



ARREST OF BRITISH NATIONALS IN EGYPT GUIDANCE NOTES

British Embassy Cairo

Consular Section

7, Ahmed Ragheb Street

Garden City, Cairo

Telephone: +2 0 2 2791 6000

Fax: +2 0 2 2791 6133

Website: <http://ukinegypt.fco.gov.uk/en/>

E-mail: consular.cairo@fco.gov.uk

HOW THE EMBASSY CAN HELP YOU

We aim to be sensitive and non-judgemental. We are here to offer support and to ensure that you are being treated properly in accordance with Egyptian regulations.

We can answer questions about welfare and prison regulations but you must seek a lawyer's advice regarding legal matters. Our list of English speaking lawyers is attached for your convenience but neither Her Majesty's Government nor officials of the consular section take any responsibility for the competence or probity of any firm/advocate on the list or for the consequence of any legal action initiated or advice.

We cannot get you out of prison, pay fines or stand bail or interfere in local judicial procedures to get you out of prison nor secure you an earlier trial date; we cannot investigate a crime.

The attached leaflet, *'In Prison Abroad'* explains in more details what the Embassy can and cannot do. It also provides contact details for *Prisoners Abroad* which is a UK charity organisation that provides information, advice and support for prisoners and their families.

CONSULAR REPRESENTATIVES

HM Consul John Hamilton 27916000 Consular.Cairo@fco.gov.uk

Vice Consul Hala Hamam 27916000 Consular.Cairo@fco.gov.uk

Pro Consul Yvette Keriakos 27916000 Consular.Cairo@fco.gov.uk

Consular Assistant Liliane Naggar 27916000 Consular.Cairo@fco.gov.uk

Consular Assistant Mahmoud Ghazi 27916000 Consular.Cairo@fco.gov.uk

Consular Assistant Mary Riad 27916000 Consular.Cairo@fco.gov.uk

HONORARY CONSULS

Sharm El Sheikh Dawn Bacon 0101695074 Dawn.Bacon-HonCon@fconet.fco.gov.uk

Hurghada Mr. John Kenny 01515343915 John.Kenny-Honcon@fconet.fco.gov.uk

INFORMING THE EMBASSY

As soon as a British citizen is arrested and detained, it is essential that you inform the British Embassy or Honorary Consuls as soon as possible after your arrest. You may be able to make a phone call to the Embassy or to family.

We aim to make contact with you within 24 hours of being notified of your arrest.

If you have dual nationality and are imprisoned in the country of your other nationality the British Consul cannot assist you formally, under international law. Your NOK can contact the FCO in London for advice.

The Foreign and Commonwealth Office
Desk Officer for North and West Africa
Consular Directorate
London
SWIA 2 AH
Tel: 2070081500

INFORMING YOUR FAMILY

For reasons of confidentiality we are not permitted to tell anyone that you have been detained or what the charges are without your permission.

However, should you wish to inform your family, we can make contact with them through our colleagues in the FCO in London. We can give your family or next of kin advice on prison procedure, regulations, and how you are doing. We can also pass on any messages from you.

ARREST

Depending on the nature of the offence a suspect can be arrested by the police, on the authority of the Prosecutor or under Emergency Laws.

DETENTION

Detainees suspected of a crime or a misdemeanour are usually held at a Police Station or in a Remand Prison. They would normally be seen by a Prosecutor within 24 hours. The Prosecutor should appoint an interpreter to translate for the accused person during questioning (provided by the Information Centre TV building, Ministry of Justice or a person chosen by the Prosecutor).

The Prosecutor may:

- order the accused to be held for 4 days in the Police Station or Remand Prison pending further investigation
- order the accused to be released on bail. This may involve the retention of their passport or payment of a financial bond.
- If the case is proven and concluded by the Prosecutor, he may levy a fine.
- If the case is not proven the accused would normally be released.

Lawyers can be with their clients during the questioning by Prosecutor; they are not however permitted to take any part in the proceedings and are there only as observers. They have the right to read the case papers and request release on bail.

On the fifth day of detention the detainee should be seen by a Magistrate at a primary court which covers the area where the charge is lodged. The Magistrate has the authority to extend the period of detention or release on bail regardless of the Prosecutor's recommendation. The Lawyer can be present in court. The Magistrate can release the

detainee again on bail or extend the period of detention to 45 days (that is from the fifth day of detention). During the period in detention or on bail the questioning could continue if the Prosecutor has not yet reached a decision on the case. During this period the date for the hearing of the case at a primary court before a Judge should be set. If the date of the hearing were not set the detainee would normally be seen again by the Magistrate who may extend the period of detention for another 45 days. New amendments to the Criminal Procedures Law were applied to all defendants in August 2006. The maximum period of provisional detention will be 6 months for misdemeanors, 18 months for felonies and two years for crimes punishable by life imprisonment or a death sentence. The same could be repeated one more time for a maximum period of six months. Due to the Emergency Law being in force, if a date for the trial is still not fixed, the case will be heard at the Criminal Court for further extensions of 45 days each. There is no maximum period for an extension set by the Criminal Court.

LEGAL REPRESENTATION

The Egyptian constitution provides that every person accused of a criminal charge must have a lawyer to defend him. A court hearing a criminal case cannot try any person unless a lawyer is present to act for him. This rule does not cover offences such as misdemeanours or contravention. A person on trial before a court can either appoint a local lawyer at his own expense to defend him/her. If a lawyer is not appointed, the court in a criminal hearing will appoint a lawyer for him/her without charge to the accused.

LEGAL AID

Legal Aid as we know it in Britain is not available in Egypt. However, if you are charged with a crime and you find you are not in a position to pay for a lawyer to defend you, the Egyptian courts will appoint a State lawyer to act on your behalf. This will normally be someone who is present in the Court at the time of your hearing and so he will not be familiar with your case or your circumstances. If you can afford it, it may help you to appoint a local lawyer. The British Embassy's list of English speaking lawyers is available.

