



British
Consulate-General
Erbil

Information Pack for British Prisoners in Kurdistan Region of Iraq

**Author: British Consulate General-Erbil
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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 Consulate-General

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?

Glen Garnham, HM Consul-Baghdad, Baghdad.ConsularEnquiries@fco.gov.uk

Ibrahim H Issa, Vice Consul-Erbil, Enquiries.Erbil@fco.gov.uk

Tel: +441908516666

Webpage: <https://www.gov.uk/world/organisations/british-consulate-general-erbil>

Working days: Sunday to Wednesday from 08:00 AM to 04:00 PM

Thursdays from 08:00 AM to 02:00 PM

The Consulate is closed on Fridays and Saturdays.

First Steps

Who will know I have been detained?

As soon as a British National is arrested and detained in Kurdistan Region, the police should let the detainee contact the British Consulate within 24 - 48 hours. However, this may not happen automatically but it is your right to do so. We may be informed in the first instance by the police themselves, friends or relations that you have been detained. As soon as we are informed, we will do all we can to contact you and will try to visit you within 48 hours if you would like us to do so.

What will my family be told?

For reasons of confidentiality we are not permitted to tell anyone including family members that you have been detained or on what charges without your permission. If you do request that we inform your next of kin, we will do so. We will also advise the Consular Directorate in the Foreign and Commonwealth Office in the UK of your detention. We will only contact your family with your permission and we will ask you what information you want us to share. If you want us to, we can tell your family or friends that you have been arrested. If you are thinking about not telling your family, please consider the distress it may cause them if they are not told where you are. It can also be a disadvantage to you if you need money for anything in prison or fall ill. Furthermore, family or friends could find out the reasons for your arrest and detention via the internet. Once we have told your family and friends, we will keep them updated on your well-being.

What will the Consulate do?

The British Consulate General in Erbil has consular responsibility for Erbil, Al Sulaimaniyah and Dahouk.

We are impartial and 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 detainees are. You should stay in touch with our staff and ask for their help, as they have experience in dealing with many of the problems you may face. We will aim to contact you as soon as possible after being told about your arrest or detention so that we can assess how we can help you but how soon this is may depend on local procedures. We will then aim to provide assistance according to your individual circumstances and local conditions.

If the prison has no postal service, we can deliver letters from your family and friends to the prison, but we cannot deliver letters directly to you or pass letters from you to them unless the prison permits it.

Although we cannot give legal advice, we can give you a list of local interpreters and local lawyers if you want, although we cannot pay for either. It is important to consider carefully whether you want to have legal representation and to discuss all the costs beforehand with the legal representative. In no circumstances can we pay your legal costs. We cannot get you out of prison or detention, nor can we get special treatment for you because you are British. If however you are not treated in line with internationally-accepted standards we will consider approaching local authorities. With your permission, we can consider taking up a complaint about ill treatment, personal safety, or discrimination with the police or prison authorities.

Again, with your permission, we can make sure that any medical or dental problems you might have are brought to the attention of any police or prison doctor. Consular staff will

keep in regular contact with you, either by visiting personally or by telephone. Within certain limits, we can send you money from your family. In some cases, there may be a charge for this service.

If you have dual nationality and are imprisoned in the country of your other nationality the British Consulate cannot assist you formally, under international law. However, Consular staff will provide whatever informal assistance the local authorities will allow.

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?

You are allowed visits by friends and family. Visiting times, frequency permitted and days vary between each place of detention and time of year. During Ramadan for example, visiting times may be restricted. You should ask the prison for details of the visiting times, but you should remember that as the Kurdistan Region is an Islamic Region, there are separate days/times for male and female visitors.

How many visits am I allowed?

Visiting times and days are quite specific and you or your family will need to find out the information from the prison.

Consular visits

A member of the Consular team will aim to visit you once every six months if the security situation permits, unless there are reasons to visit more frequently, depending on your personal circumstances.

What can visitors bring?

It varies from a police station to a prison. At police stations, there are certain days for visitors to bring clothes for the detainees. They can also bring money. Telephone cards might be accepted. Visitors are not allowed to bring toiletries; the detainee should buy these from the police station canteen. At the prisons, visitors may only bring cash. The prison shop should sell basic toiletries.

