



# Foreign, Commonwealth & Development Office

**Note - the information provided in this pack should help detainees know what they can expect, what help is available and how to request help. You should ensure the information provided in this pack is as clear, accurate and complete as possible. Where information is not available, you should update it as soon as you are able to ascertain the necessary information. The pack should be regularly reviewed and updated at least annually – and more regularly if required.**

This information is not meant to be definitive, and is not a substitute for independent legal advice. Neither Her Majesty's Government nor its staff take any responsibility for the accuracy of the information, nor accept liability for any loss, costs, damage, or expense that you might suffer as a result of relying on the information. The information contained in this guide is general and factual. You should contact local lawyers for independent legal advice (see pages 20-21).

## **Information Pack for British Nationals detained or imprisoned in Venezuela (Detention information pack template)**

**Author**                      **British Embassy Caracas**

**Date**                         **17 September 2020**

# Contents

## Chapter 1: Key points

- > Overview
- > First Steps

## Chapter 2: Detention conditions in Venezuela

- > Visits
- > Police custody and initial arrival at prison
- > Prison: conditions and daily life
- > Prison: access to help and services

## Chapter 3: the Venezuelan judicial system

- > Overview and first steps
- > Trial and legal assistance
- > Reaching the end of your sentence

## Chapter 4: Additional Information

- > Prisoners Abroad
- > Glossary of Terms
- > Annexes



# Chapter 1: Key Points

## Overview

If you are a British national, and are arrested or detained in another country, consular staff will do what they can to help you, but they cannot interfere with the local justice system, get you out of jail, or pay for services such as a lawyer. Information about who we can help, including the circumstances in which we can assist dual nationals, is available at: [Support for British nationals abroad](#).

This detention information pack is designed to give you, and your family and friends, information about the local system in Venezuela and who can help. A printed copy is provided to those in prison or in custody, and an online version is available at: <https://www.gov.uk/government/publications/venezuela-prisoner-pack>. We welcome feedback to help us improve the information we can provide to others.

## Contacting us

If you are arrested or detained in another country:

- **The authorities should ask whether you want them to contact the British Consulate (and must do so if you want them to).**
- **Even if they do not ask, you can make the request yourself, and should do so, particularly if you are charged with a serious offence or need any kind of assistance.**
- **Friends or family can also contact the local British Consulate or the Foreign, Commonwealth & Development Office (FCDO) in London on +44 (0)20 7008 1500.**

In some countries, the authorities might notify the British Consulate even if you don't want anyone to know that you have been arrested. This is because there may be an agreement in place with the British Government which requires a mandatory notification to be made.

## Who we are

Consular staff work in the Foreign, Commonwealth & Development Office in London, and in British Embassies, High Commissions and Consulates overseas.

British Embassy Caracas  
Consular Section  
Av. Principal de La Castellana.  
Torre La Castellana. Piso 11.  
Caracas 1060

Telephone:  
+58 (0) 412 333 0842 (**Office hours only**)  
+58 (0) 212 319 5800 / +58(0) 212 263 8411  
Email: [caracas.escalations@fcdo.gov.uk](mailto:caracas.escalations@fcdo.gov.uk)



Embajada Británica  
Caracas

You can also contact us by phone 24/7 for help or advice from anywhere in the world by calling the Foreign, Commonwealth & Development Office on +44 (0) 207 008 1500.

## What we can do

The FCDO can offer you impartial and non-judgemental help. Once notified of your arrest or detention, consular staff will aim to contact you as soon as possible so that we can assess how we can help you. We then aim to provide assistance according to your individual circumstances and local conditions: our priority is to provide assistance to those British nationals overseas that need our help the most.

In Venezuela, notification by the authorities to the Consulate can take an indefinite number of days after an arrest. You should ask for your consulate to be notified immediately.

Once we are notified, we aim to contact you *as soon as possible*.

We can also:

- > provide a [list of local English-speaking lawyers and interpreters](#). See also page 20 in respect to available legal assistance.
- > provide general information about the country, detention conditions, and the local legal system (including if legal aid is available)
- > provide general information about the local prison or remand system, including visiting arrangements, mail and censorship, privileges, and welfare services.
- > keep in regular contact with you, either by visiting or by telephone/letter. The frequency of contact will depend on local conditions and your personal circumstances.
- > tell the police or prison doctor, with your permission, about any medical or dental problems including medication.
- > put you, or your family, in touch with a prisoners' welfare charity called [Prisoners Abroad](#).
- > in some circumstances we may be able to help take up complaints with the police or prison authorities about ill treatment, personal safety, or discrimination, if you are not treated in line with internationally recognised standards.
- > help to transfer money to you from your friends or family. In places where phone or postal services aren't available, we can also pass on messages and deliver letters to the prison (but generally we cannot arrange for delivery directly to you – see pages 15-16).
- > in some circumstances we may be able to help you apply for a transfer to a prison in the UK.

## **What we can't do**

- > get you out of prison or detention
- > help you get special treatment
- > offer legal advice, start legal proceedings or investigate a crime
- > pay for any costs as a result of being arrested
- > forward you packages sent by friends or family
- > prevent authorities from deporting you after release

## **First Steps**

### **Can you / will you tell my family?**

If you want us to, we can tell your family or friends that you have been detained and can provide them with information about how to contact you in prison or detention. With your consent, we can also keep them updated on your well-being.

If you are not sure about informing your family, we can help you consider the impact that not doing so might have. For example, it may cause them distress if they do not know where you are, or cannot contact you. It can also be a disadvantage to you if you need someone to send you money or act on your behalf while you are detained.

### **Will the UK Police be informed?**

If you are accused of certain serious offences, such as sexual assault or drugs trafficking, we are obliged to share information about your arrest with UK police. It is therefore possible that information about this may appear if a Criminal Records Bureau check were carried out by a prospective employer. There may be other circumstances in which information about you may need to be shared by ourselves or authorities in Venezuela.

