question and have the right to the assistance of defense counsel?

Yes     No     I can't remember

②-2. Have you ever been rejected your requests for an defense counsel's participation by the investigator prior to investigation?

Yes       No

③ Did the investigator record by a video recording system during the investigation?  Did    Did not

③-1 Was the video recording taken the entire process from the beginning to the end of interrogation?

Yes    No (What is the part that was not recorded? \_\_\_\_\_ )

③-2 Did you watch the recorded video for viewing?

Yes       I did not request to watch the video.

I requested to watch the video, but was denied.

④ While you were investigated, were you allowed to take notes?

Yes    No (reason: \_\_\_\_\_ )

⑤ While you were being investigated, were you given a break time?

Yes    No (reason: \_\_\_\_\_ )

⑥ Before the investigation or during the break time, did you have a conversation with the investigator that was not included in the investigation report?

Yes       No

### 3 Contents of the investigation and your statement

① Regarding the question of whether you had committed a crime, what was your answer?

Refuse to make statements       Denied

Partially denied       Confessed

② What did the investigator focus on when he or she was questioning you?

③ Please write down anything you remember from what the investigator said or how he/she behaved when you refused to make a statement, or when you stated that you did not commit all or some parts of the crime.

#### 4 About a protocol concerning interrogation of a criminal suspect

① Were all the statements you made from the beginning to the end of the investigation included in the protocol concerning interrogation of a criminal suspect?

Yes       No

(Contents of investigation that are not included: \_\_\_\_\_ )

② Did you read the protocol (or did the investigator read it to you)?

Yes       No

③ Was the protocol completed in accordance with what you stated?

Different from my statement     Same as my statement     I don't

know

③-1 If it was different from your statement, please write down the different parts.

③-2 Did you request to correct the parts which were different from your statement?

Did not request     Requested and corrected     Requested but was not corrected

④ Did you provide your signature and seal on the protocol?

Yes       No (refused)

⑤ Have you requested for disclosure of information on the protocol?

Yes       No

#### 5 In case you had difficulty communicating while being investigated

※ Criminal defendant can be investigated with the assistance of a person who has a reliable relationship, if the criminal defendant lacks the ability to

discern right from wrong or make and communicate a decision due to a physical disability or mental disorder, or if it is necessary for facilitating the criminal defendant's psychological stability and smooth communications in light of his/her age, gender, nationality, or any other factor.

① Did the investigator inform you that you're allowed to be investigated with the attendance of the reliable person in case you need to have the psychological stability or you have difficulties in communication?

Yes       No

② Did you request the investigator to conduct the investigation with a reliable person, or to solve problems of inconvenience?

Yes       No

③ Was a reliable person(i.g family member or a friend of yours) allowed to accompany you or did they solve problems of inconvenience when you were investigated?

Yes       No

④ If your request was denied, what was the specific reason?

## 6 If you are a foreigner, or have difficulties in speaking Korean

※ If you are a foreigner, or have difficulties in speaking Korean, you can request the investigator to have a person who has a reliable relationship with you to sit in company(Criminal Procedure Act Article 244-5).

① Can you sufficiently understand and speak Korean, including legal terminologies?

Yes       Partially       No

② Did the investigator thoroughly inform you about the investigation in Korea?

Yes       No

③ Did the investigator provide convenience like being with a reliable person during the investigation?

Yes       No

④ Was an interpreter provided?

Yes       No

⑤ After the investigation, did an interpreter translate the protocol to the suspect by reading it aloud?

Yes       No

⑥ Was the interpretation easy to understand?

Understandable     Partially understandable     Un-understandable

⑦ If an interpreter was not provided or the conveniences you requested were not given, please specify the reasons.

## 7 Documents to submit to defend you and issues to consult with your defense counsel

① Please write down additional documents to be submitted, due date and where to submit them, etc. to the investigator in order to defend you.

