



British Embassy
Addis Ababa

Information Pack for British Prisoners in Djibouti

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INTRODUCTION.....	2
WHO WE CAN HELP?	2
ABOUT THE DJIBOUTI CONSULAR NETWORK	2
WHO ARE THE CONSULAR REPRESENTATIVES	2
CONTACT INFORMATION	3
FIRST STEPS	3
WHO WILL KNOW THAT I HAVE BEEN DETAINED?	3
WHAT MY FAMILY WILL BE TOLD?	3
WHAT WILL THE CONSULATE DO?	3
WOULD I HAVE A CRIMINAL RECORD IN THE UK?	4
VISITS	4
HOW DO MY FAMILY AND FRIENDS ARRANGE A VISIT?	4
HOW MANY VISITS AM I ALLOWED?	4
WHAT CAN VISITORS BRING?	4
PRISON CONDITIONS/SERVICES.....	4
ARRIVAL AT THE PRISON	4
GENERAL PRISON CONDITIONS.....	4
HOW CAN I RECEIVE MONEY?	5
CAN I WORK OR STUDY IN PRISON?	5
CAN I RECEIVE MEDICAL AND DENTAL TREATMENT?	5
FOOD AND DIET	5
MAIL/PARCELS.....	5
CAN I MAKE PHONE CALLS?	5
LEISURE AND ENTERTAINMENT	6
DRUGS	6
HOW CAN I MAKE A COMPLAINT ABOUT MISTREATMENT?	6
THE DJIBOUTI JUDICIAL SYSTEM.....	6
WHAT SHOULD HAPPEN WHEN I AM ARRESTED?	6
FOR HOW LONG CAN I BE REMANDED IN CUSTODY?	7
WHAT PROVISION IS THERE FOR BAIL?	7
WHAT KIND OF LEGAL ASSISTANCE IS THERE?	7
HOW CAN APPEALS BE MADE?	7
IS TRANSFER TO THE UK A POSSIBILITY?	7
PRISONERS ABROAD	8
ANNEX A	9
ANNEX 1,2,3,4,5,6,7,8,9	9
DISCLAIMER	11

INTRODUCTION

Who we 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 Djibouti Consular Network

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 and Djibouti consulate 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/consulate cannot accept legal responsibility for any errors or omissions in the information. If in doubt contact a lawyer.

Who are the Consular representatives

British Embassy, Addis Ababa represents British interests in Djibouti. It will depend where you are detained.

❖ British Embassy Addis Ababa

British Embassy Addis Ababa
Comoros Street
Addis Ababa
P.O.Box 858
Ethiopia

Paul Lawrence

HM Consul Addis Ababa and Consular Regional Operations Manager, Central and North East Africa

❖ Honorary Consulate Djibouti

Djibouti, Republic of Djibouti
Alain Martinet
British Honorary Consul

Contact Information

British Embassy Addis Ababa

Comoros Street
Addis Ababa
PO Box 858
Ethiopia

Email Addis.Consular@fco.gov.uk

Telephone +251 (0)11 617 0100

British Consulate in Djibouti

B.P. 169
Djibouti, Republic of Djibouti
Telephone: +253 21 352 879
Facsimile: +253 21 352 543

FIRST STEPS

Who will know that I have been detained?

When a British National is arrested and detained in Djibouti, the Djibouti authorities must inform the respective British Consulate / Embassy. However, we often learn of an arrest informally from friends or family, or other British National detainees.

What my family will be told?

For reasons of confidentiality we are not permitted to tell anyone, even your family that you have been detained or what the charges are without your permission.

What will the Consulate do?

We aim to contact you within 24 hours of being informed about your arrest and will then aim to visit you within 48 hours; after this we aim to visit you every 3 months. During our routine visits you will have the opportunity to discuss any health issues, security concerns, your treatment in prison and any other general issues that you wish to raise with our consular staff. At each consular visit, our staff will complete a "Visit Report Form". If there is any information that you would prefer not to disclose to Next of Kin you should let us know during the visit.

If appropriate, we will consider approaching the local authorities if you are not treated in line with internationally-accepted standards.

Will 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

In the first instance you should contact the British Embassy in Addis Ababa for more detail.

How many visits am I allowed

Visits are reportedly permitted to the Central Prison every Friday.

Consular Visits

We will visit you every three months; during our routine visits you will have the opportunity to discuss any health issues, security concerns, your treatment in prison and any other general issues that you wish to raise with our Consular staff. At each Consular visit, our staff will complete a "Visit Report Form". If there is any information that you would prefer not to disclose to a Next of Kin you should let us know during the visit.

What can visitors bring?

Djibouti has a large number of prison facilities and regulations about permitted items are same from one prison to another but the rules are frequently changed. Therefore, families should contact the FCO in advance of their visit so we can provide an updated list.