### **Do I need a lawyer? / How can I find a lawyer?**

Although we cannot give legal advice, start legal proceedings, or investigate a crime, we can offer basic information about the local legal system, including whether a legal aid scheme is available. We can give you a list of local interpreters and a list of local English-speaking lawyers is attached to this pack. See also page 20 in respect to available legal assistance. You will want to consider the benefits of local legal representation and to discuss all the costs beforehand with the legal representative. In no circumstances can we pay your legal or interpretation costs.

### **Can you get me out?**

We cannot get you out of prison or detention, nor can we get special treatment for you because you are British. However if you are not treated in line with internationally accepted standards we will consider whether to approach local authorities. This may include if your trial does not follow internationally recognised standards for fair trial or is unreasonably delayed compared to local cases.

### **Who else can help me?**

We can put you, or your family, in touch with Prisoners Abroad, a UK charity which supports British citizens detained overseas and their families: [www.prisonersabroad.org.uk](http://www.prisonersabroad.org.uk)

## Chapter 2: Detention conditions in Venezuela

### Visits – friends and family

#### Can my family and friends visit me? How can I arrange a visit?

If your family or friends want to visit you they should contact our Consular Section before travelling. You should advise your visitors to give us as much notice as possible, and to supply passport numbers and personal details such as places and dates of birth, travel itineraries, addresses, etc. We will then contact the prison authorities to help facilitate the visit.

#### What can visitors expect?

Visiting premises will vary greatly across facilities. In the newer “*refurbished*” prisons for foreign nationals they will take place in a meeting room under constant guard supervision. Note there’s no physical barrier (such as security glass) separating visitors and the inmate, and depending on the facility visits will have a set time limit that varies from a few minutes to several hours.

The embassy might be able to get permission for an exceptional family visit outside normal visiting hours, but this cannot be guaranteed.

In older prisons not absorbed by the new national prisons system, visits will take place in a communal area and other prisoners might be present nearby. Please note that some imprisonment facilities do not allow visits.

Visitors must identify themselves when they arrive at the prison by showing an identification document (ID) containing a photograph (i.e. a passport). The guards at the main entrance will hold this and the visitor is given a pass to enter. The ID is returned at the end of the visit. All visitors will most likely be searched for prohibited items (money, weapons, illegal substances, etc.) upon entering the prison by National Guard officials. In most prisons guards will physically search each visitor. This might be a frightening experience for sensitive individuals.

Marital visits are possible in certain facilities between married prisoners, though they might be prone to disruption and there is little privacy.

It is advisable to give family and friends as much information as you can about:

- what to expect on arrival in Venezuela
- what happens when they reach the prison
- everything you know about the “do’s” and “don’ts” of visiting

Bear in mind how different Venezuela is from Britain – especially for a first-time visitor who has possibly not travelled much. The “culture-shock” plus the sight of you in a prison visiting area with guards and other prisoners all around, is likely to prove a distressing experience.

It will help to make their journey less stressful if you find out certain things beforehand. For example:

- how long in advance of their trip should they make contact with the Embassy?
- what bureaucratic procedures can they expect?
- how many visits can be arranged?

### **What can visitors bring?**

Visitors can take in some cooked food, books and magazines. Reading material containing nudity or depiction of violence will not be allowed in. Visitors can bring clothes for prisoners, as long as they match the prison uniforms (this varies from prison to prison). Mobile telephones have to be left at the main entrance. Cameras/recording equipment are strictly prohibited. All items will be examined before the visitor can enter the prison.

### **Visits – Consular staff**

A member of the Consular Section will visit you within 24 hours, or as soon as possible, after receipt of notification of your arrest. Please note that if you are held far from the capital, it may take even longer depending on security and travel-related circumstances, such as flights and petrol availability.

The first consular visit to the prison is designed to accomplish several goals, including the following:

1. To verify that you are in fact an UK citizen, national or otherwise entitled to the protection of the UK Government.
2. To explain to you our role and how we can be of assistance to you.
3. To deliver information about local English-speaking lawyers and interpreters.
4. To briefly explain the Venezuelan judicial system.
5. To verify that you are being treated in accordance with international and local law.
6. To identify family and persons to contact;

If you so desire, we will contact your next of kin, or other family or friends to notify them of your arrest. We will contact them, via Consular Directorate of the Foreign, Commonwealth and Development Office (FCDO) Foreign, Commonwealth and Development Office (FCDO) in London, to tell them the situation. They will be told about prison procedures, regulations, your morale and your general well-being. We can also pass on any messages from you. If you do not initially wish to notify anyone, we will not contact anyone without your consent; however, we encourage you to provide the contact information anyway, so that we have it available if you later change your decision or in case of an emergency.

7. Protecting Prisoners' Personal Property;

In most countries, including Venezuela, arresting officials confiscate the personal property (such as money, clothing, watches, rings, and computers) of newly arrested persons. Often, no receipts are given for these items, and, with no records, the items often disappear. As a result, we will make note of any property that has been confiscated from you and try to do our best to ensure that it is returned to you. It is usually very difficult to retrieve your personal items. If you have an airline ticket, it will be seized according to Venezuelan laws.

For most major prison complexes, consular staff will arrange to subsequently visit you once every three months, as long as local conditions permit. Consular staff sometimes special arrange additional visits, for example, in cases where you need to sign urgent documents or when there are medical emergencies.

Some older or very remote prisons lack the minimum security measures for consular staff to visit. In such cases, the Embassy will try to remain in regular contact with British nationals via other means, such as the Venezuelan authorities, telephone, email, friends or family who may continue to visit.

Some prisons have public telephones, which the inmates can use. You should phone the Consular Section if there is an emergency.

