



British Embassy  
Hanoi



British  
Consulate-General  
Ho Chi Minh City



# Foreign, Commonwealth & Development Office

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## **Information Pack for British Nationals detained or imprisoned in Vietnam**

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**British Consulate-General Ho Chi Minh City**

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# Chapter 1: Key Points

## Overview

If you are a British national, and are arrested or detained in another country, consular staff will do what they can to help you, but they cannot interfere with the local justice system, get you out of jail, or pay for services such as a lawyer. Information about who we can help, including the circumstances in which we can assist dual nationals, is available at [Support for British nationals abroad](#).

This detention information pack is designed to give you, and your family and friends, information about the local system in Vietnam and who can help. A printed copy is provided to those in prison or in custody, and an online version is available at [<https://www.gov.uk/government/publications/vietnam-prisoner-pack>].

We welcome feedback to help us improve the information we can provide to others.

## Contacting us

If you are arrested or detained in Vietnam:

- **The authorities should ask whether you want them to contact the British Consulate (and must do so if you want them to).**
- **Even if they do not ask, you can make the request yourself, and should do so, particularly if you are charged with a serious offence or need any kind of assistance.**
- **Friends or family can also contact the local British Embassy, Consulate or the Foreign, Commonwealth & Development Office (FCDO) in London on +44(0)20 7008 5000.**

In some countries, the authorities might notify the British Consulate even if you don't want anyone to know that you have been arrested. This is because there may be an agreement in place with the British Government which requires a mandatory notification to be made.

## Who we are

Consular staff work in the Foreign, Commonwealth & Development Office in London, and in British Embassies, High Commissions and Consulates overseas.

### **British Embassy in Hanoi Ho Chi Minh**

31 Hai Ba Trung, Hanoi

Tel: +(84) (24) 3936 0500

Fax: +(84) (24) 3936 0561

Working hours: 08:30-16:45 (Monday – Thursday) and 08:30-15:00 (Friday)

### **British Consulate General in**

25 Le Duan, District 1, Ho Chi Minh City

Tel: +(84) (28) 3825 1380

Fax: +(84) (28) 3829 5257

You can also contact us by phone 24/7 for help or advice from anywhere in the world by calling the Foreign, Commonwealth & Development Office on 020 7008 5000.

## What we can do

The FCDO can offer you impartial and non-judgemental help. Once notified of your arrest or detention, consular staff will aim to contact you as soon as possible so that we can assess how we can help you. We then aim to provide assistance according to your individual circumstances and local conditions: our priority is to provide assistance to those British nationals overseas that need our help the most.

In Vietnam, notification by the authorities to the Consulate is usually done in writing and can take a week to a month to reach us. In the event the arrest took place in a remoted province this can take longer. We may be informed much more quickly by friends or relatives that you have been detained.

Once we are notified, we aim to contact you as soon as possible. We will ask the authorities for permission to contact you, and this may take some time. However, we will do what we can to contact you as quickly as possible within the framework of the Vietnamese system.

We can also:

- > provide a list of local English-speaking lawyers and interpreters:  
<https://www.gov.uk/government/publications/vietnam-list-of-english-speaking-lawyers-for-british-nationals>  
<https://www.gov.uk/government/publications/vietnam-lists-of-interpretation-and-translation-companies>  
See also page [19 – what kind of legal assistance is available?]
- > provide general information about the country, detention conditions, and the local legal system (including if legal aid is available)
- > provide general information about the local prison or remand system, including visiting arrangements, mail and censorship, privileges, and welfare services.
- > keep in regular contact with you, either by visiting or by telephone/letter. The frequency of contact will depend on local conditions and your personal circumstances.
- > tell the police or prison doctor, with your permission, about any medical or dental problems including medication.
- > put you, or your family, in touch with a prisoners' welfare charity called [Prisoners Abroad](#).
- > in some circumstances we may be able to help take up complaints with the police or prison authorities about ill treatment, personal safety, or discrimination, if you are not treated in line with internationally recognised standards.
- > help to transfer money to you from your friends or family. In places where phone or postal services aren't available, we can also pass on messages and

deliver letters to the prison (but generally we cannot arrange for delivery directly to you – see page [12]).

- > in some circumstances we may be able to help you apply for a transfer to a prison in the UK.

### **What we can't do**

- > get you out of prison or detention
- > help you get special treatment
- > offer legal advice, start legal proceedings or investigate a crime
- > pay for any costs as a result of being arrested
- > forward you packages sent by friends or family
- > prevent authorities from deporting you after release

## **First Steps**

### **Can you / will you tell my family?**

If you want us to, we can tell your family or friends that you have been detained and can provide them with information about how to contact you in prison or detention. With your consent, we can also keep them updated on your well-being.

