Information Pack for British Prisoners in Kuwait

Author: British Embassy Kuwait
Date: 09 May 2018
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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 Commissions 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?

Sahar Mohseni:  Vice Consul  sahar.mohseni@fco.gov.uk
Ola Rady: Pro Consul  ola.rady@fco.gov.uk

General:  consularenquirieskuwait@fco.gov.uk

Contact Information

Postal address  Physical address

British Embassy  British Embassy
P O Box 2  Arabian Gulf street
Safat 13001  Dasman
Kuwait
The British Embassy Kuwait operates between 0730 and 1530 Sunday to Wednesday and 0730 and 1330 on Thursday.

Tel: +965 2259 4320
Fax: +965 2259 4359

https://www.gov.uk/world/kuwait

First Steps

Who will know I have been detained?

When a British National is arrested and detained in Kuwait, the Kuwaiti authorities should let the detainee contact the British Embassy within 24 hours. However, in practice this may not happen.

It is essential that you inform the British Embassy as soon as possible after your arrest and it is your right to do so. We may be informed much more quickly by friends or relatives. As soon as we are informed, we will do all we can to contact you and will try to visit you within 48 hours of being told that you have been detained.

What will my family be told?

For reasons of confidentiality, we are not permitted to tell anyone that you have been detained or what the charges are without your permission. The Embassy must have your permission to discuss your case or to confirm your detention with anyone.

What will the Consulate do?

We aim to make contact with you within 24 hours of being notified of your arrest. In case you would like anyone to transfer any money to you, we can instruct them to transfer money through the FCO in London (see section about receiving money).

What consular staff can and cannot do:

On arrest:

We can visit you as soon as possible after being notified by the legal authorities of the arrest.
We can give you information about local lawyers.
We can pass a message to your family, if you wish.
We can ensure that any medical problem you have is brought to the attention of the Prison Director.
We can take up any justified and serious complaint about ill treatment or alleged discrimination with the police or prison authorities and will tell your lawyer. The Consul will not take up a complaint unless you make a request with us.

BUT
We cannot get better treatment for you than is provided for locals and other nationals. We cannot give nor pay for legal advice, investigate court proceedings on your behalf, or interfere in local judicial procedures to get you out of prison or secure you an earlier trial. We cannot get you bail. We cannot pay your fines. We cannot investigate a crime. We cannot formally assist dual nationals in the country of their other nationality or if they entered the country where they were detained on a non-British passport. (This means that here in Kuwait we cannot help British-Kuwaiti dual nationals). We cannot pay for prison comforts. We cannot forward parcels to you on behalf of your family and friends.

In the longer term:

We can continue to visit depending on your individual circumstances. We can make sure that you have a lawyer, or know how to change one if you are not satisfied with the existing arrangement. We can send you money deposited by your family. We can send correspondence to your family if allowed by prison regulations.

It is important to remember that consular staff are not here to judge you, we are impartial. It is for the local courts to decide on your innocence or guilt.

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?

Only family and lawyers can visit prisoners. Sometimes friends may be allowed in with family members.

Prisoners must inform the prison of the names of their visitors before the visiting day.

Visitors enter the prison itself and whilst visiting they are separated from the prisoner by a mesh barrier. Visitors must identify themselves when they arrive at the prison by showing an identification document containing a photograph (e.g. Civil ID/passport). This is held by the prison and returned at the end of the visit. Visitors will be body searched before entering the prison. Visitors are not allowed to wear watches, jewellery, belts etc. or take in bags/handbags. All bags and parcels will be searched before entry and authorities have the right to withhold items they deem to be unacceptable (e.g. food, weapons, knives, alcohol, drugs). Every prisoner is entitled, subject to good behaviour, to one special visit from family once a month.
How many visits am I allowed?

The Central Prison allows visitors once every two weeks. The Women's Prison and Public Prison allow visitors once a week. The day depends on which block the prisoner is in.

