



British Embassy
Paris

Information Pack for British Prisoners in France

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Introduction

Who can help?

The Foreign and Commonwealth Office (FCO):

The FCO is represented overseas by its Embassies and Consulates (High Commission in Commonwealth Countries). Both employ consular officers, and one of their duties is to provide help and advice to any British National who gets into difficulty in a foreign country.

About the Embassy

We are impartial; we are not here to judge you. We aim to make sure that you are treated properly and fairly in accordance with local regulations, and that you are treated no less favourably than other prisoners.

We can answer questions about your welfare and about prison regulations but you must ask your lawyer or the court about legal matters. The attached list of lawyers is provided by the British Embassy for your convenience, but neither Her Majesty's Government, nor any official of the Consulate, 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 given.

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

We have tried to make sure that the information in this booklet is accurate and up to date, but the British Embassy cannot accept legal responsibility for any errors or omissions in the information. If in doubt contact a lawyer.

Who are the Consular Representatives?

There are three consulates in France covering three different consular districts.



The three consulates are located in Paris (responsible for the north of France and the French overseas territories), Bordeaux (responsible for the south west of France), and Marseille (responsible for the south east of France).

Contact Information

Consular services of the British Embassy

Telephone: +33 (0) 1 44 51 31 00

Address: 16 rue d'Anjou, 75008 Paris

British Consulate (Bordeaux)

Telephone: +33 (0) 5 57 22 21 10

Address: 353 Boulevard du President Wilson, 33073 Bordeaux

British Consulate (Marseille)

Telephone : +33 (0) 4 91 15 72 10

Address: 24 Avenue du Prado, 13006 Marseille

First Steps

Who will know I have been detained?

When a British national is arrested in France and in police custody consular officers will not be informed and do not have access to the person detained. However you may ask for the British Embassy or Consulate to be informed.

When a British national is detained in prison in France after being charged or pending investigations, the French authorities must inform us. This is usually done in writing by the court. However, we often learn of an arrest from friends or family or the prison social worker before we receive the formal notification.

What will my family be told?

Consular staff are bound by confidentiality rules. This means that we will not pass on any information regarding you, your whereabouts or your case without your prior express consent. For example, if your Next of Kin asks us if you are in prison, we will not be able to reply unless you have told us that we can.

What will the Consulate do?

We will write to you and send you our information pack and a list of lawyers. We will ask for your authorisation to speak to family and we will ask you if you wish to receive a visit from a consular officer. If you wish to receive a visit, Consular staff will visit you as soon as possible after being notified of your arrest and once we have received a visiting permit from the French authorities. Thereafter we would normally visit once a year during your time on remand. Consular staff will also make a final visit as soon as possible should you receive a prison sentence. If you need to contact the Consulate after this final visit you should do so in writing.

Consular staff can take up with the French authorities any alleged discrimination or ill-treatment and seek medical treatment for you, should you need it and are having difficulty in obtaining it. Consular staff cannot give legal advice, investigate a crime, instigate court proceedings on your behalf, get better treatment for you than is provided for local or other nationals, or intervene in the French judicial process to secure your release from prison.

Would I have a criminal record in the UK?

You should be aware that if you have been convicted for certain serious offences, such as sexual assault or drugs trafficking, we are obliged to inform the UK police. It is therefore possible that information about this offence may appear if a Criminal Records Bureau check were carried out by a prospective employer.

Visits

How do my family and friends arrange a visit?

Arrangements to travel to France to make a prison visit should **never** be made until it is clear that a permit has been issued and an appointment has been made. Doing so can only result in disappointment.

Relatives wishing to visit must first obtain a visit permit. This should be done in writing, enclosing 2 passport-size photographs (not electronic or photocopies), evidence of identity (a photocopy of the identity page of their passport) and proof of their relationship (e.g. a copy of a marriage /birth certificate showing your name and theirs). Partners should also provide proof of this e.g. a joint bank account or shared residence or any other means. Others may also apply for a permit in the same manner but should enclose a letter explaining the reason for the request for a visit. A letter from the prisoner would also be helpful.

When on remand the application should be submitted to the Examining Magistrate (*Juge d'Instruction*) in charge of the case. Be aware that an Examining Magistrate has the authority to refuse permission for a visit by even the closest members of family if he/she considers it not to be in the interest of his investigation.

Permits issued by the Examining Magistrate during the remand period remain valid after sentence has been pronounced. Visitors therefore do not need to re-apply.

Visitors who wish to apply for a visit permit to visit a prisoner who is no longer under investigation should do so as follows: :

- Persons wishing to apply for a visiting permit after the Examining Magistrate has finished his/her investigation but before a trial has taken place, should do so to the *Procureur de la République* at the court dealing with the case.
- Persons wishing to apply for a visiting permit within the 10-day appeal period do so to the *Procureur de la République* at the Court at which the trial took place.
- Persons wishing to apply for a visiting permit during the Appeal Court (*Cour d'Appel*) stage of the judicial proceedings must do so to the *Procureur Général* at the Appeal Court in the same way as stated above.
- Persons wishing to apply for a visiting permit after a final sentence has been pronounced and all appeal procedures have been exhausted, do so to the Prison Governor (*Directeur*). It is not necessary to re-apply for a visit permit if a prisoner is transferred to another prison.