② Please write down what you feel you should consult with a defense counsel after the investigation.

## 8 When and where are you taking this note now?

While being investigated       During break time

After finishing the investigation (    yyyy      mm    dd    )

## Self-Advocacy Note Checklist (2<sup>nd</sup> session)

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### 1 Date of Investigation    year    month    day    time(s) of investigation

① The date and time of the investigation can be determined in consultation with the investigator. Did you set the date and time of the investigation through consultation?

Yes     No

② Venue of investigation     Police station (                      Police Station, Department)

Prosecution office (                      )                       other (                      )

③ Name of Investigator (Investigator \_\_\_\_\_, Prosecutor \_\_\_\_\_)

④ After completing the investigation, the investigator writes the starting time and the ending time of the investigation on the protocol. Are the starting time and the ending time of investigation filled out correctly?

Yes     No

### 2 About the investigation

① Were you wearing protective equipment such as handcuffs and ropes while being interrogated?     Yes     No

If yes, ①-1. Why were you wearing protective gear and being interrogated?

①-2. Did you ask the investigator to remove the protective equipment?

②-1. At the start of the investigation, did the investigator inform you that you have the right to remain silent or make no statement for each question and have the right to the assistance of defense counsel?

Yes     No                       I can't remember

②-2. Have you ever been rejected your requests for an defense counsel's participation by the investigator prior to investigation?

Yes       No

③ Did the investigator record by a video recording system during the investigation?  Did    Did not

③-1 Was the video recording taken the entire process from the beginning to the end of interrogation?

Yes    No (What is the part that was not recorded?

)

③-2 Did you watch the recorded video for viewing?

Yes       I did not request to watch the video.

I requested to watch the video, but was denied.

④ While you were investigated, were you allowed to take notes?

Yes    No (reason:

)

⑤ While you were being investigated, were you given a break time?

Yes    No (reason:

)

⑥ Before the investigation or during the break time, did you have a conversation with the investigator that was not included in the investigation protocol?

Yes       No

### 3 Contents of the investigation and your statement

① Regarding the question of whether you had committed a crime, what was your answer?

Refuse to make statements       Denied

Partially denied       Confessed

② What did the investigator focus on when he or she was questioning you?

- ③ Please write down anything you remember from what the investigator said or how he/she behaved when you refused to make a statement, or when you stated that you did not commit all or some parts of the crime.

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Yes       No

(Contents of investigation that are not included: \_\_\_\_\_ )

- ② Did you read the protocol (or did the investigator read it to you)?

Yes       No

- ③ Was the protocol completed in accordance with what you stated?

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- ③-1 If it was different from your statement, please write down the different parts.

- ③-2 Did you request to correct the parts which were different from your statement?

Did not request    Requested and corrected    Requested but was not corrected

- ④ Did you provide your signature and seal on the protocol?

Yes       No (refused)

- ⑤ Have you requested for disclosure of information on the protocol?

Yes       No

#### 5 In case you had difficulty communicating while being investigated



※ Criminal defendant can be investigated with the assistance of a person who has a reliable relationship, if the criminal defendant lacks the ability to discern right from wrong or make and communicate a decision due to a physical disability or mental disorder, or if it is necessary for facilitating the criminal defendant's psychological stability and smooth communications in light of his/her age, gender, nationality, or any other factor.

① Did the investigator inform you that you're allowed to be investigated with the attendance of the reliable person in case you need to have the psychological stability or you have difficulties in communication?

Yes       No

② Did you request the investigator to conduct the investigation with a reliable person, or to solve problems of inconvenience?

Yes       No

③ Was a reliable person(i.g family member or a friend of yours) allowed to accompany you or did they solve problems of inconvenience when you were investigated?

Yes       No

④ If your request was denied, what was the specific reason?

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① Can you sufficiently understand and speak Korean, including legal terminologies?

Yes       Partially       No

② Did the investigator thoroughly inform you about the investigation in Korea?