Visits take place from about 08:00 until 12:00 noon but a prisoner is allowed no more than three visitors at one time.

Consular visits

A member of the Consular team will aim to visit you once every six months unless there are reasons to visit more frequently.

What can visitors bring?

Visitors can bring in money. Any other items wishing to be given to a prisoner will have to be discussed with the prison officials.

Prison conditions/services

Ex-prisoners say that nothing is guaranteed, things can change on a whim, so the advice of more experienced prisoners, plus your own common sense, is essential.

Arrival at police station

On arrival you will give a statement and then be put in a holding cell. This cell may be crowded. You should be allowed to contact the British embassy within 24 hours but in reality this often doesn't happen. Please try to let someone know you are in detention. It is essential that the British Embassy is informed as soon as possible after your arrest. As soon as we are informed, we will do all we can to contact you and will try to visit you within 48 hours of being told that you have been detained.

Arrival at prison

There are three prisons in Kuwait all housed in the same compound:

Central Prison (men only) is high security. Upon entry the hair on your head is usually shaved off.

Women's Prison. All women, regardless of nationality or religion must wear a hijab (head covering).

Public Prison (Omoomi) (men only) is for financial and traffic cases.

You will be kept in a holding cell until you have had the required medical tests when the results of these are known a decision will be made on where you go. If clear you will be moved to a smaller cell.
All three prisons try and group English speakers together.

You may also be detained in the Drug Control, Immigration Directorate, Deportation Centre, Criminal Investigations Department, or other detention centres.

General prison conditions

Prison conditions in all of the detention facilities in Kuwait are well below UK standards. Overcrowding can be a problem, you cannot expect a single cell as a matter of course. A mattress and blanket should be provided.

How can I receive money?

Family and friends in Kuwait can deposit money with the prison treasury (Amanat) but the prisoner is only entitled up to KD50 every two weeks (a total of KD100 in a month). The money can be used to purchase toiletries, food, electronics, blankets etc from the prison co-op.

Family or friends overseas can transfer money to the prisoner via us by following the instructions below:

OPTIONS TO TRANSFER FUNDS TO BRITISH NATIONALS OVERSEAS VIA THE FOREIGN AND COMMONWEALTH OFFICE

Please note that we can only advance funds to the person overseas once your payment has cleared in our account.

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: FCO Multi Vote
Sort Code: 60-70-80
Account Number: 10012362
Reference: FCO 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:
National Westminster Bank, Government Banking, CST PO Box 2027, Parkland, De Havilland Way, Howich, Bolton, BL6 4YU

2. By Post
Payments by **Postal Order, Bankers Draft, Building Society Cheque or personal cheque** should be crossed and made 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 Special Delivery.

Please ensure that you include a note briefly explaining who the money is for, why you are sending these funds and quoting the FCO case reference number. You may wish to use the payment slip on the next page.

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 FCO case reference number, on the back of the cheque.

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

To: Foreign and Commonwealth Office

FCO 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:
Can I work or study in prison?

Yes, at the prison manager's discretion. A salary will be paid to a working prisoner.

Can I receive medical and dental treatment?

Yes. There is a clinic/small hospital within the prison compound. Serious cases will be referred to Farwaniya Hospital.

Food and Diet

There is a canteen and communal kitchens. Food is basic, adequate and of Arabic style. Additional food can be bought via the co-op and cooked in the communal kitchen.

Mail/Parcels

Friends and family can send mail (but not parcels) to the Embassy which we deliver to the prison. The Embassy is not able to forward mail on your behalf back to the UK. All letters are opened and checked by embassy staff on behalf of the prison staff before they are given to prisoners. All letters are censored. Magazines, books and newspapers are permitted, though they will be looked at and may be censored. This procedure means that it may be a couple of weeks before they are actually given to you. Nude pictures are strictly forbidden. Mail cannot be sent directly to the prison from the UK since there is no postal system in the prison. Prisoners are usually allowed to write one letter per month which can be posted by the prison authorities after checking.