Visiting days and times and booking arrangements differ from prison to prison. If help is required with arranging a first visit, consular staff can help you to do this. Subsequent visits must be organised through other channels, i.e. Prisoners Abroad or the visiting section (*Service Parloir*) at the prison either by using the swipe card given to you at your first visit or by other local methods. Private lawyers will generally assist with these arrangements.

How many visits am I allowed?

Most prisons allow a maximum of 3 visits a week (those on remand) and 1 to 2 visits a week for people who have been sentenced. Visits last between 30 mn to 45 mn on average depending on the prison. Some prisons allow relatives from abroad to stay for one hour, while in others, the prisoner will need to make a request for a double visit at least one week before the visit. Extended visits are not guaranteed particularly if the prison is overcrowded. Full details of visiting days and times are given to you by the prison.

Consular visits

If you wish to receive a consular visit, Consular staff will visit you as soon as possible after being notified of your arrest. Thereafter we would normally visit once a year during your time on remand. Consular staff will also make a final visit as soon as possible should you receive a prison sentence. If you need to contact the consulate after this final visit you should do so in writing.

If there is any information that you would prefer not to disclose to a Next of Kin you should let us know during the visit.

What can visitors bring?

Family members who have a visit permit may deliver a clothes parcel when making a visit. However delivery of certain items of clothing (e.g. coats, suits, footwear) is restricted and may require prior authorisation from the Prison Governor.

Amounts of clothing can be limited as can certain colours: each prison has different rules and you should request the list of authorised and prohibited items from the prison. Your family can also collect clothing from you when visiting.

Foodstuffs, toiletries, stationery, cigarettes, and medication are prohibited. A list of other prohibited items is available from the prison. Any breach of these rules can result in a disciplinary hearing and a suspension of visiting rights for the visitor.

Prison conditions/services

Arrival at police station

Upon arrival at the police station, you should be offered the possibility of seeing a doctor. If you do not speak French, you should benefit from an interpreter. In all cases, you should be offered the services of a lawyer.

Police custody (*Garde à Vue*) is initially 24 hours. This initial period can be extended, upon the request of the Public Prosecutor (Magistrate in charge) up to a total of 96 hours depending on the alleged offence.

You will not be entitled to make a phone call to inform your family of your arrest. However, you can request that a phone call be made to them by a third party (the police, the lawyer or the interpreter). Should the police decide that a phone call might compromise their investigation; the Public Prosecutor will have the final decision. You may also ask for your Embassy to be informed but consular staff will not be allowed to speak or visit you at this stage.

At the end of the police custody, you will either be released, appear in court immediately or be transferred to a prison.

Arrival at prison

Belongings

Any personal belongings connected to the case may be retained as evidence. Any other personal belongings will be kept at the prison.

Passport

Depending on the situation, your passport will either be retained by the border police, the court (if it is deemed as evidence) or at the prison. Your social worker will be able to find out where it is.

Health/Welfare

You should see a doctor shortly after your arrival at the prison. A social worker will be appointed to you and will usually aim to see you within the first week of your detention.

General prison conditions

Overcrowding is a problem in French prisons and in some cases, an extra mattress is added to the cells to accommodate an extra person. If you do not get along with your cell mates, you can write to the warden in charge of your cell block (*chef de detention*) to change cells. Prisons will generally try to accommodate such requests if possible.

French prisons will generally provide you with a small pack of basic toiletries. Further items can be purchased through the prison's shopping list paid for by the prisoner (*cantine*).

How can I receive money?

Consular Services do not have funds to help British citizens financially when they are in prison. There are several possible ways of transferring money to you.

All French prisons accept bank transfers. The Consulate can supply, on request, the SWIFT and IBAN codes necessary to set up the transfer. Any transfer should mention your prison number and name, or the prison will reject the transfer. It should be noted that charges for international bank transfers can be quite high.

All charges, including any exchange commissions, must be paid by the sender. Further details on international bank transfers can be obtained from the bank.

If relatives or friends either visiting or living in France are prepared to provide money, they can do so by purchasing a French postal order (*mandat-cash*) from the local post office.

The sender (*expéditeur*) must complete the *mandat-cash* – some Post Offices will not, however, allow a UK address to be used. Your surname and prison number should be clearly indicated on the *mandat-cash*. The original (top) copy of the *mandat-cash* (*titre à remettre à l'expéditeur*) must be sent in a stamped envelope addressed to the prisoner.