Yes       No

③ Did the investigator provide convenience like being with a reliable person during the investigation?

Yes       No

④ Was an interpreter provided?

Yes       No

⑤ After the investigation, did an interpreter translate the protocol to the suspect by reading it aloud?

Yes       No

⑥ Was the interpretation easy to understand?

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② Please write down what you feel you should consult with a defense counsel after the investigation.

## 8 When and where are you taking this note now?

While being investigated       During break time

After finishing the investigation (    yyyy      mm    dd    )

## Self-Advocacy Note Checklist (3<sup>rd</sup> session)

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③ Name of Investigator (Investigator \_\_\_\_\_, Prosecutor \_\_\_\_\_)

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Yes     No                       I can't remember

②-2. Have you ever been rejected your requests for an defense counsel's participation by the investigator prior to investigation?

Yes       No

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④ While you were investigated, were you allowed to take notes?

Yes    No (reason:

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Yes    No (reason:

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⑥ Before the investigation or during the break time, did you have a conversation with the investigator that was not included in the investigation protocol?

Yes       No

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Yes       No

④ Was an interpreter provided?

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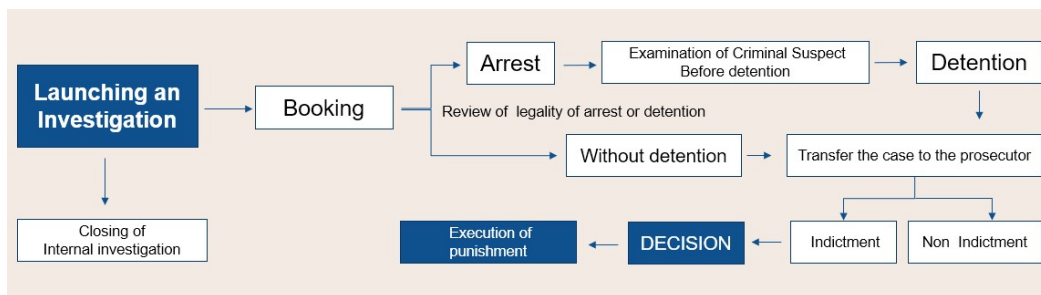
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After finishing the investigation (    yyyy    mm    dd    )

# The Rights of a Criminal Suspect during the Investigation Procedure

## 1 Investigation Procedure



Not all who are investigated at an investigative institution will have court trials. As the result of investigation, if prosecutor(or Senior Judicial Police Officer) judge that you are not guilty, a non-indictment is decided and close the case. Whereas prosecutor judge that you are guilty, indictment is decided and get a criminal trial.

Below is a concise introduction of legal rights given to you so that you will not be unfairly investigated.

## 2 Your right to have the assistance of defense counsel

You have the right to have a lawyer's assistance. You may refuse to investigate without counsel's participation in interrogation. The investigative institution must inform you that may select a defense counsel before you get arrested, imprison, or examine a criminal suspect(according to the Constitution, Criminal Procedure Act). To select a defense counsel, please refer to the Korean Bar Association website ([koreanbar.or.kr](http://koreanbar.or.kr)) and the QR code of 'My Lawyer' on the cover of this note.

## 3 The right to refuse to make statements

You can remain silent or make no statement for each question from the investigator. Remaining silent cannot be used against you. If you waive your right to remain silent and make a statement, but there is content in the statement that admit the fact of the offense that statement is regarded as a confession, and the confession can be taken as evidence of guilt.



If you don't have a defense counsel, refusing a statement can be a way to protect yourself.

#### 4 Check precisely all contents of the protocol.

The protocol shall be read or aloud to you, and investigator ask you to confirm the accuracy of the contents of the statement. You should check and thoroughly read the protocol as completed by the investigator. Because the protocol is written by the investigator to summarize the contents of the investigation, so it can be different from the contents you had stated or your intended ideas. You can raises an objection to the accuracy of the details and demand correction. If the investigator does not accept your request of correction, you can refuse to provide your signature and seal.