Can I make telephone calls?

Prisoners are allowed one telephone call per week and they must request it from the social service office.

Whilst mobile phones are not allowed in prison some prisoners do have them.

The social service team usually lets the Embassy speak to prisoners on the phone.

Leisure and entertainment

Outdoor exercise whilst listed for once a day may not happen.

Workshops are well equipped for both men (carpentry, painting etc.) and women (needlework, pottery etc.). Prisoners receive a small salary for their efforts. The prisons hold an annual exhibition, the income from which is used to buy raw materials.

There are English newspapers and TVs if prisoners can afford them but they must be bought from the prison co-op. Having expensive items in your cell may attract unwanted attention from other inmates.
Drugs

Drugs use is reported to be prevalent in the Kuwaiti jail system. Special Forces conduct raids to find drugs, these raids can be intimidating and sometimes include random acts of violence. Drugs use within the prison is severely punished.

How can I make a complaint about mistreatment?

The first stage is for the prisoner to write a request to the manager for an investigation. This will then be passed to the general manager who will decide if an investigation is necessary. If approved an official complaint can be filed. You should also inform Consular staff as soon as possible if you have been mistreated.

If needed a prison doctor will check and provide medical assistance for any injuries.

The Kuwait Judicial System

Is the system the same as the UK?

No. Kuwait is a Civil Law jurisdiction based on the Egyptian and French legal and judicial systems. There is no trial by jury and much of the process and decision-making lies with the General Department of Investigation, the public prosecutors and the judge.

What should happen when I am arrested?

If you are arrested, you will be detained at a police station. The investigator will then take a statement and report this to the chief investigator at the General Department of Investigation of the Ministry of Interior. If it is a minor offence which carries a penalty of less than three years imprisonment ("Misdemeanour"), you will then be released; upon release, at the discretion of the investigator, you may be required to pay a bail bond as guarantee of your attendance at court and otherwise as required during the investigation; alternatively, a Kuwaiti national may guarantee your attendance without the requisite payment. If it is a more serious offence, the chief investigator has the right to keep you in detention for a period up to 21 days; at the expiration of this period you will be brought before a judge who may at his/her discretion order your detention for up to a further 15 days (please see further on this immediately below).

For how long can I be remanded in custody?

A person can be arrested and detained by the police under limited circumstances and for a period not exceeding 24 hours. The public prosecutors depending on the nature of the crime have the right to detain a person for a maximum of 21 days. Any extension to this detention period must be granted by a judge upon the request of prosecutors, however the judge would also hear from the accused, or their legal representative, before deciding if an
extension was appropriate. The judge may not extend the detention period for more than 15 (fifteen) days at one time. Each time an extension is requested by the prosecutors the judge will also hear from the defence. The judge will only consider the reasoning behind the requested extension (for example, if your continued detention is beneficial to the investigation or you are a flight risk) and not the merits of the charges against the accused. If the person is in custody a court date will be set as soon as possible to limit the detention time and is usually fixed within the fifty days of detainment, however detention may be extended beyond 6 months if the trial court (i.e. the court which shall hear the case) has approved such an extension. Bail is allowed in all crimes and Misdemeanours (this is unlikely to be granted in murder or drugs cases) subject to the seriousness of the charges and at the discretion of the prosecutors or judge.

What happens when I am charged?

The file will be sent first to the General Department of Investigation of the Ministry of Interior in order for the information regarding the charge(s) against you to be further investigated; this department may require you to be questioned again by the chief investigator if it requires further information. If the General Department of Investigation is satisfied that the information on file is sufficient to support the charge(s) laid the file will be forwarded to the court for a hearing date to be set. The General Department of Investigation may also take the decision to retain the file where it considers there is insufficient evidence against you to support the charge(s). This decision may be appealed by the victim/plaintiff or his heirs within two months of the date of such decision.

In the case of more serious offences the investigation will be conducted by the public prosecution office of the Ministry of Justice.