When it arrives at the prison, the prison accountant will arrange for the money to be paid into your account. A fee will be charged by the Post office for the *mandat-cash*.

Some prisons accept Western Union transfers. These can be made from any Western Union branch in the world. Your surname and prison number should be clearly indicated. Western Union transfers are normally the fastest method of transferring money to the prisoner. For more information on Western Union transfers, please contact Western Union directly. To find out whether a specific prison accepts Western Union transfers, please contact the Consulate.

Alternatively, deposits can be made through the Foreign and Commonwealth Office. For further information on this, your family or friends should contact the Consular Casework Team, on 0207008 0226, or by post:

Foreign and Commonwealth Office
Consular Directorate (French Desk)
Rm WH 4.5
King Charles Street
Whitehall
London
SW1A 2AH

Please note that it can take up to three weeks from the time of deposit for the money to be received into the prison account.

Prisons do not accept money for prisoners in any other form, and any cash included in an envelope will be kept and given to the prisoner upon release.

On receipt of funds, the prison will open an account to enable you to purchase items from the prison shop (*cantine*). The account, called a '*compte nominatif individuel*', is divided into three parts, as detailed here.

The '*pécule disponible*' is money available to purchase items from the prison shop. Prisoners are allowed to receive no more than 200 Euros per month for this purpose.

The '*pécule liberation*' is a percentage of money received in excess of the above permitted amount and money deducted from salary for prisoners who work which is kept for the prisoner until release. A savings account is opened when the account exceeds a certain amount.

The '*pécule partie civile*' is a percentage of money received in excess of the above permitted amount which, if not used to compensate civil parties is handed to the prisoner on release.

Excess funds are not therefore made available to you during imprisonment.

Can I work or study in prison?

Depending on the prison you are detained in, you may be able to obtain paid work, although it may be necessary, for some jobs, to speak French. Deductions are made from pay for French National Insurance contributions and for upkeep costs and the remainder of your pay is placed in your account (*pécule*). You may find it worthwhile learning French, not only as a diversion from prison routine, but also to give yourself a better chance of work. Some prisons may also offer various other study courses.

Can I receive medical and dental treatment?

Prisoners are given a medical examination on arrival in prison. If, subsequently, you wish to see the doctor (*docteur* or *médecin*), dentist (*dentiste*), or psychiatrist (*psychiatre*) you will need to make a written application, giving the reason why. A simple diagram may help you to indicate your problem. Medical standards in France are of a high standard and prisoners have access to all medical treatment offered by the French health authority. Many prisons have their own medical section staffed by national health professionals. However there are waiting lists for certain medical treatment/appointments.

Food and Diet

The prison will provide you with three meals per day including hot food. Further food can be purchased through the prison's shopping list (*cantine*). If you follow a specific diet for medical or religious reasons, the prison may provide it. In some cases, a medical certificate will be needed from the prison doctor.

Mail/Parcels

You can send and receive letters. Letters can be screened by the court if your case is ongoing. Bear in mind that this can lengthen postal delays as they may need to be translated. Letters to and from the Consulate are not exempt from this. Letters to your lawyer will not be screened and should be clearly marked "Avocat".

The French prison authorities will not allow prisoners to receive parcels by post although some items may be received with prior permission from the prison Governor. This will vary from prison to prison. This normally also applies to books and newspapers, although some publications are

sometimes accepted if they are sent through a subscription arrangement and with prior agreement. If your family or friends wish to send you a parcel, they should approach the Foreign and Commonwealth Office and we will make enquiries on their behalf as to how parcels can be delivered to you.

During a short period at Christmas prisoners may receive one food parcel (*colis de Noel*), but there are restrictions on the type of food and the weight of the parcel. The Prison Governor will inform the prisoners of full details of the arrangements in advance of the Christmas period.

Can I make telephone calls?

Sentenced prisoners who have exhausted the appeals processes can make telephone calls at their own cost to persons of their choice. Details of the telephone numbers and bill payer will need to be sent to the prison Governor by the prisoner and a telephone account will be set up for you by the accounts section.

Family members to whom you wish to make a call should send a copy of their passport, proof of address such as a utility bill, and a telephone bill in the same name as that on the passport to the prison authorities.

Prisoners on remand (or appeal) may also make phone calls but only with the Examining Magistrate's prior authorisation and those on appeal with the General Prosecutor's prior authorisation. Access may be refused for investigation purposes.

The prisoner should write asking for authorisation and any family members to whom you wish to make a call should send a copy of their passport, proof of address such as a utility bill, and a telephone bill in the same name as that on the passport to the Examining Magistrate or Public Prosecutor.

Calls can be recorded or monitored and the transcripts can be passed on to the Public Prosecutor (*Procureur de la République*) or Examining Magistrate.

Access to phones varies from prison to prison and you will be informed by prison staff how often and when you may phone.