### **Emergency trips outside of prison**

Local legislation does not envision any provisions for emergency or compassionate trips outside of your imprisonment facility.

## Police custody and initial arrival at prison

### Arrival at the police station & basic rights

Following arrest, you will be taken to a police station and put in a holding cell. If you are suspected of drug trafficking, you will be taken to the Anti-Drugs Command of the National Guard. Venezuelan holding cells are often overcrowded. Food will not be provided for you. You will have to buy your own.

### Appearance at court

Once you have been arrested you should be taken to court to be formally charged within 24 hours. If you don't have a lawyer, you will have a public defender appointed to your case.

A state-appointed prosecutor will present a case, and the potential charges, to a judge. The judge will examine the charges and decide: i) if you are to be formally charged, and ii) if you are to remain imprisoned while awaiting for trial.

Court should appoint a translator as appropriate.

More information about the Venezuelan judicial system can be found in Chapter 3.

### Initial arrival at the prison

The prosecutors usually request that foreign detainees are kept in custody after the initial hearing, and during the whole duration of the trial, arguing a high risk of flight. If the judge agrees, you will be placed in "pre-trial" detention in either a major prison complex (Internado Judicial), usually the one nearest the court.

Newly arrived prisoners are usually placed in isolated-quarantine (observation) for 20 days before they can join the rest of the prisons' population

Prisoners are searched upon arrival. Any possessions you may still have on you will be removed and stored – local authorities do not provide receipts for valuables and they often go missing.

You may be allowed to limited calls, usually one per week, to local numbers only – landlines/mobiles in Venezuela cannot make international calls. You may contact us through our contact numbers as described on page 3.

You will not be able to retain and use your own clothing, a uniform (blue for pending charges/trial and yellow for sentenced prisoners) will be provided by the prison. Local prisons are not equipped to provide you with any hygiene items or toiletries.

If you have any specific medical condition/needs you should flag this to our Consular and the prison's staff immediately. Treatment for chronic conditions such as blood-pressure, cardiac disease, diabetes or HIV are often not available in country. Consular staff can liaise with local authorities in respect to availability and access to treatment as necessary.

Depending on the facility, you may have limited access to a local phone and the capacity to make a weekly (local only) call. You should contact consular staff if you have no one else to contact – our staff can also assist with contacting your relatives/friends and passing on any messages if you wish for us to do so.

## Prison: conditions and daily life

Most major prison complexes have been adapted to fit the new penitentiary system, known as *régimen cerrado*. The new system aims at a much stricter control of the prison activities, and the standard is generally better than in old prisons. All inmates must wear prison uniforms at all times and male inmates have to get induction haircuts. Foreigners are usually assigned to a separate wing where their interaction with local (Venezuelan) inmates is reduced. They have very rigorous rules and schedules. These newer prisons are heavily militarised and access is much more restricted. As a result, they have managed to minimise problems such as contraband, guns, drugs and the emergence of internal gangs. They usually have appropriate visiting facilities and are considered safer for both inmates and visitors.

There are some older prisons that have not been absorbed by the new system yet. They are generally understaffed, in poor repair, and plagued by corruption and abuse. Many have gangs of prisoners who carry weapons. At times the National Guard has to be brought in to deal with outbreaks of violence (chiefly between Venezuelan prisoners) and to search cells. There is also occasional violence and threats from guards. You will reduce the risk of conflict with both guards and prisoners by learning some Spanish. It will also help you to make your needs understood, especially if you fall ill.

## Accommodation

Prisoners often sleep two or three to a bed, or on passageway floors. How much space you have and where you sleep often depends on how much “rent” you can afford – the more you pay, the better your conditions. Dangerous or high-risk prisoners are supposed to be kept in high-security wings. Otherwise all prisoners are mixed together, regardless of crime, and there is no classification relating to standards of behaviour.

In general, prisons in Venezuela are overcrowded. Prison population is about double of the capacity installed.

Power cuts are common and there is constant water supply rationing through the country. You may find yourself without water or electricity from short to extended periods of time.

## Food and Diet

In all the newer prisons the food is provided by the prison main kitchen, free of charge. You will receive 3 daily meals. Inmates often complain that the food is insufficient, both in terms of volume and quality, but there are no facilities to buy additional food.

Regularly prison food is high on simple carbohydrates (such as white rice) and low in proteins and/or fresh vegetables or fruits. Food portions are not calculated based on specific caloric needs, but distributed based on food provisions available to the facility.

Visitors can bring cooked food to have a meal during the visit, but inmates are not allowed to take food back to their cells.

In older prisons, you will be able to buy additional food from private individuals.

Specific/special nutritional needs are often overlooked and cannot be met. Water is not safe for drinking.

## Hygiene

Shower/bathing/toilet facilities are communal and often kept in a very poor state. Inmates are normally allowed to shower/bathe on a daily basis provided there's running water - please note there is constant water supply rationing throughout the country. You may find yourself without water from short to extended periods of time.

Local prisons are not equipped to provide you with any hygiene items nor toiletries. There's also no official (legal) shops inside prisons to buy such items.

## Work and Study

It is not mandatory to work while imprisoned.

There are few opportunities for work in prison. The most common job is as helping staff in the kitchen. Some prisons have workshops for making wooden furniture or leather goods. If you have a skill such as painting or playing a musical instrument you may be able to give lessons to other inmates. Some British prisoners teach English.

We strongly advise you to engage in as much work/study during your time in prison. Make sure you have all this time formally recorded by prison authorities, as this can be used in your application for redemption. Keeping yourself busy will also be psychologically helpful.

## Contact and Languages

There are no restrictions on contact with other prisoners/inmates.

Foreign nationals with a definitive sentence are often transferred to specific facilities destined for foreign prisoners. There's usually other English-speaking prisoners in such facilities. Guards and prison's staff cannot communicate complex ideas in English – any Spanish you can learn will be very helpful throughout your time in prison.