If you are not sure about informing your family, we can help you consider the impact that not doing so might have. For example, it may cause them distress if they do not know where you are or cannot contact you. It can also be a disadvantage to you if you need someone to send you money or act on your behalf while you are detained.

### **Will the UK Police be informed?**

If you are accused of certain serious offences, such as sexual assault or drugs trafficking, we are obliged to share information about your arrest with UK police. It is therefore possible that information about this may appear if a Criminal Records Bureau check were carried out by a prospective employer. There may be other circumstances in which information about you may need to be shared by ourselves or authorities in Vietnam.

### **Do I need a lawyer? / How can I find a lawyer?**

Although we cannot give legal advice, start legal proceedings, or investigate a crime, we can offer basic information about the local legal system, including whether a legal aid scheme is available. We can give you a list of local interpreters and a list of local English-speaking lawyers is attached to this pack [ See also page: 18 – what kind of legal assistance is available?] You will want to consider the benefits of local legal representation and to discuss all the costs beforehand with the legal representative. In no circumstances can we pay your legal or interpretation costs.

### **Can you get me out?**

We cannot get you out of prison or detention, nor can we get special treatment for you because you are British. However, if you are not treated in line with internationally accepted standards, we will consider whether to approach local authorities. This may include if your trial does not follow internationally recognised standards for fair trial or is unreasonably delayed compared to local cases.

### **Who else can help me?**

We can put you, or your family, in touch with Prisoners Abroad, a UK charity which supports British citizens detained overseas and their families:  
[www.prisonersabroad.org.uk](http://www.prisonersabroad.org.uk)

## Chapter 2: Detention conditions in Vietnam

### Visits – friends and family

#### Can my family and friends visit me? How can I arrange a visit?

##### Prisoners on Remand:

- Visit requests will be considered by the Investigating Police on a case by case basis. Family members may wish to seek legal help to assist with organising a visit.

##### Sentenced Prisoners:

- If you are a British national of Vietnamese origin (your family is Vietnamese or you are a British/Vietnamese dual national), your Vietnamese next of kin (parents, spouses, siblings) can apply directly to the prison authorities for a permit by writing an application for a visit and bring it to the Embassy/ Consulate-General for our endorsement (in the form of an introduction letter). They will then need to bring their application, their passport/ ID card and our introduction letter to the Vietnamese Prisoner Management Department to apply for the visit permit. Applications will be considered by this Department on a case by case basis and the Embassy/ Consulate-General can not interfere in this process. The law does provide for receiving consumable goods or money from family and friends. All such goods will be checked by the superintendent at the prison before being passed on.
- If your next of kin is a British national or a foreign national, there are no provisions under Vietnamese law to allow non-Vietnamese nationals to visit a prisoner.

#### What can visitors expect?

One-hour visit is allowed once a month, unless there are special circumstances for permitting longer visits (special circumstances are not listed so will be considered on a case-by-case basis.) However, it is unlikely that personal circumstances such as distance travelled or funds available will be considered as special factors.

The visit often takes place in a meeting room and the visitors are searched before entering the room. Usually there are prison officers or representatives from relevant prison departments present during visits.

## What can visitors bring?

You may receive up to 7kgs of consumable goods per month such as toiletries, vitamins, writing paper, envelopes, and dried food products. You cannot receive anything of a sharp nature or anything which may be able to be used as a weapon; items in glass or breakable containers or any aerosol sprays are also prohibited. You are also unable to receive alcohol or tobacco cigarettes. There is a canteen within the prison where prisoners can buy goods which are allowed into the cells.

## Visits – Consular staff

Providing we obtain the necessary permission from the authorities, a member of the Embassy will visit you as soon as possible. We can contact your family or next-of-kin, if you give us permission, to tell them what has happened to you. We can give them advice on prison procedure, regulations, and your welfare. We can also pass on any messages from you. Even if you do not wish us to contact your next of kin, we will keep your family contact information for emergencies. A prison official and a representative from the Prisoner Management Department will attend all visits and they require a Vietnamese interpreter.

**Prisoners on Remand:** The frequency of our visits will depend on the nature of the crime and your vulnerability. We aim to visit you at least once every three months.

**Sentenced Prisoners:** The frequency of our visits will depend on the nature of the crime and your vulnerability. We aim to visit you once a year unless there are reasons to visit more frequently.