Leisure and entertainment

Each prison has a library service (*bibliothèque*) which usually has a stock of books in English, but you will need to apply in writing for access to it. You can also rent a television and request access to use the gym or any sporting facilities if they are available. There can be waiting lists for some activities in the prison. You may be able to purchase other items from the prison catalogue provided you have funds to do so.

Drugs and mobile phones

Drugs and mobile phones are strictly forbidden in French prisons and if either are found in your possession (or those visiting you) you will face disciplinary action. This might include losing your place on a course or your position if you are working, as well as remission. Visits could be suspended. Also bear in mind that your behaviour whilst in detention is taken into account when you apply for conditional release.

How can I make a complaint about mistreatment?

If you feel that you have been mistreated by the French authorities, you should write to the French equivalent of the Ombudsman (*Le défenseur des droits*). Either contact your consulate or speak to your Social worker to get the local representative's contact details.

The French Judicial System

Is the system the same as in the UK?

No. France has an inquisitorial system, based on the separation of powers between the police authorities, public prosecutors and criminal courts. The police authorities have the power to identify and arrest perpetrators of criminal offences, the public prosecutors decide whether or not to prosecute individuals and the criminal courts have jurisdiction to rule on whether the accused are guilty and then sentence them to criminal sanctions.

Criminal cases are heard by the *Tribunal Correctionnel* at the *Tribunal de Grande Instance* (High Court). More serious cases (for example murders, rape and serious drug-related offences) are heard at the *Cour d'Assises* (Assize Court).

What should happen when I am arrested?

If you are arrested in France you will be taken in to custody by the French authorities and the Public Prosecutor will be informed. It is possible that you will spend custody in an airport holding cell or local police station.

At the moment of your arrest you should be made aware of your rights; one of them is to have a phone call made to a family member, to see a doctor and have access to a lawyer (your own or one on duty provided by the French court). You should inform the authorities if you wish the British Embassy/Consulate to be informed of your arrest.

The authorities might want to take a statement from you. This has to be done with an interpreter or someone who can speak English.

At the end of your custody you will either be released without charge or presented to the Public Prosecutor at the local court who will decide whether to remand you in custody pending investigations or a trial, or send you to court for an immediate hearing (*comparution immédiate*), or release you pending a court hearing at a later date (you will be notified of the date). You will have an interpreter and a lawyer (either your own or a duty lawyer).

For how long can I be remanded in custody?

If you are remanded in custody pending investigations, an Examining Magistrate (*Juge d'Instruction*) will be appointed for the duration of the investigations which he/she will conduct. The Examining Magistrate may question you from time to time during this remand period. Your lawyer will have access to the judicial file and will be present at any appearances before the Examining Magistrate as will an interpreter.

You can be remanded for periods varying from 4 months to 12 months at a time according to the charges and the seriousness of the offence. These periods can be renewed at the request of the Examining Magistrate but have to be agreed to by another judge (*juge des libertés et détention*). The period between arrest and trial is often quite long and can vary greatly. From our experience a prisoner can remain on remand up to 24 months.

Although it can be very distressing both for the detained person and for the family, it is not possible to obtain priority for British nationals. It is not possible for a Consular staff to attend the trial. If you do not speak French, an interpreter is provided by the court for any interviews that you have with the Examining Magistrate and for the trial itself.

What happens when I am charged?

When investigations are complete the case will be presented before the Public Prosecutor who will take the decision whether to prosecute. If you are already on remand a judge, *Juges des Libertés et Detention* will rule whether you should remain in custody pending the trial or be released. If you are remanded in custody you will be taken to (or taken back to) prison to await your trial. A trial date will be set by the court and you will be notified of the date.

Immediate trial: Under French law in certain cases, a case can be brought to court the same, or next working, day, known as *comparution immédiate*, and a sentence given immediately. You are entitled to reject this procedure and ask for an adjournment to prepare your defence. You would normally be guided by your lawyer (or the duty lawyer representing you) concerning this decision and you should also have an interpreter.

What provision is there for bail?

French penal procedure may allow the person charged with an offence or under investigation to remain at liberty (*liberté provisoire* e.g. remanded on bail). However, because of the difficulty of guaranteeing that the accused will present themselves for further investigation and trial if they are not a resident of France, foreigners charged with an offence are almost invariably placed on remand.

Applications for bail are also unlikely to be accepted in the case of a person who faces serious charges.

You may be able to obtain bail against a large cash deposit and/or on the condition of residing in France pending the investigation and trial. For further information on this, you should consult your lawyer.

What kind of legal assistance is available

If you are unable to pay for a lawyer you may be entitled to free legal-aid (*avocat désigné d'office*). Should you wish to apply, you should write to the President of the local law society (*Bâtonnier*) whose address you can obtain from the prison. The prison social workers are often able to help with this. You may specify that you would like an English-speaking lawyer although this is not guaranteed under the legal-aid system.