Your lawyer will make enquiries with the court and inform you of the hearing date. For Misdemeanours you are not required to appoint a lawyer; if you decide not to appoint a lawyer you will need to make your own enquiries about the hearing date (you will need to provide your Civil Identification Number and the file number).

The first court appearance will be for the purpose of obtaining a copy of the prosecution file. For a Misdemeanour you may appear without a lawyer. If you have appointed a lawyer you may grant the lawyer a power of attorney to appear before the judge on your behalf without you being present. For a more serious offence you must appear with your lawyer (the court will usually appoint a lawyer to represent you).

At the second court appearance the lawyer will enter a plea on your behalf. For a Misdemeanour you may represent yourself. The case will begin to be heard if a not guilty plea is entered.

Where a judgment order is made against you, you can instruct your lawyer to sign an appeal against the judgment on your behalf. For Misdemeanours, this must be done within 21 days of the order being made; for more serious offences the period allowed for appeal is 30 days.
What provision is there for bail?

For minor offences, bail is available. But the process can be long; and UK ideas of "minor" offences differ from those of Kuwaiti offenses, both in theory and practice. For example, in cases of white-collar crime such as fraud, where bail is relatively easy in the UK, bail may not be possible in Kuwait. The lawyer can apply for you to be released on bail. This will either be a financial or personal bail or both. For personal bails you will need a Kuwaiti guarantor. For serious cases (such as drugs), bail may not be an option and you will be detained in prison until the date of your trial.

What kind of legal assistance is available

Where you are in financial hardship and whether charged with a Misdemeanour or a more serious offence you may seek assistance from the Law Society who will appoint a lawyer to represent you and will generally accept your case without proof of such hardship.

For more serious offences the Court will appoint a lawyer to represent you and provide the prosecution file to the lawyer for free; the Ministry of Justice will pay all legal fees incurred.

What happens at the trial?

There is no jury system in Kuwait. Trials are heard by the judge, the court (usually made up of three legal representatives), the secretary of the tribunal (court), the prosecutor, the lawyer, the accused, and the translator/interpreter. It is compulsory that everyone above are present at the court hearing, if not it will be delayed. All documents related to a case and further evidence must be submitted to the president of the court. The trial will be heard in Arabic. The lawyer will ask the judge to provide an interpreter who works for the Ministry of Justice. Consular staff cannot act as interpreters. Consular officers can, in exceptional circumstances, attend court hearings as observers.

Sentences

After the court hearing, a sentence is given by the judge.

How can appeals be made?

The accused has the right to appeal his/her sentence to a higher court through their lawyers. However, the appeal process is very slow (sometimes taking up to a full year) and can lead to delays in finalising a sentence although the process will be quicker where the accused is in prison. It is worth seeking a second opinion before taking the decision to appeal a sentence. Be wary of lawyers who will happily take on a case only to appeal it so they can remain on your pay roll.

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

A prisoner who, during his/her period of incarceration, abides by all prison regulations and displays good behaviour could be proposed for early release by the prison manager, such proposal to be approved by the Attorney General. The sentence could be reduced by as
much as one third of the original sentence but a minimum of one year is required to be served. Only a lawyer, the prisoner or the prisoner’s family can apply for the reduction of a sentence.

The Amir of Kuwait has the right to cancel or reduce the sentence in a criminal matter only (i.e., not in civil matters) The application is made to the office of the Attorney General; a committee comprised of officers of the Ministry of Interior and the Attorney General’s office will consider the application and will decide which applications will be forwarded to the Amiri Diwan. The Amiri Diwan will decide at its discretion which prisoners will be included on the list to be approved by the Amir as part of National or Liberation Day pardons.

**What about any financial penalties?**

Fines handed down by the court must be paid and travel bans stay in place until those fines are paid.

Where a fine is not paid a compulsory execution order for payment may be made. A person may be imprisoned for non-payment for one day for every ten Kuwaiti Dinar owed up to a maximum of six months.