You can write to us at any time on matters of concern. Below are the addresses for postage or if it is urgent, it may be quicker to ask prison authorities to contact us on your behalf:

### **British Embassy in Hanoi**

31 Hai Ba Trung, Hanoi

Tel: +(84) (24) 3936 0500

### **British Consulate-General Ho Chi Minh**

25 Le Duan, District 1, Ho Chi Minh City

Tel: +(84) (28) 3825 1380/1

## Emergency trips outside of prison

It is not possible to make a trip outside a prison if an urgent situation arises (e.g. funerals and critical illness of a prisoner's next-of-kin)



## **Police custody and initial arrival at prison**

### **Arrival at the police station & basic rights**

You may be asked to confirm or provide further personal information and to complete a number of questionnaires/statements so that the police are satisfied with your identity before sending you to the prison. Police will sometimes arrange for an interpreter but this is not always possible.

### **Appearance at court**

In Vietnam, the police are responsible for carrying out wide-ranging enquiries in order to make a case. Once their investigation is concluded the case will be passed, with a recommendation on whether or not to take any legal action, to the Procuracy. The Procuracy then decides whether the case should go to court. If they do decide that the case should go to court, they will pass the case to the Court together with their indictment and recommendations for sentencing. The trial is a final act of investigation and the judge is very much in control and will ask most of the questions.

More information about the Vietnam judicial system can be found in Chapter 3 – The Vietnam Judicial System [Page 16].

### **Initial arrival at the prison**

Based on the nature of the crime involved, your sentence, your age, gender, health and other individual factors, the prison Governor will categorise you and put you into an appropriate cell. In most cases, prison cells are shared and personal belongings will be taken and stored by prison staff.

The prison's medical unit will check your health and create a medical record for you.

## **Prison: conditions and daily life**

Prisoners will be categorised based on the crime involved, their sentence, age, gender, health and other individual factors.

### **Accommodation**

Prisoners normally share cells with about 20-40 inmates. Each prisoner has a space of 2 square meters for their own sleeping area. Each big cell is equipped with a TV and radio. Beds and sleeping mats are provided by the prison. In some cases mattresses and pillows can be purchased from the prison – prison officers can help purchase these items at the expense of the prisoner. Sentenced prisoners are kept separate from prisoners on remand.

### **Food and Diet**

Each prisoner is entitled to 17kgs rice, 0.7kgs meat, 0.8kgs fish, 0.5kgs sugar, 1kg salt, 15kgs vegetables and sufficient drinking water per month. Meals will be provided by the prison. It may be possible to purchase additional food and drink. Dietary requirements will be considered by the prison Governor. Prisoners are eligible to receive vitamins to supplement their diet from the Vitamin Fund from Prisoners Abroad (information found in Chapter 4).

### **Hygiene**

Each prisoner is entitled to 2 sets of prison uniform, 1 blanket, 1 bed net, 2 items of underwear, 2 towels, 1 sedge mat, 2 pairs of plastic sandals, 1 cap or conical hat, 0.3kgs soap. How often you are able to shower and whether there are toilets in your cell is dependent on the prison. Additional hygiene products can be bought from the prison shop.

### **Work and Study**

If your health permits you normally can work (such as making rattan chairs and baskets). You will not be allowed to do so during the investigation stage if you are charged with a serious crime. Adult prisoners are normally expected to work for 8 hours a day, 5 days a week from Monday to Friday. On Saturday they are required to attend classes on various subjects to keep them updated with the political, social and economic situation in Vietnam.

Foreign prisoners are encouraged to learn Vietnamese and teachers are provided. Request for study in prison will be considered.

## **Contact and Languages**

Contact with other inmates is not restricted. Prisoners are put in a cell with other foreign inmates.

Domestic phone calls in Vietnamese are allowed, for 5 minutes once a month. International calls are not allowed. Calls made in English are also allowed although sometimes an interpreter will be present or consular staff will be present to translate what is said to prison officers.

TV, Vietnam Radio and Vietnam People's newspaper are also available.

There is the possibility to request local language materials through the post from Prisoners Abroad (including language textbooks and dictionaries).

## **Exercise**

There are physical and sport for prisoners depending on their category.

## **Climate**

Vietnam has a tropical monsoon climate with high humidity and there are three distinct regional weather patterns. In the Northern Vietnam, summer (April to October) is hot, humid and rainy (especially from July to October), winter (November to March) is cool and dry. Central Vietnam is cool and rainy in winter while very hot and dry during the summer. Southern Vietnam has constant warm temperatures and there are two seasons: rainy (May to November) and dry (December to April).

## **Rules and regulations (including drugs)**

Drugs are not allowed in prison. Prisoners will be punished if they are caught with drugs or taking drugs. Prisoners can incur additional time on their sentence and risk solitary confinement.