Where a prisoner has initially been represented by a legal-aid lawyer and has appealed against a decision of the *Tribunal de Grande Instance* it will be necessary to re-apply for a further legal aid lawyer through the Appeal Court.

Under French criminal procedures a legal-aid lawyer is usually present at interviews which you may have with the Examining Magistrate but is not obliged to visit you at the prison. All communication is done in writing. In many cases he or she will work from the judicial file and in liaison with the Examining Magistrate. The presence of your lawyer is, however, obligatory at Court hearings. Should you be allocated a legal aid lawyer and then nominate a private lawyer, the legal aid lawyer has the right to charge lawyer's fees for any services rendered. A private lawyer is unable to act on your behalf until this matter is settled.

You can hire a lawyer for yourself at any time after your arrest; a list of English-speaking lawyers is included with this pack. Normally, if you hire a private lawyer they will ask for a fee advance for their estimated legal fees before they will take your case on. The British Consulate cannot pay legal fees or guarantee to a lawyer that you will pay them.

What happens at the trial?

If you are being held on remand, on your trial day you will be taken to the court where your case is being handled. There will be a judge in charge of your case along with the Public Prosecutor and

your lawyer. The French judicial system does not have recourse to juries except for those cases heard at the Assize Court. If you don't speak French the court will be responsible for providing an interpreter to assist you during the trial.

If you are on bail or were released pending your trial date you should contact your lawyer concerning your attendance at the trial and any consequences of not doing so.

Sentences

Your actual sentence will depend on the seriousness of the crime and individuals' levels of involvement. In France sentences vary greatly depending on the type of offence which is set out by French law. Sentences can include a temporary or permanent ban from French territory. Your lawyer will advise you about this.

How can appeals be made?

Following sentencing at a trial, an appeal can be lodged either by the defendant or the state (public prosecutor) within 10 working days. For drug related crimes Customs may also appeal. The General Prosecutor (*Procureur Général*) however has a period of up to 2 months from the day of sentence in which to lodge an appeal.

To lodge an appeal you must do so in writing either through the prison clerk or your lawyer. Your prison social worker will be able to give you information about the procedure. If you lodge an appeal you may be transferred to a remand centre that is closest to the relevant Appeal Court. You should be aware that the appeal process is slow and can sometimes lead to the appellant's release being delayed until the appeal is decided. In such cases a lawyer's opinion of the case is strongly recommended before proceeding.

No appeal against any part of the sentence can be lodged after the expiry of this period.

Following any re-trial (appeal) if you or your lawyer believes that a mistake has been made on law or procedure, there is a period of 5 (calendar) days in which an appeal can be made to the Supreme Court of Appeal (*Cour de Cassation*) which sits in Paris. The facts of the case itself are not reconsidered and any further evidence given to the courts will be ignored.

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

An automatic remission of sentence is applied on the following scale: Three months for the first year, two months for subsequent years and 7 days per month for any subsequent months.

When a sentence becomes definitive the prison will provide a prisoner with a date of release taking this remission into account.

A further three months remission per year can be granted by the magistrate (*juge d'application des peines - JAP*) who sits on the board responsible for conditional release at the nearest high court (*Tribunal de Grande Instance*) to where you are detained. To benefit from this a prisoner must have shown, apart from good conduct, an effort at rehabilitation, e.g. course of study or training course with examination, etc.

The prison can apply to the JAP for remission to be revoked, for example, for bad behaviour. In this case the revocation is three months maximum per year of detention.

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

It is possible to apply for conditional release (this is the equivalent of parole in the United Kingdom) if you have served at least half of your sentence, taking into consideration any remission that has been granted.

Prisoners serving sentences which specify a minimum period of detention (*periode de sureté*) are not considered for conditional release until this time has been served. In cases where a foreign national is subject to a deportation or extradition order, conditional release can be decided without the prisoner's consent.

Generally, a prisoner is automatically informed by the prison authorities of the date he/she is eligible to apply for the conditional release. The prison authorities provide an application form and prison probation officers will often help complete the form which should be submitted to the *Juge d'Application des Peines* (JAP). Though local procedures might differ slightly from prison to prison, cases are heard by the JAP who sits at the local high court (*Tribunal de Grande Instance*).

Factors that are taken into account include seriousness of the case, family ties, good behaviour, studies carried out, examinations passed and payment of customs fines and payment of compensation to victims. Certificates showing that accommodation and a job are available upon release are generally required. However, conditional release is often refused if fines, including customs fines, have not been settled.

For prisoners serving a sentence of less than four years or who have less than four years of their sentence remaining, conditional release can be applied for if the prisoner has parental rights of a minor under the age of ten and who resides with him/her. This however, does not apply to those convicted of a crime or offence committed against a minor.

You have the right to be represented by a lawyer for any conditional release hearing. You must inform the JAP of the name of your chosen lawyer or write a letter to the lawyer nominating them and which they will produce to the JAP. If you do not have a lawyer, you must inform the JAP that you wish one to be nominated by the *Bâtonnier* (President of the Bar) on your behalf.