Prison conditions/services

Arrival at police station

When you arrive at the police station, you will be asked to give statements to the authorities. The first person you will speak with will be the police officer in charge of the case. They will ask you to make a statement of the facts, and they will take notes as you explain the situation. After this first round of questioning, you will then speak with a second, separate person. This second person you speak with will be the Criminal Investigator. He/she too will ask you questions, possibly including the same questions you have already gone through

with the police officer. The Criminal Investigator will take notes on what you tell him/her. The next step is that the notes taken by both the police officer, as well as the Criminal Investigator, will be given to the Criminal Court Judge. The Criminal Court Judge will review the notes associated with your case. Based on his review, he/she will make a decision as to whether to keep you in custody, or release you. In many cases, the Criminal Court Judge will not release you unless you can provide a financial guarantee- e.g. bail; or a personal "sponsor", who is someone in Kurdistan who will personally guarantee that you, the accused, will remain in Kurdistan, cooperate with the criminal investigation, and not flee the country. The Judge also has the power and discretion to decide that there is no evidence and no real case against you, and that you should be subject to judicial release, which means that the entire matter will be dropped.

Arrival at prison

When you arrive at the prison, you will keep your clothing, your money, and your personal belongings, such as your watch. If you have anything of high value, the prison authorities will ask you to store it in the prison safe. Kurdistan separates its prison populations into two separate groups, which are kept physically apart in the prison compounds. One group is composed of individuals who have not been found guilty of any crime; they have been arrested, but their cases are ongoing. The other group is composed of individuals whose investigations have been completed, and who have been found guilty of some crime. Thus, everyone in the second group has received a judgement against them in Criminal Court, and they are busy serving their sentences. In the first group, on the other hand, many of the inmates may end up being found not guilty, and released.

General prison conditions

The prisons in Kurdistan are guarded on a full time, 24 hour basis, and the guards are under strict orders to prevent any fighting between the inmates. A doctor is available to provide medical care, and the prisons are monitored and visited by Red Cross representatives, who ensure that the prison conditions are adequate and that the inmates are not being subject to abuse. Prisoners enjoy two separate visiting days- Monday and Thursday. Also, every day, prisoners are permitted to engage in outdoor activities, and sports. Prisons in Kurdistan generally have libraries, televisions, and places of worship.

How can I receive money?

Instructions on how to get funds transferred to you

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/city name if possible,

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:

Alternatively, your lawyer can visit you in prison and meet with you during Kurdistan's official work day, which is Sunday through Thursday, and give you money in person. Another option is that your family and friends can visit you during your prison's regular visiting hours, and give you the money in person. A third option is to have someone leave money for you with the prison officials, during regular work days, and ask the prison officials to give the money to you.

Can I work or study in prison?

You may be able to study in detention, if you have books available. In Mahata Prison, books are accepted; however, they should first be approved by the Prison manager. There is no internet or computer access at the prisons.

Can I receive medical and dental treatment?

If you need medical or dental treatment you should make an appointment to see the prison or police station Doctor or request a hospital or dentist visit. You may have to be escorted to a local hospital. Prison Doctors are often the equivalent to local GPs in the UK, so unusual or complex medical problems may have to be referred to a specialist outside the prison. If you have a long-standing medical problem and have received treatment for it previously, it may be useful to obtain a medical report for the local Doctor. Please note that not all medicines prescribed in the United Kingdom are allowed in the Kurdistan Region, and a substitute may be prescribed instead. Should you not be seen by a doctor following a request, you should contact the Embassy.

Food and Diet

Three meals a day are provided. A special diet can only be approved after the prison/police Doctor has given his authority on medical grounds. It is up to you to ask to see the Doctor and ask him for a special diet. Detainees can buy food and other personal supplies from the canteen/shop in the Prison.

Mail/Parcels

If your family would like to send you a letter, they can send it to the Consulate in Erbil and we will forward it to you. Our address is Consular Section, British Consulate General in Erbil. The letter should be addressed to the consular section at the British Consulate General in Erbil and addressed to you as well. Family and friends can also send letters by email and we will send it to you at the earliest possible opportunity. Parcels may be allowed but you should check what items will be accepted by the Prison.

Can I make telephone calls?

It is possible to make telephone calls, with limits on when, where to and for how long. Usually calls times have to be cleared with the prison authorities. It is best to give family and friends a range of dates and times when you will try to ring. Detainees will want to make phone calls at the same time so be prepared for a long wait and the likelihood of disappointment.