## Prison: access to help and services

### How can I receive money?

In Vietnam prisoners do not have bank accounts. Any money you receive will be kept by the prison management authority and recorded in your personal book. You are not allowed to hold cash. All money received will be exchanged for prison vouchers which you can use to buy food or other items. Family or friends can deposit money via the Foreign, Commonwealth & Development Office.

There are two ways in which you may be able to receive financial assistance while in prison.

#### 1. Electronic Bank transfers

Payment by electronic/internet bank transfer can be made either using online or telephone banking, or at your local bank or building society.

For all bank transfers, you will need to include the following details:

Bank: National Westminster Bank

Account Name: FCDO Multi Vote

Sort Code: 60-70-80

Account Number: 10012362

Reference: **FCDO case reference number, surname and first name of the person** you are sending the funds for, plus country name if possible,

e.g. 11-THB-123456 SMITH JOE - THAILAND *or*

CON-1234 SMITH JOE – THAILAND

IBAN GB56NWBK60708010012362

SWIFT/BIC NWBKGB2L

You may also need our bank address which is:

**London Corporate Service Centre**

**CPB Services, 2nd Floor, 280 Bishopsgate, London, EC2M 4RB**

## 2. By Post

Payments by **Postal Order, Bankers Draft, Building Society Cheque or personal cheque** should be crossed and made payable to “Foreign, Commonwealth & Development Office”. They should be sent to:

Accounts Receivable  
Foreign, Commonwealth & Development Office  
Corporate Service Centre  
PO Box 6108  
Milton Keynes  
MK10 1PX

We recommend that you use Special Delivery. Please ensure that you include a note explaining who the money is for, why you are sending these funds and quoting the FCDO case reference number. You may wish to create a payment slip we have provided an example below. If you would like a receipt, please include a stamped addressed envelope.

Please note that it can take approximately 15 days for personal cheques to clear and for payment to be received. Please write the cheque guarantee number and expiry date, and the FCDO case reference number, on the back of the cheque.

### Example of a Payment Slip

*To: Foreign, Commonwealth & Development Office*

*FCDO case reference number:*

*Date:*

*Please find enclosed funds for:*

*Full Name:*

*Country/place the above is in:*

*Amount enclosed:*

*Fee to be deducted:*

*Payment method:*

*My name is:*

*My address is:*

- **The British Government does not provide financial assistance to prisoners.**

## **Private funds**

While the FCDO does not provide financial assistance to prisoners, we may be able, within certain limits, to send you money from your family.

The Foreign Commonwealth & Development Office (FCDO) operates a “Prison Comfort” system for money transfers to prisoners. Please ask your family to get in touch with the FCDO in order to arrange this.

We are unable to receive payment by credit or debit card, or by cash.

## **Prisoners Abroad**

In addition, Prisoners Abroad, a UK charity, may be able to assist you with funding for prison essentials and some medical care if you are not in receipt of any regular donations from other sources. See Chapter 4 for more details.

## **Can I receive medical and dental treatment?**

While you are in detention, Vietnam is responsible for ensuring your basic medical needs are met. If you need medical or dental treatment you should ask the prison authorities for assistance. If you have a long-standing medical problem and have received treatment for it in the UK, it may be useful if you have your medical records, or at least a report, sent from the UK for the information of the prison doctor/specialist. Treatment will be arranged by the prison authorities in a dedicated hospital. You cannot request to be seen at any other hospital.

With your permission, we can make sure that any medical or dental problems you might have are brought to the attention of any police or prison doctor. We can also liaise with your GP in the UK, if the police or prison doctor requests previous medical records and this is in your vital interests.

## **Mail/Parcels**

All incoming and outgoing letters, including any to the Embassy or a lawyer, will be checked before being despatched. You will need to pay for the outgoing mail expenses.

**Prisoners on Remand** – You may or may not be allowed to receive or send mail. This is at the discretion of the investigating police during the investigation stage.

**Sentenced Prisoners** – You are allowed to send 1-2 letters per month. All incoming and outgoing mail is checked before being despatched.

You may receive 1 parcel not exceeding 7kgs per month including items such as toiletries, writing paper, envelopes, and dried food products. You cannot receive parcels that contain anything of a sharp nature or anything which may be used as a

weapon; items in glass or breakable containers or any aerosol sprays. You also cannot receive alcohol or cigarettes. These will be checked by prison authorities. Parcels must be **hand delivered** to the prison for delivery to you. Parcels can be sent to the Embassy where Consular staff will deliver them in person.

### Can I make telephone calls?

Only domestic phone calls in Vietnamese are allowed, for 10 minutes once a month. International calls are not allowed. Prisoners do not have to buy phone credit, phone calls are free of charge.