You or your lawyer may present a written statement in support of your request. You may also, assisted by your lawyer, make a statement in person before the judge. Please note that if you are making a statement in person and need an interpreter, it is important to ask for one before the date of the hearing. Your prison social worker can also advise you on the process.

Once the JAP pronounces the decision, the Public Prosecutor has the right to appeal against it within 10 calendar days of receiving notification.

Should the Public Prosecutor appeal against a decision of the JAP to grant conditional release, the appeal must be heard by the court within a delay of two months.

The *Tribunal d'Application des Peines* decides on conditional release for prisoners sentenced to ten years or more.

If conditional release is not granted the case is reconsidered normally once a year thereafter. This can be earlier if further evidence/information is provided.

Decisions of the JAP and the *Tribunal d'Application des Peines* for conditional release are enforceable even in the case of appeal by the court unless the court has lodged an appeal within 24 hours of it being notified. Conditional release can be revoked in the event that the conditions imposed are not respected.

What provision is there for clemency or pardon?

Pardon and clemency (*graces*) are rarely given and can only be granted by the President of the Republic of France.

What about any financial penalties?

When sentenced you may have also been given a fine in addition to the time you are expected to serve in prison.

A sentence for a drugs-related offence invariably includes a customs fine that is calculated in direct relation to the estimated value of the drugs involved. Customs fines may also be imposed for fraud offences, smuggling of tobacco, cigarettes and other “highly taxed goods”.

Non payment of the fine can result in an additional period of detention known as *contrainte judiciaire*. The length of *contrainte judiciaire* varies from twenty days to one year and is determined by the amount of the fine imposed. A *contrainte judiciaire* can only commence when the prison sentence has been completed. However, a *contrainte judiciaire* cannot be imposed if the fine is less than €2000 or if the person was under 18 years of age at the time of the offence or 65 years or over at the time of sentence.

It is sometimes possible to negotiate a reduction of the fine, but the customs authorities are not obliged to accept anything less than the full amount and may wait until the prisoner has commenced the period of *contrainte judiciaire* before they will enter into negotiations.

Article 752 of the *Code de Procédure Pénale* (Penal Code) states that *contrainte judiciaire* cannot be imposed on sentenced persons who can justify their insolvency. Applications for insolvency should be made to the local *Tribunal de Grande Instance*. It is possible to apply for a legal aid lawyer to present a case and an application should be made using the procedures explained above. However, many courts consider that prisoners sentenced in drugs cases have benefited from secret income that prohibits the establishment of insolvency. If an application for insolvency is refused, the prisoner is obliged to serve his/her period of *contrainte judiciaire*.

Consular officers cannot intervene in the negotiations with Customs. Negotiations should be carried out by the prisoner or his legal representative. A prison social worker may help by giving advice regarding the procedure and with composing a letter in French and following up with their reply.

Is transfer to another prison within France possible?

Once a court has sentenced a prisoner and an appeal has been lodged, the prisoner may be transferred to a remand centre (*Maison d'arrêt*) that is closest to the relevant Appeal Court.

When a prisoner is sentenced to more than one year imprisonment, and all appeal periods have expired, he may be transferred from the remand centre to a detention centre (*Centre de détention*). Prisoners can ask to be sent to a specific detention centre which is the nearest to their family. However due to current overcrowding in France transfers to detention centres can take several months.

A detention centre has generally better living conditions, such as a single cell, greater access to work and study programmes, and availability of telephones. If this transfer is not automatic, the prisoner can request it. For more information regarding a prison transfer, the prisoner should speak to his social worker.

Is transfer to the UK a possibility?

A prison transfer between France and the United Kingdom can be made under the Prisoner Transfer Agreement (PTA).

Prisoner Transfer Agreements (PTAs) allow prisoners to transfer to serve the remainder of their sentence in their own country. This enables them to be closer to family and friends in an English-speaking environment and permits them to benefit from pre-release courses available in British prisons.

Please note that the transfer process can be slow and bureaucratic taking many months to complete.

A prisoner does not have an automatic right to transfer. Each request is considered on its individual merits. The UK and the country in which the British prisoner is held have the right to refuse a request.

The basic criteria for eligibility to apply for transfer are:

- Criminal proceedings in the foreign country must be complete. The prisoner cannot be transferred if they are awaiting trial or the outcome of an appeal;
- The prisoner must normally have at least 6 months of the sentence left to serve at time of application, but Agreements with some countries require the prisoner to have 1 year of the sentence left to serve;
- The offence for which the prisoner was convicted must constitute a criminal offence in the UK;
- The prisoner must have no outstanding fines (prisoners can start the application process while the fine is outstanding but the fine must be paid before the transfer can take place) or other non-custodial penalties;
- Other conditions may apply, depending on the specific transfer arrangements with each country.

