

In prison abroad



Foreign &
Commonwealth
Office

In prison abroad

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The British Consulate

It is the Consulate's role to offer appropriate assistance to British nationals who have been detained or arrested overseas. **Consular staff cannot get you out of jail.**

If you are detained

- > Remain calm.
- > Insist that the British Consulate be notified. **It is your right.**
- > Ask relatives or friends to contact the local British Consulate or the Foreign and Commonwealth Office (FCO) in London on 020 7008 1500.

How the Consulate can help you

Consular staff are there to support you and to take an interest in your welfare. We aim to be sensitive and non-judgemental. We also aim to treat all prisoners the same, no matter what crime you are detained for or whether you are on remand or have been sentenced.

After being notified of your arrest, we can:

- > contact you in prison and visit you if that is what you want
- > give you information about the local legal system, including whether a legal aid scheme is available and about prosecution, remand, bail and appeal procedures. It is important to consider carefully whether you want legal representation and to discuss all costs beforehand. We can provide lists of local lawyers and interpreters if you want, although we cannot pay for either (see note 1 overleaf)

- > explain the local prison or remand system, including visiting arrangements, mail and censorship, privileges, work possibilities and social and welfare services
- > put you in touch with a prisoners' welfare charity called Prisoners Abroad (see page 8)
- > tell your family and friends, if you want us to, that you have been arrested. Your family can also find out what is happening to you by contacting Consular Directorate at the FCO in London (tel 020 7008 1500 and ask for the Country Casework Desk officer for the country where you are being held). If you are thinking about not telling your family, please consider the distress it may cause them if they do not know your whereabouts. It can also be a disadvantage to you if you need money for anything in prison or fall ill. Once we have told your family, we can pass messages between you in places where phone or postal services are not available.

In the longer-term, we can:

- > visit you in prison and keep in touch with you by telephone or letter. In some countries, especially those where conditions are difficult, consular staff will aim to make regular visits. In other countries, where prison conditions generally meet international standards, regular visits may not be considered necessary. In such countries, the Consulate will aim to keep in touch with you by letter or telephone

Note 1:

Neither the Government nor the relevant British Embassy, High Commission or Consulate can make any guarantee in relation to the professional ability or character of any person or company on the list, nor can they be held responsible in any way for you relying on any advice you are given.

- > consider approaching the local authorities if you are not treated in line with internationally-accepted standards. This may include where your trial is not conducted according to due process or is unreasonably delayed compared to local cases
- > help to put you in touch with the charity Fair Trials International (see page 7)
- > with your permission, take up any justified complaint about ill-treatment, personal safety, or discrimination with the police or prison authorities, and ensure that any medical or dental problems you might have, and of which we are made aware, are brought to the attention of any police or prison doctor
- > within certain limits, we can send you money from your family, and friends. In some countries, depending on local conditions, we can help to buy essential items with money sent by your family, friends or others;
- > explain to you how to apply to transfer to a prison in the UK if you are in a country from which prison transfers are possible.

We may also be able to give you information about any local procedures for a prisoner's early release in exceptional circumstances. These procedures are generally known as pardon or clemency. We will only consider supporting pardon or clemency pleas:

- > in compelling compassionate circumstances, such as where a prisoner or close family member is chronically ill or dying and this would leave no-one to care for dependents
- > in cases of minors imprisoned overseas
- > as a last resort, in cases where we have evidence that seems to point to a miscarriage of justice.

What the Consulate cannot do for you

The Consulate's role is primarily to look after your welfare while you are detained. The Consulate cannot:

- > get you out of prison or pay your fines
- > get you special treatment because you are British
- > give or pay for legal advice, start legal proceedings on your behalf or interfere in local judicial procedures
- > investigate a crime
- > forward letters/parcels to you on behalf of other people
- > prevent the local authorities from deporting you at the end of your sentence, even if you were previously resident in the country.

What you can do for yourself

Prison life can be difficult, but there are things that you can do to make it easier:

- > Learn the language. Prison guards may be more helpful if you make an effort to learn the language. If you can't get the books you need from the prison, contact the Consulate. Prisoners Abroad may also be able to help.
- > Find work within the prison. Most people find that work helps to pass the time more quickly. You may not be able to work while on remand.
- > Keep in touch with friends and family. Prisoners Abroad may be able to help find you a pen pal. Make sure you know how many

letters you are allowed to send. It is important to get your affairs in order before a trial. In some countries, restrictions on sending mail are imposed after sentencing.