### How can I make a complaint about mistreatment?

If you have been mistreated, please inform Consular staff as soon as it is safe for you to do so. We will then do our best to visit you, to check on your welfare, discuss the allegations, and inform you of any local complaint's procedures and supportive organisations that you may wish to consider. With your permission, and where appropriate, we will consider approaching the local authorities if you have not been treated in line with internationally-accepted standards. If you have been mistreated, please try to see a doctor, obtain a medical report and if possible, photos of the injuries you received.

You also can make a written complaint about mistreatment to the police, the Procuracy Institute, the Court or the superior body of the prison.

Lawyers or legal representatives can provide additional assistance and ensure that prisoner's rights are upheld.

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# Chapter 3: the Vietnam judicial system

## Overview and first steps

### Is the system the same as the UK?

The judicial system in Vietnam is very different to the UK. It is inquisitorial, rather than a jury-based process. This means that the police are responsible for carrying out wide-ranging enquiries in order to make a case. Once their investigation is concluded the case will be passed, with a recommendation on whether or not to take any legal action, to the Procuracy. The Procuracy then decides whether the case should go to court and, if yes, they will pass the case to the Court together with their indictment and recommendations for sentencing. The trial is a final act of investigation and the judge is very much in control and will ask most of the questions. The rules of evidence are also different and the court normally considers the evidence presented on the case file.

- **The FCDO cannot interfere with the judicial system. We cannot ask for your case to be judged more quickly just because you are British, or ask the authorities to waive any penalties.**

### What should happen when I am arrested?

You can be arrested for temporary detainment in urgent cases or when you are caught in the process of committing a crime. The police will conduct an initial investigation. They can detain you without charge for 3 days and this can be extended for a further 3 days, then they must charge you, put you in custody, or release you. Please note that they may release you but retain your passport.

If you are arrested when a custody order is issued, the police will take you into custody while they investigate the case. There is a general right of arrest when a person is deemed to have offended in a serious or very serious case.

A custody order must set out: date, month, year, full name and position of the person who issues the order, full name and address of the offender and the reason for the arrest and detention.

For less serious crimes, where the offenders have a clear permanent address and are registered with the local People's Committee, an order prohibiting them from leaving their permanent address may be applied instead of a detention order.

- **Should you have any questions concerning the legal aspects of your arrest, contact your lawyer. A list of local English-speaking lawyers is provided at the end of this pack.**



## **For how long can I be remanded in custody?**

You may be detained in prison while the police investigate the alleged crime. The likely time periods are:

- For less serious crimes: up to 4 months (2 months in the first instance, which can be extended once for a further 2 months)
- For serious crimes: up to 8 months (3 months in the first instance, can be extended initially for a further 3 months, and then again by a further 2 months)
- For very serious crimes: up to 12 months (4 months in the first instance which can be extended twice by 4 months at each extension)
- For especially serious crimes: up to 16 months (4 months in the first instance, which can be extended three times by 4 months at each extension)
- For especially serious crimes which also relate to the country's security: there is no time limit.

Please note these are only guidelines and in certain cases, when the authorities consider that further investigation is needed, you may be detained for a longer period.

## **What happens when I am charged?**

Where grounds exist to believe that a person has committed a criminal act, the Investigating Body shall issue a decision on whether to instigate a criminal case against the charged person.

Such a decision will clearly indicate: the name, place of issuance of the decision; the name, title of person issuing it; the name, date of birth, occupation, family background of the charged person; the specific offence against the charged person, which provision of the Penal Code prescribes the offence in question; the time, place of commission and other circumstances of the offence.

If the charged person has been accused of several different offences, the decision on whether to instigate a criminal case against the charged person must contain the specific offence separately and provisions of the Penal Code to be applied.

## **What provision is there for bail?**

An accused person who is not resident in Vietnam and has not registered with the local authorities, will have little chance of obtaining bail because the authorities will be concerned that he/she may try to flee the country, although it is likely that the first thing to be confiscated is your passport.

- **The FCDO is not able to facilitate the transfer of bail funds.**

## **Trial and legal assistance**

### **What kind of legal assistance is available?**

The Criminal Procedure Code of Vietnam, which came into force on 1 July 2004, allows you to employ a lawyer for yourself at any time after your arrest. However, your lawyer will need to obtain a permit from the authorities to act on your behalf (the Investigating Police, Procuracy or the Court) and may experience difficulties in this process.

If you wish to hire a private lawyer, a list of English-speaking lawyers is provided at the end of this pack. Prisoners Abroad can also supply information on legal aid, court proceedings and can advise on appointing a lawyer.

The Embassy/Consulate-General cannot pay legal fees or provide a guarantee to a lawyer that you will pay them.