PRISON CONDITIONS/SERVICES

Arrival at the prison

When someone is arrested they are taken to prison in the first instance. There is one central prison in Djibouti, Gabode, in the Capital. Any belongings that are not part of the investigation, process, or evidence will be sent to the prison, if the prison has enough space to keep them.

The British Consulate/Embassy cannot store your personal belongings on your behalf. The only property we can keep for you are your passport and driver's licence. However, these are usually retained by the courts until the end of your sentence. Please note that your passport might be kept by the courts as evidence of the alleged crime or as a condition for your bail/parole. This measure is taken by the courts to prevent you from skipping bail.

General prison conditions

Overcrowding is a problem so you cannot expect a single cell as a matter of course. You should be aware that sanitary conditions are generally poor in Djibouti prisons.

Most Djibouti prisons will provide potable water, food, medical treatment and basic sanitary facilities.

How can I receive money?

There are two ways in which we can support you with financial assistance while in prison, subject to the agreement of the Djiboutian Authorities

- **Private Funds:** Deposited to you by your family or friends. See [Annex A](#) for instructions on how to send funds.
- **Prisoners Abroad:** If your family can't support you financially Prisoners Abroad may be able to send you a small grant every quarter for essentials.

Money received from the UK will be converted into local currency and held on your behalf by our Embassy. Our Consular staff will then transfer your funds to you when visiting.

Please note that the Embassy/Consulate does not provide financial support to British Nationals in prison abroad.

Can I work or study in prison?

We are currently unaware of any work or study opportunities in Djiboutian prisons.

Can I receive medical and dental treatment?

Gabode Prison has an infirmary and medication is available. Serious medical cases are referred to Djibouti City public hospital.

Food and Diet

Gabode prison provides three meals a day, with meat served on alternate days. Prisoners' families can bring food to the prison daily.

Mail/Parcels

We are unaware of any mail or parcel facilities available to prisoners, permission to receive this would need to be requested on a case by case basis.

Can I make phone calls?

We are unaware of any phone call facilities available to prisoners, permission to receive and make calls would need to be requested on a case by case basis.

Leisure and entertainment

Prison conditions are cramped and leisure/entertainment facilities limited.

Drugs

The use non-prescription drugs (marijuana, cocaine, etc) is illegal. If caught using such drugs prisoners can expect to face stiff penalties.

How can I make a complaint about mistreatment?

Prisoners and detainees can submit complaints through the prison authorities to judicial officials, through visiting Consulate officials or through their lawyer.

THE DJIBOUTI JUDICIAL SYSTEM

The Embassy/Consulate cannot interfere with the Djibouti Judicial system. We cannot ask for your case to be judged quickly or ask the authorities to waive any penalties. Below you will find more information about the Djibouti judicial system.

Information on the local legal system

What should happen when I am arrested?

The law requires arrest warrants and stipulates that the government may not detain a person beyond 48 hours without an examining magistrate's formal charge; however, procedures in rural areas may not be so thorough. Detainees may be held an additional 48 hours with the prior approval of the public prosecutor. The law provides that the law enforcement promptly notify detainees of the charges against them, although there may be delays. The law requires that all persons, including those charged with political or national security offences are tried within eight months of arraignment; however this may not always be the case. The law contains provisions for bail, but reports indicate that the authorities rarely made use of it.

Public Defendant

Detainees have the right to prompt access to an attorney of their choice, which generally occurs, although there have been some exceptions. In criminal cases the state provides an attorney for detainees who cannot afford legal representation. In instances of unlawful detention, detainees can be given court-ordered release but not compensation.

Trial Procedures

The legal system is based on French law adopted at independence, Islamic law (Sharia), and nomadic traditions.

The law states that the accused is innocent until proven guilty; however, trials do not proceed in accordance with the presumption of innocence. Trials are generally public. A presiding judge and two associate judges hear cases. The judge receives assistance from three lay assessors, who are not members of the bench but considered sufficiently knowledgeable to comprehend court proceedings. The government chooses lay assessors from the public. In criminal cases the court consists of the presiding judge of the court of appeal, two lay assessors, and four jurors who are selected from voter registration lists. The law provides that detainees be notified promptly of the charges against them. Although the law does not provide interpretation free of charge, it is available. Detainees have the right to prompt access to an attorney of their choice. In criminal cases the state provides attorneys for detainees who cannot afford legal representation. Defendants have the right to be present, consult with an attorney in a timely manner, confront witnesses, and present witnesses and evidence on their own behalf. Defendants have the right of appeal. The law extends these rights to all citizens.

Traditional law often applies in cases involving conflict resolution and victim compensation. Traditional law stipulates that a price be paid to the victim's family for crimes such as murder and rape.