Prison facilities for foreign nationals usually have a library with reading literature in English and other foreign languages. It is not possible for prisoners to order literature from the outside privately nor through the authorities. Consular staff can deliver books in English during consular visits if you wish for us to do so – please note any violent-depicting literature is prohibited (neither graphic nor written violence is allowed).

There's no computer nor internet access available. Depending on the facility, you may have limited access to a local phone and the capacity to make a weekly (local) call.

Some facilities may have a communal television.

There is the possibility to request local language materials through the post from Prisoners Abroad (including language textbooks and dictionaries).

## Exercise

Prisoners are usually allowed to go out of their cells for a number of hours a day – the amount of hours/how regularly varies by facility. Exercise facilities and equipment are often lacking or extremely improvised. Some (newer) prisons organise mandatory regular exercise sessions for inmates.

## Climate

Climate in Venezuela is consistently hot and humid, with temperatures averaging on around 26 to 28 Celsius degrees year-round. Due to Venezuela's latitude there's only two seasons: dry (November to April) and rainy (May to October).

## Religion

There's no religious services available in most prisons. Visits from a priest, rabbi or minister of faith are rare – such visit requests are usually not accommodated. Detention facilities' are not staffed by religious ministers.

## Rules and regulations (including drugs)

Rules and regulations vary greatly across facilities. In new "*regimen cerrado*" prisons there's a strict set of rules on what behaviour is expected of prisoners and this is explained upon arrival. Sanctions for breaking the rules/inappropriate behaviour may include compulsory isolation for a number of days depending of the severity of the offense.

In older prisons there's no official set of rules/expected behaviours and inmates have their own system of self-imposed/set rules. You should familiarize yourself with what kind of behaviour is expected of you.

Drugs are common, particularly in older prisons. Some prisoners are "*drug pushers*", and they aim at getting prisoners addicted to drugs so they become a source of steady funds. Incurring debts inside the prison, especially for drugs, invariably buys trouble. Daily interest rates on debts are often extremely high.

Contracting infectious diseases (HIV, hepatitis, etc.) as a consequence of drug use is very common.

Some prisons have limited rehabilitation programs for drug users.

If you have any concerns in respect to your safety, you should mention this to prison staff immediately or to your lawyer.

## Prison: access to help and services

### How can I receive money?

There are two ways in which you may be able to receive financial assistance while in prison.

- Private Funds: Deposited to you by your family or friends. We can provide instructions on how to send funds through the FCDO as necessary.
  - Prisoners Abroad: Depending on where you are detained, if your family can't support you financially, Prisoners Abroad may be able to send you a small grant every quarter for essentials (enough for one hot meal a day).
- **The British Government does not provide financial assistance to prisoners.**

### Private funds

While the FCDO does not provide financial assistance to prisoners, we may be able, within certain limits, to send you money from your family.

The Foreign Commonwealth & Development Office (FCDO) operates a "Prison Comfort" system for money transfers to prisoners. Please ask your family to get in touch with the FCDO in order to arrange this.

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

You may access funds transferred via private services such as Western Union, **subject to availability of a local bank account**, but you will need family or friends in Venezuela willing to manage/receive the deposited funds (at any [Grupo Zoom](#) branch nationwide) and buy comforts for you.

Local prisons do not have a system where friends/relatives can deposit funds directly. Prisoners can neither receive nor handle cash.

Foreign prisoners are always considered to be very rich, and as a result they are sometimes targeted by gangs within the prison as a good source of funds, and are more likely to be the victims of theft and extortion. To try to stay away from these problems, we recommend for you not to make it evident if you have access to funds.

### Prisoners Abroad

In addition, Prisoners Abroad, a UK charity, may be able to assist you with funding for prison essentials and some medical care if you are not in receipt of any regular donations from other sources. Prisoners in Venezuela may be eligible for their *Craig Feehan Fund* and *Medical Fund* to assist with medical emergencies. See Chapter 4 for more details.

## Can I receive medical and dental treatment?

While you are in detention, Venezuela is responsible for ensuring your basic medical needs are met.

Most prisons have at least one doctor, employed by the Ministry of Penitentiary Services, but their schedule and availability is normally quite reduced/limited.

If you need to see a doctor you must ask local prison authorities/custodians. It can take several days until a doctor is available to see you.

If you need more complex treatment, or if there is an emergency, prison authorities have the responsibility to take you to the nearest public hospital under armed guard – the authorities have the prerogative to keep you handcuffed at their discretion, consular staff cannot prevent this course of action.

This visit to the hospital is free of charge. Please note that local public health facilities are extremely poor, with frequent shortages of medicines and funding – all hospitals often lack adequate medical supplies and equipment.

## Mail/Parcels

Venezuelan prisons do not offer a mail service and private courier companies, such as DHL or FedEx, will not deliver packages to prisons.

We can facilitate pre-stamped, postage-free, envelopes provided by Prisoners Abroad so you are able to write letters to your family and friends in the UK. We can arrange for onward transmission.

## Can I make telephone calls?

Some prisons have a system that allows prisoners to make a quick telephone free of charge, once a week. In most prisons, however, this only applies to local calls.

International calls are not possible from neither landlines nor mobile phones due to local specific circumstances.

In some prisons, many inmates have their own mobile phones, although this is illegal.

## How can I make a complaint about mistreatment?

If you have been mistreated, please inform Consular staff as soon as it is safe for you to do so. We will then do our best to visit you, to check on your welfare, discuss the allegations, and inform you of any local complaints procedures and supportive organisations that you may wish to consider. With your permission, and where appropriate, we will consider approaching the local authorities if you have not been treated in line with internationally-accepted standards. If you have been mistreated, please try to see a doctor, obtain a medical report and if possible photos of the injuries you received.