Leisure and entertainment

In most of the prisons, detainees are allowed to go out in the open air once or twice a day and you will have the opportunity to exercise and may be able to play football or basketball.

Drugs

Drug trafficking, smuggling, consumption and possession are strictly forbidden and the sentences are severe.

How can I make a complaint about mistreatment?

We suggest that you speak with your lawyer about this matter and also inform the Consular Officer immediately. We take mistreatment allegations very seriously. If you would like the mistreatment allegations to be investigated, you should report it to the public prosecutor and ask to be referred to a hospital, in case of any bruises or physical signs of mistreatment. The Consulate can also raise the mistreatment allegations on your behalf, we will note down all the details of the incident from you and send a letter to the Department of Foreign Relations and ask for an impartial investigation to take place.

The KRG Judicial System

Is the system the same as the UK?

The UK legal system is referred to as a common law legal system; our laws derive from “judicial precedent”, which means actual court room decisions made by UK Judges and UK courts in the past. The Iraq system, on the other hand, is a civil law system. In a civil law system, the primary source of law is not past court room decisions, or Judge-made law, but rather, a set of written laws, contained in “codes”- for example, the Iraqi Civil Code, or the Iraqi Commercial Code. In the Iraqi system there are Judges, but those Judges are instructed to base their decisions not on past decisions, but on the code which applies to the case at hand. For example, in a criminal case being tried in Kurdistan Iraq, the Criminal Court Judge must base his decision on the articles which are contained in the Iraqi Penal Code. The Judge is not supposed to refer to or make reference to past legal decisions; rather, he is supposed to follow the Penal Code.

What should happen when I am arrested?

According to Iraqi law, specifically, the Rules of Criminal Procedure, Law No. 23 of 1971, a person who has been arrested has certain rights. Before being questioned, you are supposed to be told that you have the right to remain silent, and that you have the right to an attorney. Also, you are supposed to be questioned within 24 hours of your arrest; the police do not have the right to simply arrest you, and hold you indefinitely, without beginning any investigation. Shortly after your arrest, an actual investigation should begin.

For how long can I be remanded in custody?

You can be remanded in custody until the investigation is complete. There is no fixed time limit; the Judge is free to exercise his discretion.

What happens when I am charged?

You will be transferred to the main Prison (Mahata if Erbil/ Suse if in Sulaimaniyah/ Dahouk and Juvenile Prison if you are a female or under 18 years.

What provision is there for bail?

In Kurdistan there is provision for bail; someone who has been arrested can offer a financial guarantee, which is a sum of money, and one can offer a personal guarantee, which means that some person in Kurdistan formally agrees to accept responsibility for you, and ensure that you cooperate with the investigation, and not flee the country.

What kind of legal assistance is available?

According to the Rules of Criminal Procedure mentioned above, you have the right to be represented by an attorney, and if you are not able to afford an attorney, the court will provide an attorney at no expense.

What happens at the trial?

During the criminal case there is no trial by jury. Instead, you appear in the Criminal Court, which is completely open to the public, and you stand before the Criminal Court Judge, who directs the case, and asks you a series of questions. By your side will be the lawyer who is representing you. In the courtroom there may be an accuser- for instance, an individual who says that they were the victim of a crime you committed. Watching over the entire criminal case will be an Attorney General, who is there to make sure that the law is being followed, and who has the power to launch an official investigation, if legal or procedural abuses are taking place.

Sentences

How can appeals be made?

If the Criminal Court Judge has found you guilty, then you or your lawyer can lodge an appeal by simply sending a notice to the Criminal Court of Appeals. However, you must lodge this appeal within 30 days of the original decision. If you fail to meet this 30 day limit, then you will lose your right to appeal the decision.

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

A sentence can be reduced for good behaviour, for instance, reduced by a quarter, or even a third, but it depends on the seriousness of the case, and your prior criminal record, if any.

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

In Kurdistan there is no offer of parole.

What provision is there for clemency or pardon?

The Judge does not have the discretion to grant you clemency or a pardon, and in fact, if a Judge does try to do this, then the Attorney General, who oversees the case, can launch an official investigation against the Judge. The Judge is required to follow the sentencing guidelines of the Iraqi Penal Code, which explains the required punishments for each type of crime.

What about any financial penalties?

If convicted, you may be required to pay a financial penalty, which will go to the victim or victims of the crime.

Is transfer to another prison within Kurdistan Region possible?