For more information, please write to the British Consulate and you will be sent a copy of the guidance leaflet 'Transfers Home for Prisoners Abroad'. Should you wish to transfer the UK you should write to the prison clerk's office (greffe) who will start the process and transfer the request to the Ministry of Justice in Paris via the local Appeal Court. It is helpful if you inform the Consulate of your request so that its progress can be monitored.

What are the procedures for release and deportation?

When you reach the end of a sentence in France and if you have no ban on re-entry, or deportation order against you, on the day of your release you will be allowed to make your own way home, or be collected at the prison by family or friends. If you are returning to the UK you will need a valid passport.

If you have a ban on re-entry to France or part of it, you may be deported by the French authorities and taken back to the UK. On the day of your release you will be handed over to French police officers who will escort you to the UK usually by plane. It can happen that you are put in administrative detention awaiting the next available flight.

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 on remand. 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
- writing to a pen pal
- 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 assistance with the cost of visiting

Prisoners Abroad
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 to Fridays 9.30 am to 4.30 pm, UK time)

Email: info@prisonersabroad.org.uk

Website: www.prisonersabroad.org.uk

Glossary of Terms

Useful legal terms

Key phrases – English into French

Months / Mois

| | |
|-----------|-----------|
| January | janvier |
| February | février |
| March | mars |
| April | avril |
| May | mai |
| June | juin |
| July | juillet |
| August | août |
| September | septembre |
| October | octobre |
| November | novembre |
| December | décembre |

Days / Jours

| | |
|-----------|----------|
| Monday | lundi |
| Tuesday | mardi |
| Wednesday | mercredi |
| Thursday | jeudi |
| Friday | vendredi |
| Saturday | samedi |
| Sunday | dimanche |

Numbers

| | | | | | | | |
|-----|-------------|----|-----------|-----|------------------|-----|-------------|
| 1 | un | 6 | six | 11 | onze | 16 | seize |
| 2 | deux | 7 | sept | 12 | douze | 17 | dix-sept |
| 3 | trois | 8 | huit | 13 | treize | 18 | dix-huit |
| 4 | quatre | 9 | neuf | 14 | quatorze | 19 | dix-neuf |
| 5 | cinq | 10 | dix | 15 | quinze | 20 | vingt |
| 21 | vingt-et-un | 30 | trente | 70 | soixante-dix | 200 | deux cents |
| 22 | vingt-deux | 40 | quarante | 80 | quatre-vingts | 300 | trois cents |
| 23 | vingt-trois | 50 | cinquante | 90 | quatre-vingt-dix | etc | |
| etc | | 60 | soixante | 100 | cent | | |

General

| | | | |
|-----------|-----------------|-----------|----------------------|
| Hello | bonjour | Today | aujourd'hui |
| Goodbye | au revoir | Tomorrow | demain |
| Please | s'il vous plaît | Yesterday | hier |
| Thank you | merci | Next week | la semaine prochaine |

| | |
|-------------------------|-------------------------------|
| I understand | je comprends |
| I do not understand | je ne comprends pas |
| What is this? | qu'est-ce que c'est? |
| What should I do? | que devrais-je faire? |
| Can you help me? | pouvez-vous m'aider? |
| Thank you for your help | merci de votre aide |
| To make a request | faire une demande |
| The prison Director | le Directeur de la prison |
| The social worker | l'assistant(e) social(e) |
| The Public Prosecutor | le Procureur de la République |

The Examining Magistrate
The Court
High Court
Appeal Court
Supreme Court

le Juge d'Instruction
le Tribunal, la Cour
Tribunal de Grande Instance
Cour d'Appel
Cour de Cassation

The lawyer
The court-appointed lawyer
Legal-aid
I would like to make a request
for legal aid
How do I book a family visit?

l'avocat
l'avocat d'office
Aide juridictionnelle
J'aimerais faire une demande d'aide
juridictionnelle
Comment dois-je faire pour
réserver un parloir?

I would like to book a family visit
A visit permit
A visit
Prison register number
Prison cell
Time to take a walk
Good behaviour
Imprisonment for debt

Je voudrais réserver un parloir
un permis de visite
un parloir
le numéro d'écrou
la cellule
l'heure de la promenade
la bonne conduite
la contrainte par corps

Mail / Courrier

The person who deals with mail in the prison is "le vaguemestre"

Writing-paper
Biro
I would like to buy a stamp
Have I received any letters?
Have my letters been sent?

le papier à lettre
le stylo à bille
J'aimerais acheter un timbre
Y a-t-il des lettres pour moi?
Est-ce que mes lettres ont été
expédiées?

I would like to write to
my family
How much does it cost to send
a letter to the UK?

J'aimerais écrire à ma famille

Combien coûte un timbre pour
le Royaume-Uni?