You can report any incident to the prison authorities. Some prisoners fear that raising a complaint could make things worse. We encourage you to discuss any incident with consular staff. Consular staff will take all complaints of mistreatment seriously. With your permission, they can help you raise a complaint even if you don't want your name mentioned.

---

# Chapter 3: the Venezuelan judicial system

## Overview and first steps

### Is the system the same as the UK?

Venezuela's legal system is still based on a civil or Napoleonic model, with origins dating from European colonial times. This puts the country out of step with the British system, which is a Common Law system.

- **The FCDO cannot interfere with the judicial system. We cannot ask for your case to be judged more quickly just because you are British, or ask the authorities to waive any penalties.**

### What should happen when I am arrested?

You can be arrested when a police officer or an agent has witnessed you breaking the law, or when a judge has issued an order for your arrest, following police investigation or when someone has filed a police report against you.

In drug-related cases, such as when a person is caught trafficking drugs at the airport, he or she will be immediately arrested by police officers or National Guard without any prior court order to do so.

Once you have been arrested you should be taken to court to be formally charged within 24 hours. If you don't have a lawyer, you should ask for a public defender immediately.

- **Should you have any questions concerning the legal aspects of your arrest, contact your lawyer. A list of local English-speaking lawyers is provided at the end of this pack.**

**IMPORTANT NOTE:** once you have been arrested the authorities have the prerogative to keep you handcuffed at their sole discretion, consular staff cannot prevent this course of action.

### For how long can I be remanded in custody?

Foreigners are usually remanded in custody for the whole trial process.

### What happens when I am charged?

The legal process is divided into four phases:

- Preparatory Phase: Evidence is gathered by both the prosecutor and defendant in order to establish the truth of events. This stage is controlled by the Public Ministry and supported by the police.

- Intermediate Phase: An oral hearing takes place to determine whether a crime has been committed, to filter accusations which do not meet requirements, and to decide if the case is strong enough to go to trial. This stage is controlled by a Control Judge (*juez de control*), who is an investigating judge, and is not held in public.
- Oral Proceedings / Trial Phase: A public hearing takes place before a judge in a public court, with both prosecution and defence present. This phase consists of three stages: preparation for debate, debate (resulting in a decision about the defendant's guilt or innocence) and sentencing.
- Contesting / Appeal Phase: You can instruct your lawyer to present any new evidence to the judge to appeal against your sentence. The judge will make a decision to accept or reject your appeal. Your lawyer will be able to give you more advice concerning appealing a decision.

### **What provision is there for bail?**

Often U.K. citizen or national prisoners will allege discrimination because bail is common for host country nationals facing similar charges, but has been denied in their case. It is important for you to be aware that bail is usually denied to foreigners in Venezuela because foreigners on bail are considered a flight risk.

- **The FCDO is not able to facilitate the transfer of bail funds.**

## **Trial and legal assistance**

### **What kind of legal assistance is available?**

If you wish to hire a private lawyer, a list of English-speaking lawyers is provided at the end of this pack. Prisoners Abroad can also supply information on legal aid, court proceedings and can advise on appointing a lawyer.

By law you're entitled to a Venezuelan Public Defender. Venezuelan law establishes that a public defender will be appointed if you cannot afford a Lawyer. He or she should be present whenever you appear in court. Venezuelan public defenders often achieve the same results as higher priced private lawyers.

You can employ a lawyer at any time after your arrest. A list of English speaking lawyers comes with this information document. Private lawyers can be very expensive (fees begin at around US\$10,000) and they often demand a large portion of their fee upfront.

The British Government cannot pay legal fees or guarantee to a lawyer that you will pay them.

### **What happens at the trial?**

At court you will be asked to give a statement, but you are not obliged to do so. If you decide to provide a statement, the court should appoint a translator. In order to keep you incarcerated, the Public Ministry (prosecutor's office), via the prosecutor, must prove the following:

- The crime you are accused of committing is punishable by more than five years in prison.
- There are reasonable grounds for believing you were involved in the crime
- There is a strong chance that you will flee or take actions to hinder the investigation (all foreigners are considered a high flight risk).

Venezuela's court structure is pyramidal, with the Supreme Court at the top. There are many departmental and municipal courts for the lowest level cases, separate courts for family and juvenile cases, military and criminal trial courts. The criminal courts are divided into "first instance" and criminal courts of appeals. Different courts are used for crimes carrying different lengths of sentence. The Superior courts act mainly as intermediate appeal courts, and the Supreme Court is the court of last resort.

Despite the number of courts having increased over the last 30 years, the ratio to the population has decreased in the same period. This has resulted in serious delays in investigating charges, hearing cases and arriving at verdicts. You can expect delays of several months depending of the crime and the location of the court(s).

If you are going through a criminal procedure you will visit three different courts:

1. The Court of Control or "*Tribunal de Control*"; the judge will read your charges and will formally order your incarceration until the trial.
2. You will go to the Trial Court or "*Tribunal de Juicio*" where the evidence will be presented, and witnesses called. It is here where all the procedures for your sentencing will take place. This court will issue your sentence.
3. You will be assigned to a "*Corte de Ejecución*." This court keeps track of your case and ensures that your sentence is carried out. If you earn any benefits during your time in prison, this is the court that will be responsible to apply them to your case.

## Sentences

Penalties include fines, settlements, probation, and imprisonment. Venezuela does not have the death penalty. The maximum sentence is 30 years.

Some crimes carry mandatory prison sentences with no possibility of early release. Possession of just 2.1 grams of cocaine, or over 20 grams of cannabis or marijuana, is classified as trafficking and carries an automatic 15 to 18 year sentence; this sentence can have a maximum of 25 years.

Once a foreign prisoner's sentence has been completed, he or she is expelled from the country.