- > Try to keep healthy in prison. Prisoners Abroad has produced a booklet on how to do this. If you are ill, or have ongoing medical problems, contact the prison doctor in the first instance. If you think you are not getting adequate treatment, contact the Consulate or ask someone to contact the Consulate for you. Prisoners Abroad may also be able to send you vitamins and help with some medical bills.

Information for relatives

Having a loved one in prison overseas is traumatic. We will do what we properly can to help you.

- > We can provide general information about the country involved, prison conditions and the local legal system.
- > Visiting arrangements vary from country to country. Relatives should make an appointment to visit before setting off on a long journey. The Consulate will be able to tell you how the visiting system works and whether special arrangements apply for parcels. Relatives can also contact Consular Directorate in London for advice before travelling.
- > If the prison where your friend or relative is being detained agrees, we can, within certain limits, pass on money you want to send to the prisoner to buy essential items, including telephone cards. In some cases, there may be a charge for this service. Contact Consular

Directorate at the FCO in London for more information on how to do this (tel 0207 008 1500 and ask for the Country Casework Desk Officer for the country your friend/relative is detained).

- > You should be aware that in many countries, mail sent or received by the prisoner will be opened and read by the authorities and phone conversations may be monitored.

Useful information for relatives to have

- > The full postal address of the prison.
- > Details of the prisoner's legal representative.
- > Information about the authorities responsible for the court proceedings.
- > The address, phone and fax numbers of the nearest British Consulate to the prison.
- > A copy of any information given to the prisoner by the Consulate.

Confidentiality and UK law enforcement

- > The Consulate will not normally pass on information about your case to any third party without your consent. However, you should be aware that if you are arrested for certain serious offences, such as child sex abuse or drugs crimes, our staff must tell other relevant UK authorities.

Fair Trials International

Fair Trials International aims to provide assistance to everyone that contacts them for help who is facing criminal charges in a country other than their country of nationality. As a registered charity, FTI do not charge for any of the services they provide. Their services include helping you identify a local criminal defence lawyer, providing advice and information about the local criminal trial process and helping you identify other sources of support. They cannot, however, act as your lawyer or provide financial assistance with your case.

To request their help, ask your consular official for FTI registration forms or contact:

Fair Trials International

3/7 Temple Chambers
London EC4Y 0HP
UK.

Tel: 00 44 (0)20 7822 2370

email: casework@fairtrials.net

www.fairtrials.net

Prisoners Abroad

Prisoners Abroad is a UK charity, which provides information, advice and support for prisoners and their families. It can provide information, limited financial assistance and vitamins in certain situations, translations, reading material, and support for families. Prisoners Abroad works collaboratively with the FCO to deliver assistance to British citizens held in prisons overseas. They can keep in touch with you and your family throughout your time in prison and help you on release. We recommend that you contact them and authorise us to share information about your case with them.

Prisoners Abroad can only provide resettlement services to returning prisoners who are existing clients. Prisoners Abroad cannot assist a returning prisoner who only contacts them once back in the UK.

It is important that you keep Prisoners Abroad informed of your release date.

Prisoners Abroad only support you overseas if you are in custody. You will not be eligible for support if you are, for example, released on bail or parole but have to remain overseas.

Prisoners Abroad

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www.prisonersabroad.org.uk

Email: info@prisonersabroad.org.uk



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Tell us what you think!

Giving us feedback

We welcome your views on the support we provide. They will help us to identify what we do well and what we could do better. Please look at the FCO website (<http://www.fco.gov.uk/consularfeedback>) for our customer satisfaction survey, or ask your local Embassy or Consulate for a copy. Information about our official complaints procedure is also on this website.

If you prefer to contact us directly our contact details are:

Consular Directorate

Foreign and Commonwealth Office
King Charles Street
London
SW1A 2AH

Email: feedback.consular.services@fco.gov.uk

Tel: +44 (0)20 7008 1500



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