For serious offences, which may lead to a death penalty verdict, where you are unable to employ a lawyer the authorities (Investigation Police, Procuracy or the Court) will automatically appoint a free legal aid lawyer. The same applies if you are under 18.

### **What happens at the trial?**

There will be a Judgement Board which consists of 1 Judge and 2 People's Assessors or 2 Judges and 3 People's Assessors. The Chair Judge will chair the trial. There will also be one or two Prosecutors from the People's Procuracy Institute, a Court secretary and other relevant people (e.g., lawyer, witness, victim, etc.).

The Chair Judge will start the 1<sup>st</sup> session 'Opening the Trial' by reading the Decision to bring the case to trial and explain about the rights and obligations of all participants. The prosecutor will read the indictment to start the 2<sup>nd</sup> part of the trial which is the 'Interrogation' session. Statements of relevant persons and evidence will be considered during this session. The 'Arguing' session will follow when the Prosecutor presents the accusation and recommends a sentence. After this point the accused person or his/her Defence Counsel can present their defence. Victims, civil defendants and persons having interests and obligations relating to the case or their representatives may present their statement to protect their interests. During this 'Arguing' session, if there is a need to clarify anything, the Judgement Board can decide to go back one step to the 'Interrogation' session. If not, the accused person is allowed to say his/her last word before the Judgement Board comes to the 'Deliberation and pronouncement of judgment' session.

## **Sentences**

The Chair Judge will announce the Judgement which is very comprehensive containing the full name of Judgement Board members, procurators, personal details of accused person, their counsel, victims, witnesses, civil defendants and persons having interests and obligations relating to the case or their representatives.

The judgement will also explain the full details of the criminal action, all relevant factors and the decision of the Judgement Board. It will also explain the appeal rights and procedures.

The accused person will be released directly after the trial if:

- The accused is not guilty or is exempt from criminal liability or from sanction;
- The accused is sentenced to a sanction rather than imprisonment;
- The accused is sentenced to imprisonment but is entitled to serve the sentence outside prison with conditions.
- The accused has been sentenced to imprisonment for the same length or shorter than the detention time already served.

If the accused has been found guilty, he/she may be temporarily detained until the court's decision comes into force.

Within 10 days from the date of the court's Judgement, the accused will be provided with a written Judgement.

## **How can appeals be made?**

Appeals must be submitted to the Court within 15 days from the date of Judgement. Accused persons in detention can submit their appeals to the Detention Camp's Management Board.

## Reaching the end of your sentence

### What provision is there for reduction of sentence (remission) e.g. for good behaviour?

In Vietnam, the law makes provision for reducing the sentence of prisoners in certain circumstances. The government will consider whether you should have your sentence reduced if you meet the following criteria:

- you have served 1/3 of the sentence, if the sentence was a limited one or when you have served 12 years of a life sentence
- you have made good behavioural progress i.e. show repentance, worked and studied hard, strictly followed the prison regulations and your conduct has been good while in prison
- Your name must be on the list for sentence reduction submitted to the Government by the prison authorities i.e. your application for sentence reduction must be agreed and supported by the prison authorities in advance.

### What provision is there for early release e.g. on parole?

- Early release may be considered when you contract a terminal illness or are so seriously ill that you cannot be treated in Vietnam.
- Prisoners can register for a sentence reduction with their prison superintendent who will create a list for higher level consideration. Lawyers can help to gather evidence to support the application. Consular staff are not involved in this process.
- Every year the President of Vietnam considers granting amnesty to prisoners. Your application may be considered if you have served at least half of your sentence – if it is a limited one; 14 years of life sentence which had been reduced to 20 years imprisonment. There must also be extenuating or mitigating circumstances for an application to be successful and it is important that your conduct whilst in prison is considered to be good by the prison authorities.

### What provision is there for clemency or pardon?

See above. Lawyers can provide advice on clemency and/or pardon.

### What about any financial penalties?

You will need to comply with any financial penalties that the court attached to your case. Family members can pay on your behalf. If you have not completed your financial penalties, you will not be able to apply for sentence reduction or early release.

If you are unable to pay the penalty in whole, an arrangement for instalments can be made with the court when the sentence is scheduled for finalisation. Lawyers can assist with organising this arrangement.

### **Is transfer to another prison within Vietnam possible?**

If you have been tried and convicted you will be sent to a prison where you can expect to serve your sentence. Transfers to prisons in other parts of Vietnam are only permitted when there are exceptional and compassionate reasons for doing so.