## How can appeals be made?

You will only be able to appeal the sentence issued by the *Tribunal de Juicio*. You may try to appeal your sentence if you believe that the trial was not conducted in a proper way, you believe that the evidence presented was fake or altered, or if you believe your rights were violated in some way, among other reasons. Appealing your sentence is a very serious act. There is some evidence that prisoners who appeal often have their appeals denied and may be given a higher sentence than they originally had. The higher courts do not tolerate frivolous appeals lightly. Therefore, please take this into account before appealing without good reason. Discuss the details thoroughly with your lawyer.

## Reaching the end of your sentence

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

Your sentence may be conditionally reduced or suspended if you do not have a previous criminal record and the sentence does not exceed 8 years. This is known as the "benefits system". **You will not normally be eligible if you are convicted of certain crimes (e.g. drugs-related, rape, kidnapping, extortion and homicide).** However, this decision is at the discretion of the judge in charge of your case.

'Benefits' granted according to the Venezuelan law:

- *Destacamento de trabajo o estudios* (work/study benefit)

The prisoners who are formally employed or undertake studies during their time in prison can apply for redemption of sentence. For every two days of work/study, the prisoner can get one day reduced of their remaining sentence. There is also a provision that allows some prisoners to work outside the prison during the day and go back to prison at night.

- *Régimen abierto / destino a establecimiento abierto* (open prison)

The prisoner lives in a Community Centre that belongs to the Venezuelan authorities. The prisoner must work in the locality and must comply with the internal rules of the Centre under the supervision of a multidisciplinary team.

- *Confinamiento* (confinement)

A prisoner who has served 3/4 of their sentence and has observed good conduct might be entitled to live outside the prison in a pre-determined place and has to comply with the rules established by the court.

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

A fourth option in the benefit system is similar to parole, known as "*Libertad Condicional*". The benefit is granted in the last period of a sentence. The prisoner leaves the prison in a definite and permanent way, under the supervision of a probation officer during a period equal to the remaining sentence.

### What provision is there for clemency or pardon?

The constitution of Venezuela includes provisions for pardon and amnesty. Pardon (*indulto*) is at the discretion of the President of the Republic only. A person who receives a presidential pardon is still considered guilty of committing a crime, but their time in prison is pardoned. Amnesty is a faculty of the National Assembly via the legislators. It implies that a new law has been passed to decriminalise a particular action that up to that point was considered illegal. Anyone who is detained after being charged of said crime, is immediately released as a free person under the terms of the amnesty and the corresponding criminal records are deleted. If the person has been charged or convicted of any other crime not included in the terms of the amnesty, the corresponding judiciary process will continue as normal.

You should speak to your lawyer to find out more details and if whether or not any of this applies to your case.

### What about any financial penalties?

Some less serious crimes involve paying fines instead of serving prison time – such as immigration offences, for example.

You may be advised by others that bribing officials could be beneficial to your case. The consequences of any bribery attempt can be severe and this course of action is **not recommended**.

## Is transfer to another prison within Venezuela possible?

There are provisions for a prisoner who has been definitely sentenced to request transfer to a different prison in Venezuela. However, due to the highly overcrowded penitentiary system, very few requests of transfer are actually granted. Foreign prisoners are usually assigned to an imprisonment facility for foreign citizens only. You should ask your lawyer to advise you on the correct procedure to facilitate a transfer, if possible.

## Is transfer to the UK a possibility?

Yes, for British citizens only. The British and Venezuelan Governments have signed a bilateral Prisoner Transfer Agreement (PTA), which came into force on the 10th of April of 2003. They also take into consideration the Strasbourg Convention on the Transfer of Sentenced Persons.

After you are sentenced, you make an official request, then you may be transferred to the UK as long as certain criteria are met, i.e. that both Governments agree to both, the transfer and the duration of the sentence. Securing all necessary approvals can take up to two years.

Under certain conditions the Convention allows people who have been given a custodial sentence in a country other than their own to be transferred to their home country and to serve their sentence there.

To transfer, you must:

- be a British citizen or have close family ties with the UK (normally through permanent residence in the UK)
- not be awaiting trial
- have exhausted all appeals against your conviction and/or the length of your sentence; or have waived your right to an appeal
- have at least 6 months of your sentence left to serve when you apply for transfer
- have no outstanding fines or other non-custodial penalties

The offence you were convicted for must also be a criminal offence in the part of the UK you wish to be transferred to: England, Wales, Scotland or Northern Ireland.

The authorities in the sentencing country may refuse your request. You should be aware that even if the sentencing State agrees to your transfer then the UK authorities may also refuse your request. Reasons for this might include if you have not lived in the UK for a number of years and you have no close family residents there.

Consular staff can assist you with the process of making an official request for a transfer and liaise with local authorities to advance on the request – only the British Embassy in Venezuela can assist/advance prisoner transfer requests based on the UK government's bilateral Prisoner Transfer Agreement with Venezuela. Please be wary of lawyers that promise to be able to assist with this process.

## To find out more about transfers to the UK:

[In prison abroad: transfer to a UK prison](#)

## What are the procedures for release and deportation?

Foreigners who are not legal residents in Venezuela will most likely be sentenced to expulsion of the country in addition to their prison time. This means that even if a person has served their complete prison sentence, they are still not legally a free person until they are expelled from the country, usually by air.

Once a person has completed their prison sentence, they will be transferred to immigration detention facilities. On the day of their flight, they are taken to the airport and escorted until they board the aircraft.

The Venezuelan government should theoretically cover the costs of the repatriation. In practice, it can take several years until the authorities are able to secure a flight. During this time, the prisoner will remain in immigration custody. If the prisoner is able to pay for their own flight, their repatriation can be arranged immediately after they exit the prison.

Sometimes people find that they face difficulties adjusting to life in the UK once they have left prison. You may find yourself ready for life on the outside but not prepared for living in the UK. Possibly you have never lived in the UK and have no connections there, or perhaps you have lost touch with friends and family. You may simply want to talk to another person who understands what you have been through, to help you consider what to do next.