If you are found guilty of a crime in Kurdistan, you are supposed to receive your punishment and serve your sentence where the crime occurred. Therefore, if you have been accused and convicted of a crime in Sulaimaniyah, then you must serve any sentence in Sulaimaniyah, and not, for instance, in Erbil. However, a transfer to another prison in the Kurdistan region is possible, if the manager of the prison you are in decides that there is a compelling reason to transfer you to another prison.

Is transfer to the UK a possibility?

Yes. The UK/Iraq Prisoner Transfer Agreement came into force on 18 April 2017. You can read about how to apply for a transfer to a prison back in the UK in the FCO's leaflet 'Transfers home for prisoners abroad'. Any transfer has to be agreed by both the Iraqi and the British authorities.

What are the procedures for release and deportation?

After serving your sentence, you will be released. You will not be deported, and if you wish to stay, then you can stay, if you have a valid residency permit and visa. If you wish to leave Kurdistan, then you can leave Kurdistan.

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:

- a- Your rights as a prisoners and issues that may affect you such as health or transfer to the UK.
- b- Obtaining magazines, newspapers, books and the regular Prisoners Abroad newsletter.
- c- Writing to a pen pal.
- d- Learning the language of your country of imprisonment.
- e- Translation of documents.
- f- Grants for food if you are in a developing country and do not have funds from other sources.
- g- Grants for essential medicines and toiletries if you do not have funds from other sources.
- h- Preparing for release.
- i- Help for your loved ones, including information, family support 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, Free-phone 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 Kurdish

| | |
|-------------------|-----------------------|
| Amnesty / Pardon | Bbura |
| Appeal | Istinaf |
| Application form | Dawakary |
| Bathroom | Hammaam |
| Blanket | Battaniya |
| Blood test | Fahsy khwen |
| Book | Kitab |
| Case | Kaziya |
| Case number | Rakam Kaziya |
| Clinic | Eyada |
| Complaint | Shkayat |
| Court | Mahkama |
| Deposit | Amanat |
| Doctor | Dktor |
| Consulate | Consulgary/ consuliya |
| Food | Xwardn |
| Guilty | Tawanbar |
| Innocent | Be Tawan |
| Interpreter | Moutarjem |
| Judgement | Mouhakama |
| Lawyer | Mouhami |
| Library | Maktaba |
| Money | Para |
| No Problem | Moushkila niya |
| Notary | Kateb Adel |
| Plaintiff | Moudaii |
| Police | Shurta/ Police |
| Power of attorney | Wakala |
| Prison Director | Mudir Sejin |
| Prison rules | Kanouny Sejin |
| Problem | Mushkila |
| Release | Efracj |
| Security | Asaish |
| Sentence | Oukouba |
| Sick | Nakhosh |
| Soap | Saboon |
| Telephone call | telephone |
| To buy | Dakrm |
| Tomorrow | Bayani |
| Visit | Zieyara |
| Water | Aaw |
| Witness | Shahed |

Annexes:

- 1- List of English Speaking Lawyers

<https://www.gov.uk/government/publications/iraq-list-of-lawyers>

- 2- Leaflet: In Prison Abroad

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/35521/in-prison-abroad.pdf

- 3- FCO leaflet: Transfers home for prisoners abroad

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/292519/FCO Transfers Home 0314web.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/292519/FCO_Transfers_Home_0314web.pdf)

- 4- Prisoner Abroad authorisation form

<https://www.prisonersabroad.org.uk/Handlers/Download.ashx?IDMF=4cd7012d-f55d-4e26-8e77-d4c83b90a847>

- 5- Prisoner abroad family contact form

<https://www.prisonersabroad.org.uk/Handlers/Download.ashx?IDMF=d5d65efe-779a-4aae-812b-45a365c01221>

- 6- Prisoner abroad CFF form

<https://www.prisonersabroad.org.uk/Handlers/Download.ashx?IDMF=1794432a-4441-47db-934a-57f7125e1a70>

- 7- Fair Trials International Questionnaire and Leaflets

<http://www.fairtrials.org/>

[http://www.fairtrials.org/documents/FTI QUESTIONNAIRE March 2012.pdf](http://www.fairtrials.org/documents/FTI_QUESTIONNAIRE_March_2012.pdf)

<http://www.fairtrials.org/wp-content/uploads/Arrested-in-another-country-UK.pdf>

Disclaimer

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

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