TRIAL

On the date of the hearing the accused appears in court before a Judge who will hear the case and pass judgement or postpone it for another hearing. In criminal cases a postponement would only be for a few days unless the lawyer has requested further postponement. Proceedings are conducted in Arabic. If the accused needs to be questioned by the Court an official interpreter from the Ministry of Justice would normally be appointed. The accused is not expected to pay for this service.

JUDGEMENT

When someone is sentenced the following would take place:-

- the prisoner is taken to the Police Station;
- then to the Police Directorate for a file to be opened

- then to the appropriate Police Force which covers the case i.e. for drug charges to the Anti Narcotics Administration for another file to be opened.
- and then to the prison

If the accused is found not guilty by the following prosecutor, the following would take place:

- the accused is taken to the Police Station or prison if in detention
- then to the Police Directorate
- then to the Specialised Police Force
- then to National Security (local)
- then to the Passport and Immigration Office
- then back to the Prosecutor
- then to the Passport and Immigration Office
- then released from either the Passport and Immigration Office or Police Station

This process can take several days

APPEALS

An appeal in a criminal case is brought before the Supreme Court and must be made within 60 days from the date of judgement. The appeal is made by submitting a writ signed by a lawyer who is permitted to appear before the Supreme Court, to the Clerk in charge of the court. The accused will be advised when a hearing is fixed and the case will be heard by one of the five counsellors appointed to the Court.

9. An appeal in a misdemeanor case is brought before the Misdemeanor Court of Appeal and must be made within 10 days from the date of judgement if it is made by the accused (or the lawyer) and 30 days if it is made by the Public Prosecutor. The appeal is made by submitting a declaration by the accused or the lawyer to the Clerk in charge at the court which passed judgement. The accused will be advised when a hearing is fixed. The case will be heard by one of 3 judges appointed to the court. The timing of a decision will depend on the particular circumstances of each case.

PRISON SYSTEM IN EGYPT

Prisons in Egypt are very basic and do not have the same facilities as a UK prison (eg library, recreational & computer facilities). Some do have television.

FOOD

Food in Egyptian prisons is basic, though each prison has a canteen. It is possible to supplement the diet by having a prison account - a prisoner can then buy various food items such as meat and vegetables, fruits etc....

MAIL

It is possible to send and receive mail whilst in prison. However, the Prison Authority will check all mail in and out of the prison. Consular Section tries wherever possible to deliver any letters and mail from family and friends in the UK.

MEDICAL TREATMENT

Most Egyptian prisons have internal hospitals and clinic and they are modestly equipped. If you need medical attention, you should ask the prison Governor or one of the officers. Medication may not always be available at the prison pharmacy. The prison could arrange to purchase prescribed medication on your behalf using your account in prison.

MONEY

Having cash is forbidden in prison. Cash can only be deposited into your account in prison. When you purchase items from the canteen the money is deducted from your account.

Prisoners Abroad can help prisoners who have no other financial support, by sending a monthly sum via the Embassy for the purchase of food and other essentials. Let the Embassy know if you need this support, or write directly to the Prisoners Abroad

Address: 83-93 Fonthill Road
London N4 3JH
Tel:020 7561 6820
Fax:020 7561 6821
Email :info@prisonersabroad.org.uk

It is also possible to transfer money through the FCO in London. Money for prisoners should be sent to:

The Foreign and Commonwealth Office
Desk Officer for North and West Africa
Consular Directorate
London
SWIA 2 AH
Tel: 02070081500
Fax: 020 7561 6821

WORK IN PRISON

Some of the Egyptian prisons have work facilities, i.e. wood work, bead work etc. . . . You should apply to the prison Governor to join one of the workshops if there is availability and security clearance is granted.

PRISON CELLS

Prison Cells in Egypt are crowded and most of the prisoners are kept in large cells together with other prisoners.

READING MATERIAL

Prisoners Abroad can provide English Language books, magazines etc. The Embassy will also try to provide reading material such as English newspapers during their visits.

VISITS

It is possible to receive visitors whilst on remand or serving a sentence in an Egyptian prison. Visiting hours are 1000 to 1300 every day except Fridays and Public Holidays. It is necessary to obtain a visitors pass prior to a visit. Family members can obtain a pass from the Prison Authority or directly from the Prison if the prisoner is already serving a sentence. For those on remand, their family should apply to the Prosecutor responsible for the case. Prisoners are entitled to one visit every 21 days and an extra visit every month. We encourage all families to contact the Consular Section of the British Embassy for further advice on prison visiting.

CONSULAR VISITS

We aim to visit British Nationals every 3 months whilst on remand.

PRISONER TRANSFER SCHEME

A Prisoner Transfer Agreement was signed between the British and Egyptian Governments in 1993. It formally excludes prisoners serving sentences for drugs related offences.

The Prisoner Transfer Agreement provides for a British citizen prisoner to be transferred back to the UK to continue serving his sentence as long as the following conditions are met:

- the prisoner is a British citizen;
- the judgement is final, or the prisoner has waived any rights of appeal;
- at the time of receipt of the request for transfer, the prisoner still has at least six months of sentence to serve or the sentence is indeterminate;
- consent to the transfer is given by the prisoner, or where in view of his age or physical or mental condition it is considered necessary, by a person authorised to act on his behalf;
- the crime for which the sentence has been imposed constitute a criminal offence in the UK or would constitute a criminal offence if committed there;
- The government of the UK and the Arab Republic of Egypt agree to the transfer;
- In exceptional circumstances the Parties may agree to a transfer even if the time to be served by the prisoner is less than six months.