If you are registered with Prisoners Abroad you can visit Prisoners Abroad when you first arrive back in UK for advice, to take a shower, use their temporary luggage store, make essential phone calls or use a computer. If you have no belongings Prisoners Abroad may be able to help with basic toiletries and finding suitable clothing. If you know your release date in advance it is best to write and tell your caseworker when you are likely to arrive and what help you think you might need. If you have no money and nowhere to go, Prisoners Abroad's Aftercare Service can help with:

- advice on finding emergency accommodation in the London area
- claiming welfare benefits, including emergency benefit payments if you are destitute
- making appointments with doctors and dentists
- putting you in touch with local agencies if you are not returning to the London area.

Later on you may want advice on housing, looking for work, applying for training or getting counselling. Prisoners Abroad can refer you to the right agency.

Other sources of practical help back in the UK are The Salvation Army – UK Helpline 020 7367 4888, Monday to Friday 8 AM to 4 PM, or contact your local Salvation Army branch – and The Prison Fellowship, UK Helpline 020 7799 2500, Monday to Friday 9 AM to 5 PM.

### **Would I have a criminal record in the UK?**

We will not normally pass on information about your case to a third party without your consent. However, if you're arrested for certain serious offences, such as child sex abuse or drugs crimes, our staff must tell other relevant UK authorities. It is therefore possible that information about this may appear if a Criminal Records Bureau check were carried out by a prospective employer.

---

## Chapter 4: Additional Information

### 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 awaiting charge or trial. 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
- 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, in a few cases, 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 and Tuesdays 9.30 am to 6pm, and Wednesdays to Fridays 9.30 am to 4.30 pm, UK time)

**Email:** [info@prisonersabroad.org.uk](mailto:info@prisonersabroad.org.uk)

**Website:** [www.prisonersabroad.org.uk](http://www.prisonersabroad.org.uk)

## Glossary of Terms

### Useful terms

#### ENGLISH – SPANISH

##### A

access to file	acceso al expediente
accomplice	cómplice
act	ley / acto
action	acción
alone	solo/a
answers	respuestas
appeal	apelar / apelación
arbitrary detention	detención arbitraria
arrest	detención
arrest warrant	orden de arresto/orden de detención
Attorney General	Fiscal de la Nación
authority	autoridad
awaiting trial	juicio pendiente

##### B

bail	fianza
belongings	pertenencias
blood	sangre
books	libros
bread	pan
British citizen	ciudadano británico

##### C

cell	celda
charges	cargos
chicken	pollo
Civil Law	derecho civil
clemency plea	alegación de indulto
clothes and shoes	vestido y calzado/ropa y zapatos
Commonwealth citizen	ciudadano de la Mancomunidad Británica
complaint	queja
consent	consentimiento
Consul	Cónsul
convicted	convicto / sentenciado
Court-appointed counsel	Defensor público
crime	crimen
Criminal Law	Derecho Penal

##### D

debts and payments	deudas y pagos
dental treatment	tratamiento dental
deportation	deportación

destination  
detainee  
discrimination  
Doctors / Medical Panel  
drug smuggling

destino  
privado de libertad / detenido  
discriminación  
panel de doctores/panel médico  
tráfico ilícito de drogas

## E

Embassy staff  
emergency  
extradition

personal de la Embajada  
emergencia  
extradición

## F

family visits  
fees  
felony  
fine  
fish  
flip-flops  
food  
foreigner  
forgery  
form  
friend  
fruit  
funds

visitas de familiares  
honorarios / tarifa  
delito  
multa  
pescado  
cholas / chancletas  
comida  
extranjero  
falsificación  
formulario / planilla  
amigo/a  
fruta  
fondos / dinero

## G

good behaviour  
guidance

buen comportamiento  
guía

## H

health  
human rights  
hunger strike

salud  
derechos humanos  
huelga de hambre

## I

ill-treatment  
imprisoned  
I need to make a call  
I need to see a doctor  
information  
inmate  
instructions

maltrato  
en prisión / encarcelado  
Necesito hacer una llamada telefónica  
Necesito ver a un doctor  
información  
interno / privado de libertad  
instrucciones

## J

jail  
job  
judge

cárcel / internado judicial  
trabajo / empleo  
juez

judicial  
jurisdiction  
justice

judicial  
jurisdicción  
justicia

## L

Law  
Law enforcement  
lawless  
lawyer / attorney  
legal advisor  
legal system  
living conditions

Ley / Derecho  
ejercicio de la ley  
ilegal  
abogado  
asesor legal  
sistema legal  
condiciones de vida

## M

magazines  
mail / post  
man  
meat  
medical services  
mental illness  
milk  
money  
Ministry  
Minister

revistas  
correo  
hombre  
carne  
servicios médicos  
enfermedad mental  
leche  
dinero  
Ministerio  
Ministro

## N

needs

necesidades

## O

offence

delito

## P

parole  
parole for work  
passport  
penitentiary legislation  
penitentiary system  
Peruvian authorities  
Police Officer  
prison  
prison director  
prison record  
Prison Transfer Agreement  
prisoner  
protection  
psychiatric treatment  
punishment

libertad condicional  
beneficio de trabajo / confinamiento  
pasaporte  
legislación penitenciaria  
sistema penitenciario  
autoridades peruanas  
Policía  
prisión / Internado Judicial  
director de la prisión  
expediente del privado  
Convenio de Transferencia de Presos  
privado de libertad / preso  
protección  
tratamiento psiquiátrico  
castigo

## Q

questions

preguntas

## R

reading material  
reference  
regulations  
rehabilitation  
release  
religion and beliefs  
retention of passport  
riot

material de lectura  
referencia  
normas  
rehabilitación  
liberar / liberación / excarcelación  
religión y creencias  
retención del pasaporte  
motín / riña / disturbio

