



British
High Commission
Suva

Information Pack for British Prisoners in Fiji

Author
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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 High Commission

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 High Commission 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 High Commission cannot accept legal responsibility for any errors or omissions in the information. If in doubt contact a lawyer.

Who are the Consular Representatives?

Ms Jenny Mosese

Pro Consul

Email: consularsuva@fco.gov.uk

Contact Information

British High Commission Suva,
47 Gladstone Road
Suva
Fiji

Office hours:

Monday to Thursday: 8am to 12:40pm / 1pm to 4pm

Friday: 8am to 1pm

Consular section:

Phone: +679 3229 100

Consular opening hours:

Monday to Thursday: 10am to 12pm

First Steps

Who will know I have been detained?

When a British citizen is arrested and detained in Fiji, the Fijian authorities should notify the British High Commission. This is usually done in writing or a telephone call to the Consular section. In the event the arrest took place in a remote area, this can take longer. We may be informed much more quickly by friends or relations. We will then ask permission to contact you.

What will my family be told?

For reasons of confidentiality and the Data Protection Act, we are not permitted to tell anyone that you have been detained or what the charges are without your express permission. We strongly recommend that, you give us permission to speak to a family member or friend when we make contact with you. If you continue to say no, it is possible for friends and family to use the internet to find out that you are detained and the reasons why.

What will the High Commission do?

The Consular Section at the British High Commission in Suva is responsible for providing consular services to British nationals in Fiji. We will aim to visit you as soon as possible after your arrest. However, we rely on the Fijian authorities to grant us access. This can take time but we will do what we can to contact you as quickly as possible within the framework of the Fijian system which can take up to 48 hours.

A Consular representative will hand you a copy of this guide, a list of local lawyers, a leaflet entitled "Support for British nationals Abroad: A Summary" that explains more about that the High Commission can and cannot do for you and Prisoners Abroad information and authorisation form. We can also give your next-of-kin the address of the prison so they may write or visit you. Please note all correspondence is checked first by the authorities.

Please let the consular official know if you have been mistreated, whether you are suffering from any medical conditions and if you would like family or friends in the UK notified of your arrest.

However, if you are a dual British national detained in the country of your other nationality - e.g. a dual British/Fijian national detained in Fiji – we would not normally offer you support, or get involved in dealings between you and the Fijian authorities. Nor would we visit you in detention.

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?

Each prison has its own rules regarding visits. Visits by UK family may be granted depending on the prison director however this cannot be guaranteed or taken for granted. The prison can also refuse visitors if you are being disciplined because of bad behaviours or if a visit will prejudice your court case.

How many visits am I allowed?

If your family or friends want to visit you, they would need to contact the Prison Director or Officer in Charge requesting a visit during visitation hours. Visiting hours as follows:

Remand prisoners: Tuesdays: 9.00am – 11.00am and Thursdays: 1pm – 3pm

Sentenced prisoners: Saturdays: 9.00am – 11.00am and 1pm – 3pm

Consular visits

You are entitled to the first visit within 48 hours after detention and during the time of remand. Once you have been sentenced we will visit only in an emergency. However, you are entitled to unlimited telephone calls to us within office hours.

If you are sentenced, consular staff from the British High Commission will visit at least once per year, possible more frequently depending on your circumstances.

Prison conditions/services

Cell sharing

You should not expect a single cell. If you think that you have medical grounds for having a single cell you should approach the prison doctor. Please note that the prison is not obliged to grant your request not to share a cell with another prisoner.

Local Prisons

1. Suva Prison
2. Naboro Minimum Security Prison
3. Naboro Maximum Security Prison
4. Nasinu Prison
5. Natabua Prison
6. Women's Prison

How can I receive money?

If your family and friends overseas wish to transfer money to you for "prison comforts" (phone cards etc), they can do so, free of charge, through the FCO in London. Payments by Postal Order, Bankers Draft or Building Society cheque should be crossed and make payable to "The Foreign and Commonwealth Office". They should be sent to:

Accounts Receivable
Foreign and Commonwealth Office
Corporate Service Centre
PO Box 6108

Milton Keynes
MK10 1PX

We recommend that you use Recorded or Special Delivery.

Please ensure that you include a note briefly explaining who the money is for and why.

If you would like a receipt, please include a stamped addressed envelope.

Please note that personal cheques can take up to 15 working days to process and clear before we can advance funds. We do not accept Card payments, or cash sent in the post.

Can I receive medical and dental treatment?

If you need medical or dental treatment you will need to ask the prison authorities for assistance.

If you have a long-standing medical problem and have received treatment for it, it will be useful for you to request for your medical records, or at least a report sent from your doctor to the prison doctor.

Treatment will be arranged by the prison authorities in a public hospital. You cannot choose any other hospital unless agreed by the Prison Commissioner.