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

No, there is no prisoner exchange agreement between the UK and Kuwait.

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

For most offences carrying a custodial sentence, deportation is automatic after completion of the prison term. If a sentence is followed by deportation, the prisoner will be taken to the Deportation Centre in Jleeb Al-Shuyoukh. The prisoner’s sponsor is responsible for the provision of the ticket home. However, some of the sponsors deliberately delay purchasing and bringing the ticket to the Deportation Centre until a family member, friend or other third party purchases one. A ticket must be issued to the country of origin (UK).

Deportation may be ordered by the judge (judicial deportation) or by the Ministry of Interior (administrative deportation); only in cases where the Ministry of Interior has ordered the deportation may it be appealed on humanitarian or similar grounds.
Prisoners Abroad

https://www.prisonersabroad.org.uk/

Prisoners Abroad is a welfare charity that assists British citizens imprisoned overseas, and provides information and support to their families. If you’ve found out that someone you know has been arrested abroad, you can contact us on our Freephone helpline number 0808 172 0098. Our friendly team of caseworkers will be able to offer guidance, support and a listening ear.

What does Prisoners Abroad do for prisoners?

We work with around 1,100 British prisoners overseas and our work is different in each and every case. Sometimes, it might just be helping a prisoner keep in touch with their family by using our international freepost envelopes. For others, we might send reading materials or foreign language dictionaries to help reduce isolation. A list of our services for prisoners is below:

- International freepost envelopes
- Grants for medical treatment
- Survival grants and vitamins (in developing countries only)
- Books, magazines, newspapers, language learning materials
- Pen-pals
- Translation service
- Information and guidance about key issues facing British people detained overseas

And how can Prisoners Abroad help families?

Having a relative in prison overseas can often feel like you’re serving a sentence yourself. It can be a difficult subject to discuss with friends and family and can put a strain on the family’s finances and general well-being.

Find out more about how we can help you on our Family Support and Events page. Or if you just need a chat, call our caseworkers on 0808 172 0098. We’re here to listen and we never judge.

We’re here to help you in whatever way we can. To help direct your enquiry to the right team at Prisoners Abroad, please see the options below for the correct contact details. Our helpline is open from 9.30am – 6pm Monday and Tuesday and from 9.30am to 4:30pm Wednesday to Friday

Prisoners Abroad | 89-93 Fonthill Road | London | N4 3JH

Prisoner and Family Support

info@prisonersabroad.org.uk

Helpline: 0808 172 0098 then click option 1

If calling from outside the UK 00 44 20 7561 6820, then press option 1

Resettlement
info@prisonersabroad.org.uk

Helpline: 0808 172 0098 then click option 2
If calling from outside the UK 00 44 20 7561 6820, then press option 2

Fundraising / donations
Fundraising@prisonersabroad.org.uk
020 7561 6820

Media enquiries
Mediaenquiry@prisonersabroad.org.uk
020 7561 6874
Glossary of Terms
Useful legal terms
Key phrases – English into Arabic

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Neither HMO nor any official of the Embassy take any responsibility for the information contained herein nor in relation to the use of any of the listed providers of services.
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Annexes

Annex 1: List of English-Speaking Lawyers
https://www.gov.uk/government/publications/kuwait-list-of-lawyers

Annex 2: List of Private Translators/Interpreters

Annex 3: FCO leaflet: In prison abroad

Annex 4: Prisoners Abroad authorisation form
https://www.prisonersabroad.org.uk/Handlers/Download.ashx?IDMF=4cd7012d-f55d-4e26-8e77-d4c83b90a847

Annex 5: Prisoners Abroad family contact form
https://www.prisonersabroad.org.uk/Handlers/Download.ashx?IDMF=d5d65efe-779a-4aae-812b-45a365c01221

Annex 6: Fair Trials International questionnaire and leaflets

Hard copies of the above annexes can be provided to the prisoner.
Disclaimer

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

Thank you.

09 May 2018