## S

salad  
salt  
security  
sentence  
sexual assault/rape  
shoe  
stomach

ensalada  
sal  
seguridad  
sentencia/sentenciar  
asalto sexual / violación  
zapato / calzado  
estómago

## T

telephone  
toiletries  
torture  
travel document  
treatment  
trial

teléfono  
artículos de baño  
tortura  
documento de viaje / pasaporte  
trato  
juicio

## U

understand  
unfair trial  
unlawful possession

entender  
juicio injusto  
posesión ilegal

## V

vegetarian  
Vice Consul  
visit hours  
visitor

vegetariano/a  
Vicecónsul  
horario de visitas  
visitante

## W

water  
wing  
woman  
work  
written notification

agua  
pabellón / letra  
mujer  
trabajar  
notificación por escrito

## SPANISH- ENGLISH

### A

abogado	Lawyer / attorney
abogado de oficio	Court-appointed counsel
acceso al expediente	access to file
acción	action
agua	water
alegación de indulto	clemency plea
amigo/a	friend
apelar / apelación	appeal
asalto sexual/violación	sexual assault / rape
asesor legal	legal advisor
autoridad	authority
autoridades venezolanas	Venezuelan authorities

### B

buen comportamiento	good behaviour
---------------------	----------------

### C

cárcel	jail
cargos	charges
carne	meat
castigo	punishment
celda	cell
cholas / chancletas	flip-flop
ciudadano británico	British citizen
ciudadano de la Mancomunidad Británica	British Commonwealth citizen
comida	food
cómplice	accomplice
condiciones de vida	living conditions
consentimiento	consent
Cónsul	Consul
Convenio de Traslado de Presos	Prison Transfer Agreement
convicto	convicted
correo	mail / post
crimen	crime / felony
custodio	prison guard

### D

dejar en libertad	to release
delito	felony / offence
deportación	deportation
Derecho	Law
Derecho Civil	Civil Law
Derecho Penal	Criminal Law
derechos humanos	human rights
destino	destination

detención	arrest
detención arbitraria	arbitrary detention
detenido	detainee
deudas y pagos	debts and payments
dinero	money
director(a) de la prisión	prison director
discriminación	discrimination
documento de viaje	travel document

## **E**

ejercicio de la ley	Law enforcement
emergencia	emergency
enfermedad mental	mental illness
en prisión / encarcelado	imprisoned
ensalada	salad
entender	understand
estómago	stomach
evacuación	evacuation
extradición	extradition
extranjero	foreigner

## **F**

falsificación	forgery
fianza	bail
Fiscal de la Nación	Attorney General
fondos	funds
formulario	form
fruta	fruit

## **G**

guía	guidance
Guardia Nacional	National Guard

## **H**

hombre	man
horario de visitas	visit hours
huelga de hambre	hunger strike

## **I**

ilegal	lawless
información	information
instrucciones	instructions
interno	inmate

## **J**

jabón	soap
judicial	judicial
juez	judge
juicio	trial

juicio injusto  
juicio pendiente  
jurisdicción  
justicia

unfair trial  
awaiting trial  
jurisdiction  
justice

## L

leche  
legislación penitenciaria  
letra  
Ley  
liberar / liberación  
libertad condicional  
libros

milk  
penitentiary legislation  
wing  
Act / Law  
to release / release  
parole  
books

## M

maltrato  
material de lectura  
motín  
mujer  
multa

ill-treatment  
reading material  
riot  
woman  
fine

## N

necesidades  
necesito hacer una llamada telefónica  
necesito ver a un doctor  
normas  
notificación por escrito

needs  
I need to make a phone call  
I need to see a doctor  
regulations  
written notification

## O

orden de arresto/orden de detención

arrest warrant

## P

pan  
pabellón  
Panel de Doctores / Panel Médico  
pasaporte  
personal de la Embajada  
pertenencias  
pescado  
policía  
pollo  
posesión ilegal  
preguntas  
preso  
prisión/establecimiento penitenciario  
protección

bread  
wing  
Doctors / Medical Panel  
passport  
Embassy staff  
belongings  
fish  
Police Officer  
chicken  
unlawful possession  
questions  
prisoner  
prison  
protection

## **Q**

queja

complaint

## **R**

referencia

reference

rehabilitación

rehabilitation

religión y creencias

religion and beliefs

respuestas

answers

retención del pasaporte

retention of passport

revistas

magazines

ropa

clothes

## **S**

sal

salt

salud

health

sangre

blood

seguridad

Security

semilibertad

parole for work and study purposes

sentencia

sentence

servicios médicos

medical services

sistema legal

legal system

sistema penitenciario

penitentiary system

solo/a

alone

## **T**

tarifa

fees

teléfono

telephone

tortura

torture

trabajar

work

trabajo

job

tráfico ilícito de drogas

drug smuggling

tratamiento dental

dental treatment

tratamiento psiquiátrico

psychiatric treatment

trato

treatment

## **U**

único

unique

utensilios de baño

toiletries

## **V**

Vice Cónsul

Vice Consul

visitante

visitor

visitas de familiares

family visits

vegetariano/a

vegetarian

## **Z**

zapato

shoe

## Annex

FCDO leaflet: Support for British Nationals Abroad: Summary:

<https://www.gov.uk/government/publications/support-for-british-nationals-abroad-a-guide/support-for-british-nationals-abroad-summary>

FCDO leaflet: In Prison Abroad: Transfer to a UK Prison

<https://www.gov.uk/government/publications/in-prison-abroad/in-prison-abroad-transfer-to-a-uk-prison>

List of English-Speaking Lawyers

List of Private Translators/Interpreters

Prisoners Abroad Authorisation Form

Prisoners Abroad Family Contact Form

Prisoners Abroad CFF Form