Mail/Parcels

Detainees can send and receive letters from family and friends. However, this is at the discretion of the prison officer in charge who will examine outgoing letters and will censor the letter or stop the letter if, in his opinion the contents are objectionable. In this instance the prisoner may be given to the opportunity to re-write the letter.

Detainees may receive parcels during visits and with prior agreement from the Officer in Charge of the prison. Parcels may include reading materials (non-pornographic) particularly newspapers, Readers Digest.

Can I make telephone calls?

Phone calls are allowed at the discretion of the Prison Commissioner and are mainly allowed to prisoners who do not have any relatives locally. Prisoners should apply to the Commissioner if they need to make or receive phone calls. The frequency and duration of these phone calls will be authorised according to each individual prisoner's circumstances.

Drugs

Narcotics offences are considered a serious offence in Fiji and can lead to long prison sentences. All type of class A and B drugs are prohibited in Fiji. This is also the same for small quantities of hash and marihuana for personal use.

How can I make a complaint about mistreatment?

You will have to submit a written letter to the Prison Commissioner, Prison Headquarters, Fiji Bank Employees Union Building, Gordon Street, Suva or PO Box 114, Suva.

The Fijian Judicial System

Is the system the same as the UK?

Please remember that British Laws do not apply in Fiji. Fiji has an established judicial system, based on common law principles that share a basis with UK law. You should therefore expect to be treated fairly in accordance with Fiji's laws. See link: www.judiciary.gov.fj for overview of the court structure and judicial system.

What should happen when I am arrested?

You may be arrested if a Constable (or some other government official who has a power of arrest) suspects you have committed an arrestable offence or crime.

Remain calm and co-operate with the police. Don't be abusive or violent, as to do so may result in additional charges. It is an offence to resist arrest.

The police will ask you to provide various personal details including your nationality.

We will aim to contact you within 24 hours of being notified of your arrest. If you request a Consular visit, we will aim to do this within 48 hours (excluding weekends and public holidays). If distance makes it difficult for us to visit as soon as you would like, we will explain this and confirm a time period within which we will visit.

For how long can I be remanded in custody?

What happens when I am charged?

If you are charged, you may be released on bail, with or without conditions. If you are refused bail, or cannot meet the conditions set, you must be taken before a court where you can apply for bail.

The Fijian authorities do not automatically inform us of the arrest of a British national.

But they are legally obliged to inform all detained foreign nationals of their right to consular assistance and to ask them if they want a relevant consular officer be advised of their detention. It is therefore your right to ask the arresting officer to inform the British High Commission in Suva as soon as possible.

Remand/Detention

If detained on suspicion of a serious offence, you should remember that police authorities may only detain you for up to 24 hours at which time you should be brought to the local magistrate's court for a remand hearing (special rules apply for detentions over a weekend). If you haven't been offered access to call the British High Commission, you should request this right as soon as possible and call us.

A request for remand from the police means that they are looking to keep you in custody until they have concluded their investigations. A court may grant a remand period for up to 4 weeks at a time. If remand is granted, you should be transferred to a prison cell (within 48 hours from first detained). Depending on the seriousness of the case, a remand may be completely restricted; i.e. no access to outside communication with family friends, no visits

except from your lawyer and a Consular representative, no inter-action with other inmates. A remand is 23-hour isolation. Other times, you may be on part restrictions, i.e. the police may control your mail and telephone calls except to your High Commission and lawyer. Please remember that you are entitled to speak in private to your lawyer and the High Commission.

What kind of legal assistance is available?

You will be allowed to employ a lawyer for yourself at any time after your arrest. A list of English-speaking lawyers comes with this information sheet.

The High Commission cannot pay legal fees or provide a guarantee to a lawyer that you will pay them.

Access to a Lawyer

In criminal cases, you are entitled to have access to a lawyer. You are entitled to have a lawyer present when questioned by the police (normally used in more serious criminal offences). Legal representation in Fiji by a Court appointed lawyer is free for the duration of the case. The British High Commission Consular Section has a list of court appointed criminal lawyers and you should obtain this as soon as possible. Our list contains lawyers who normally have previous experience in defending British nationals and speak English. The police will also have a separate list of their own and you should be given access to this as well. If the legal representation offered to you is inadequate for whatever reason, you may change your lawyer without any cost to you.

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

Annexes

Annex 1: List of English-Speaking Lawyer

Annex 2: FCO leaflet: *In prison abroad*

Annex 3: FCO leaflet: *Transfers home for prisoners abroad* [if applicable]

Annex 4: Prisoners Abroad authorisation form

Annex 5: Prisoners Abroad family contact form

Disclaimer

This booklet was compiled by the Consular Section, British High Commission Suva. 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 High Commission in Suva is not accountable for the information provided in this booklet. Local proceedings are subject to change at any time.

Thank you.

2 June 2015