Food / Nourriture

| | |
|------------|-------------------------------|
| Meal | le repas |
| Breakfast | le petit-déjeuner |
| Lunch | le déjeuner, le repas de midi |
| Dinner | le dîner, le repas du soir |
| Meat | la viande |
| Fish | le poisson |
| Potatoes | des pommes de terre |
| Vegetables | des légumes |
| Egg(s) | un oeuf, (des oeufs) |

| | |
|--------|-----------|
| Tea | le thé |
| Coffee | le café |
| Bread | le pain |
| Pasta | les pâtes |
| Rice | le riz |
| Sugar | le sucre |
| Salt | le sel |
| Pepper | le poivre |

| | |
|------|---------|
| Milk | le lait |
|------|---------|

| | |
|----------------------------------|-------------------------------------|
| Do you want something to eat? | Voulez-vous quelque chose à manger? |
| What are we having to eat today? | Que mangeons-nous aujourd'hui? |
| Have you finished eating? | Avez-vous fini de manger? |
| I am a vegetarian | Je suis végétarien |

Time / Heure

NB: The French use the 24-hour clock.

| | |
|----------------------|---------------------------|
| What time is it? | Quelle heure est-il? |
| It is 8 o'clock/8 am | Il est 8 (huit) heures |
| It is 3 o'clock/3 pm | Il est 15 (quinze) heures |
| At 10 am | A 10 (dix) heures |
| At 4 pm | A 16 (seize) heures |

Health/Hygiene / Santé/Hygiène

| | |
|---------------|--|
| Ache(s) | mal (maux) |
| Headache | mal de tête |
| I feel well | Je me sens bien / je suis en bonne santé |
| I feel ill | Je me sens malade/je ne me sens pas bien |
| I feel better | Je vais mieux / Je me sens mieux |
| The doctor | le docteur, le médecin |
| The dentist | le dentiste |

| | |
|--|--|
| I would like to see the doctor/the dentist | J'aimerais voir le docteur/le dentiste |
|--|--|

| | |
|------------|---------------------|
| Soap | le savon |
| Toothbrush | la brosse à dents |
| Toothpaste | le dentifrice |
| Towel | la serviette |
| Facecloth | le gant de toilette |
| Clothes | les vêtements |

| | |
|--|---|
| I would like to have a shower | J'aimerais prendre une douche |
| When will it be possible to have a shower? | Quand sera-t-il possible de prendre une douche? |

| | |
|----------------------------------|--|
| The barber, hairdresser | le coiffeur |
| I would like to have my hair cut | J'aimerais me faire couper les cheveux |

| | |
|-------------------------------------|---|
| How and when can I wash my clothes? | Comment et quand pourrais-je laver mes vêtements? |
|-------------------------------------|---|

Money / Argent

Accountancy Department
Money order
International money order
Have I received any money?
How much money is left?
How much does it cost to buy...?
Prisoner's earnings
Customs fine

Service Comptabilité
le mandat cash
le mandat international
Ai-je reçu de l'argent?
Combien d'argent reste-t-il?
Combien coûte ...?
le pécule
amende douanière

Pastime activities / Loisirs

Book
Reading
Television
Television channel
Television programme
Sport
Sporting activity
Football
Weight-lifting
Cigarette
To smoke

le livre
la lecture
le téléviseur, la télévision
la chaîne de télévision
l'émission de télévision
le sport
activité sportive
le football
les haltères
la cigarette
fumer

Are there any English books?

Y a-t-il des livres anglais?

Can I watch television
with you?

Puis-je regarder la télévision
avec vous?

What do I have to do to have
a television/to share the
cost of renting a television?

Que dois-je faire pour obtenir un~
téléviseur/pour partager le coût
de la location d'un téléviseur?

Can I do some sport?
I would like to buy some
cigarettes

Puis-je faire une activité sportive?
J'aimerais acheter des cigarettes

Work / Travail

To work
Work
Is there any possibility of
getting work?
How do I apply for work?

travailler
le travail, un emploi
Y a-t-il une possibilité
d'obtenir du travail?
Comment dois-je faire pour
demander du travail

Will I receive a salary
for work?
How much will I earn?

Est-ce que je recevrai un salaire pour
le travail?
Je gagnerai combien?

Annexes

Annex 1: List of English-Speaking Lawyers

Annex 2: Consular services information sheet and stamped addressed envelope

Annex 3: FCO leaflet: *In prison abroad*

Annex 4: FCO leaflet: *Transfers home for prisoners abroad*

Annex 5: Prisoners Abroad authorisation form

Annex 6: Prisoners Abroad family contact form

Disclaimer

This booklet was compiled by the Consular Section, British Embassy Paris. It is revised on a regular basis.

If any of the information contained in this booklet is incorrect, please draw inaccuracies to our attention so that we can make amendments.

The British Embassy in Paris is not accountable for the information provided in this booklet. Local proceedings are subject to change at any time.

Thank you.

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