If there is statement you want to leave in the protocol, you can write it directly at the end.

After writing the protocol, it is recommended to obtain a copy of the protocol through a request for the disclosure of information. This copy of the protocol will be an important resource to have legal assistance from your defense counsel,.

#### 5 Self-protection in the investigative procedure

##### *Investigator's abusive language*

When an investigator performs his/her duties, he/she should not use any abusive, coercive or humiliating words, or any action causing feeling of insult or shame. If the investigator uses crude words or insults you, you may immediately request to remedy it. And if investigator continues that manner of speech, you can request the Human Rights Protection Officer or Associate Human Rights Protection Officer of the Public Prosecutor's Office, or the Office of Inspection & Public Complaints of the Police to change the investigator.

##### *Prohibition against investigation at late-night and request for a break*

What can you do if investigator insists that he/she continue to investigate you even after 9 p.m.? In principle, late-night investigations from 9 p.m. to 6 a.m. are prohibited, and it is only allowed in exceptional cases. You may also request a break during the investigation.

## 6 Prohibition of discrimination against the disability or any other reasons and Providing conveniences

The investigative institution should check if a criminal suspect has any disability in communication or difficulties of expression, and if any of the disability is identified, it should be made known that the suspect can receive assistance and the specific assistance should be provided for him/her.

### *Sitting with a reliable person, etc.*

If you have any communication difficulties due to a physical/ mental disability, age, gender, nationality, you can request the close and reliable people(etc. your family) to accompany you during the investigation, for your psychological stability and effective communication (Following the Criminal Procedure Act, Human Rights Protection Investigation Rules).

### *Providing interpretation service and legal assistance information*

If you are a deaf or mute person or have other difficulties with communication, you may be provided with a sign language and text interpretation during the investigation process, or request the participation of a person who can help with communication(Article 55 of the General Standard on the Investigation of Human Rights Protection).


## 7 Providing conveniences to a foreign criminal suspect

### *Right to receive interpretation or translation service*

A foreigner who cannot understand the Korean language has the right to request for interpretation service. Particularly, if an investigation is conducted in Korean, the criminal suspect can request an interpreter in a language that he/she understands, and if there is no interpreter, you can write a statement in the foreign language that he/she speaks(Article 180 of the Criminal Procedure Act, Article 244 of Criminal Investigation Rule of the National Police Agency, etc.) Furthermore, a translated document should be attached as much as possible when arrest warrant or a certificate of seizure for a seized item is issued to a foreigner. (Article 245 of Criminal Investigation Rule)

 ***Requiring to being present in Persons with Reliable Relationship***

When a criminal suspect is interrogated by a prosecutor or a senior judicial police officer, the investigator may allow a person who has a reliable relationship with the suspect to sit in company with the suspect, if that action is needed for a smooth communication or for the suspect's mental stability regarding his/her nationality. (Item 2 of Article 244, Criminal Procedure Act)

 ***Right to contact a consular officers***

According to the 'Vienna Convention on Consular Relations Article 36', when a foreign national is arrested the investigative institution should notify the foreigner that he/she has the right to contact or communicate with his/her consulate, and consular officers shall have the right to visit or communicate with a national of the sending state who is in prison, custody or detention. If the right to contact with his/her consulate is not notified to the suspect, the damage caused by such action should be compensated enough by the receiving state.

## 8 Request for disclosure of information

The parties may request to view and copy the investigative documents(Official Information Disclosure Act). The investigative institution must provide the information requested by the party concerned unless there is a legitimate reason for non-disclosure. For the convenience and guarantee of the party's right to defense, if you file a request for disclosure of information regarding the complaint and the protocol concerning interrogation of a criminal suspect that you have been investigated, you can receive a copy within a certain period of time.