### **Is transfer to the UK a possibility?**

Yes, the UK and Vietnam governments signed a bilateral Prisoner Transfer Agreement on 20 September 2009 to allow British prisoners to be transferred back home to serve their sentences. To transfer, you must:

- be a British citizen or have close family ties with the UK (normally through permanent residence in the UK)
- not be awaiting trial
- have exhausted all appeals against your conviction and/or the length of your sentence; or have waived your right to an appeal
- have at least 6 months of your sentence left to serve when you apply for transfer
- have no outstanding fines or other non-custodial penalties

The offence you were convicted for must also be a criminal offence in the part of the UK you wish to be transferred to: England, Wales, Scotland or Northern Ireland.

The authorities in the sentencing country may refuse your request. You should be aware that even if the sentencing State agrees to your transfer then the UK authorities may also refuse your request. Reasons for this might include if you have not lived in the UK for a number of years and you have no close family residents there.

You can make the request in writing directly to the Prisoner Management Board or write to the Embassy/Consulate-General. This can be a lengthy process.

**To find out more about transfers to the UK:** [In prison abroad: transfer to a UK prison](#)

### **What are the procedures for release and deportation?**

On the date that your sentence ends, you will be released. The prison Governor will issue a certificate confirming that you have completed the sentence. The Governor will also inform the Prison Management Department, the Court and the Civil Law Enforcement Unit if there is a civil element attached to your case, the appropriate local People's Committee if you are a resident in Vietnam. You will be given back your

personal belongings and money if you had deposited them there when you arrived at the prison.

For British prisoners, normally two months before your sentence ends the prison Governor will inform the Embassy through diplomatic channels. Foreign prisoners who are not resident in Vietnam can temporarily reside at one of the Temporary Residences under the management of the Ministry of Public Security until the travel arrangements are completed for them to leave Vietnam.

Sometimes people find that they face difficulties adjusting to life in the UK once they have left prison. You may find yourself ready for life on the outside but not prepared for living in the UK. Possibly you have never lived in the UK and have no connections there, or perhaps you have lost touch with friends and family. You may simply want to talk to another person who understands what you have been through, to help you consider what to do next.

If you are registered with Prisoners Abroad you can visit Prisoners Abroad when you first arrive back in UK for advice, to take a shower, use their temporary luggage store, make essential phone calls or use a computer. If you have no belongings Prisoners Abroad may be able to help with basic toiletries and finding suitable clothing. If you know your release date in advance it is best to write and tell your caseworker when you are likely to arrive and what help you think you might need. If you have no money and nowhere to go, Prisoners Abroad's Aftercare Service can help with:

- advice on finding emergency accommodation in the London area
- claiming welfare benefits, including emergency benefit payments if you are destitute
- making appointments with doctors and dentists
- putting you in touch with local agencies if you are not returning to the London area.

Later on you may want advice on housing, looking for work, applying for training or getting counselling. Prisoners Abroad can refer you to the right agency.

Other sources of practical help back in the UK are The Salvation Army – UK Helpline 020 7367 4888, Monday to Friday 8 AM to 4 PM, or contact your local Salvation Army branch – and The Prison Fellowship, UK Helpline 020 7799 2500, Monday to Friday 9 AM to 5 PM.

### **Would I have a criminal record in the UK?**

We will not normally pass on information about your case to a third party without your consent. However, if you're arrested for certain serious offences, such as child sex abuse or drugs crimes, our staff must tell other relevant UK authorities. It is therefore possible that information about this may appear if a Criminal Records Bureau check were carried out by a prospective employer.

## Chapter 4: Additional Information

### Additional Information

English is still not widely spoken in Vietnam so not many police or prison officials can speak English. You may therefore take the chance to register for Vietnamese lessons as early as possible to make your term less difficult.

## Prisoners Abroad

Since 1978 the charity Prisoners Abroad has offered practical support and advice to British citizens imprisoned overseas. It is the only UK charity providing this service and it is available to all, whether guilty or innocent, convicted or awaiting charge or trial. Prisoners Abroad is concerned with your health and welfare, both during your imprisonment and also on your return to the UK, through their resettlement service (if you have registered whilst in prison). They can also provide support and advice to your family during your imprisonment. In order to access any services, prisoners must first register with Prisoners Abroad by signing and returning their authorisation form.

Once you seek help from Prisoners Abroad, the Prisoner & Family Support Service will be your point of contact for advice and information. The type of assistance they can offer will vary from country to country, but generally they can provide you with information, in English, on:

- your rights as a prisoner and issues that may affect you such as health or transfer to the UK
- obtaining magazines, newspapers, books and the regular Prisoners Abroad newsletter
- learning the language of your country of imprisonment
- translation of documents
- grants for food if you are in a developing country and don't have funds from other sources
- grants for essential medicines and toiletries if you don't have funds from other sources
- preparing for release
- help for your loved ones, including information, family support groups and, in a few cases, assistance with the cost of visiting

### **PRISONERS ABROAD**

**Address:** 89 – 93 Fonthill Road, London N4 3JH, UK

**Telephone:** 00 44 (0)20 7561 6820 or, for your relatives in the UK

Freephone: 0808 172 0098 (Mondays and Tuesdays 9.30 am to 6pm, and Wednesdays to Fridays 9.30 am to 4.30 pm, UK time)

**Email:** [info@prisonersabroad.org.uk](mailto:info@prisonersabroad.org.uk)

**Website:** [www.prisonersabroad.org.uk](http://www.prisonersabroad.org.uk)



## Glossary of Terms

### Key phrases – English into Vietnamese

Hello, Good afternoon, Good evening	Xin chào
Good night	Chúc ngủ ngon
How are you?	Anh có khoẻ không
Yes	Vâng / Có
No	Không
Thank you	Cảm ơn
I don't know	Tôi không biết
I don't understand	Tôi không hiểu
I do not speak Vietnamese very well	Tôi nói Tiếng Việt không tốt
May I borrow your ...	Tôi có thể mượn... được không?
Is there any mail for me?	Có thư nào cho tôi không?
How much does this cost?	Cái này giá bao nhiêu?
Do you mind if I open the window?	Tôi mở cửa sổ có được không?
I do not have any means to buy...	Tôi không có tiền để mua...
I want to send this letter to...	Tôi muốn gửi thư này tới...
This is urgent	Việc này rất khẩn cấp
May I make an appointment to see...	Tôi có thể xin gặp... được không?
I need to see my lawyer	Tôi cần gặp luật sư của tôi
Can I have a list of local English-speaking lawyers?	Cho tôi xin danh sách luật sư nói tiếng Anh được không?
Could I learn Vietnamese?	Tôi đăng ký học tiếng Việt được không?
Does the prison have a list of translators?	Cho tôi xin danh sách phiên dịch được không?
Can I get bail?	Tôi xin bảo lãnh tại ngoại được không?
I want to make a complaint	Tôi muốn góp ý
Can you tell me how long my sentence is?	Hãy cho tôi biết án tù của tôi là bao lâu?
Can you tell me the date my sentence finishes?	Hãy cho tôi biết ngày tôi được ra tù?
Can I move to Mr...’s cell as he speaks English?	Cho tôi chuyển sang phòng ông... được không, ông ta nói được tiếng Anh?
Can Mr... move into this cell?	Cho ông ... chuyển sang phòng này được không?
I am very cold, can I have an extra blanket please?	Tôi rất lạnh, cho tôi xin thêm chăn được không?
When is the shop open?	Khi nào thì căng tin mở cửa?
How much money do I have in my account?	Hiện tại tôi có bao nhiêu tiền trong sổ lưu ký?
I would like to see a doctor	Tôi cần khám bác sỹ
Is there any work that I can do?	Có việc gì tôi có thể làm được không?
I would like to work in the...	Tôi muốn làm việc tại...
Can you show me what I must do?	Xin hãy chỉ cho tôi biết tôi phải làm gì?
Could I buy a Spanish/ English dictionary?	Tôi có thể mua một quyển từ điển được không?
Can you contact the Embassy for me?	Hãy liên lạc với Đại Sứ Quán Anh giúp tôi

## **Annex**

### **FCDO leaflet: Support for British Nationals Abroad: Summary**

*[<https://www.gov.uk/government/publications/support-for-british-nationals-abroad-a-guide/support-for-british-nationals-abroad-summary>]*

### **FCDO leaflet: In Prison Abroad: Transfer to a UK Prison**

*[<https://www.gov.uk/government/publications/in-prison-abroad/in-prison-abroad-transfer-to-a-uk-prison>]*

### **FCDO letter: Financial Assistance – how to send Money to the FCDO**

### **List of English-speaking lawyers**

*[<https://www.gov.uk/government/publications/vietnam-list-of-english-speaking-lawyers-for-british-nationals>]*

### **List of Translators / Interpreters**

*[<https://www.gov.uk/government/publications/vietnam-lists-of-interpretation-and-translation-companies>]*

### **Prisoners Abroad Forms**

*[<https://www.prisonersabroad.org.uk/arrest-and-imprisonment>]*

### **Prisoners Abroad Authorisation Form**

### **Prisoners Abroad Family Contact Form**

### **Prisoners Abroad CFF Form**

### **Reprieve/Death Penalty Project information**

*[<https://reprieve.org/uk/campaign/death-penalty/>]*