How long can I be remanded in custody?

Initially 48 hours but a period of another 48 hours may be given with the prior approval of the public prosecutor.

What provision is there for bail?

Bail

The law contains provisions for bail, but reports indicate that authorities rarely make use of it.

What kind of legal assistance is there?

Detainees have the right to prompt access to an attorney of their choice. In criminal cases the state provides attorneys for detainees who cannot afford legal representation.

How can appeals be made?

You have the right to appeal against your sentence in the Higher Courts through your lawyer or public defenders.

Is transfer to the UK a possibility?

There is no a prison transfer agreement between Djibouti and UK Governments.

PRISONERS ABROAD

Since 1978 the charity Prisoners Abroad has offered practical support and advice to British citizens imprisoned overseas. It is the only UK charity providing this service and it is available to all, whether guilty or innocent, convicted or on remand. Prisoners Abroad is concerned with your health and welfare, both during your imprisonment and also on your return to the UK, through their resettlement service (if you have registered whilst in prison). They can also provide support and advice to your family during your imprisonment. In order to access any services, prisoners must first register with Prisoners Abroad by signing and returning their authorisation form.

Once you seek help from Prisoners Abroad, the Prisoner & Family Support Service will be your point of contact for advice and information. The type of assistance they can offer will vary from country to country, but generally they can provide you with information, in English, on:

- your rights as a prisoner and issues that may affect you such as health or transfer to the UK
- obtaining magazines, newspapers, books and the regular Prisoners Abroad newsletter
- writing to a pen pal
- learning the language of your country of imprisonment
- translation of documents
- grants for food if you are in a developing country and don't have funds from other sources
- grants for essential medicines and toiletries if you don't have funds from other sources
- preparing for release
- help for your loved ones, including information, family support groups and assistance with the cost of visiting

Prisoners Abroad
89 – 93 Fonthill Road
London N4 3JH
UK

Telephone: 00 44 (0)20 7561 6820 or, for your relatives in the UK, Freephone 0808 172 0098
(Mondays to Fridays 9.30 am to 4.30 pm, UK time)

Email: info@prisonersabroad.org.uk

Website: www.prisonersabroad.org.uk

Annex Section:

ANNEX A

Options to transfer funds to British Nationals Overseas via the Foreign and Commonwealth Office

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

- 1) **ELECTRONIC BANK TRANSFERS:** Contact your bank to arrange.
A “BACS” transfer usually takes 3-5 working days to clear in our account. Some banks do not charge for this service. If you have internet or telephone banking you may be able to arrange without visiting your bank.
A “CHAPS” transfer is usually received in our account within 12-24 hours. You will normally need to visit your bank to arrange and banks normally charge for this service.

For both the above bank transfers you will need to include the following details:

Bank:	Citibank
Acct Name:	GBS Re FCO Multivote Account
Sort Code:	08-33-00
Account Number:	12537125
Reference:	Name of the person you are sending the funds for, plus country name e.g. JOE SMITH – THAILAND

You may also need our bank address which is: Canary Wharf, London E14 5LB.

- 2) **BY POST**

Payments by Postal Order, Bankers Draft or Building Society cheque should be crossed and make payable to “The Foreign and Commonwealth Office”. They should be sent to:

Accounts Receivable
Foreign and Commonwealth Office
Corporate Service Centre
PO Box 6108
Milton Keynes
MK10 1PX

We recommend that you use Recorded or Special Delivery.
Please ensure that you include a note briefly explaining who the money is for and why.
(Alternatively you may use the payment slip on next page.)

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

- 3) Please note that personal cheques can take up to 15 working days to process and clear before we can advance funds. We do not accept Card payments, or cash sent in the post. If you wish to pay by cash, you can take the money to our offices at Northgate House, Milton Keynes but will need to telephone first to make an appointment.

To: Foreign and Commonwealth Office

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:

Annex 1: Djibouti Lawyers list

<https://www.gov.uk/government/publications/djibouti-list-of-providers-2015>

Annex 2 : List of Translators

<https://www.gov.uk/government/publications/djibouti-list-of-providers-2015>

Annex 3 FCO leaflet: In prison abroad

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

Annex 4: FCO leaflet: Transfers home for prisoners abroad

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/292519/FCO_Transfers_Home_0314web.pdf

Annex 5: Prisoners abroad authorisation form

<http://www.prisonersabroad.org.uk/uploads/news/id48/Authorisation%20form%20v3.1%20August%202013.pdf>

Annex 6: Prisoners abroad family contact form

http://www.prisonersabroad.org.uk/uploads/news/id44/Contact_with_Family_Friends.pdf

Annex 7: Prisoners aboard CFF form

http://www.prisonersabroad.org.uk/uploads/news/id49/Form_cff.pdf

Annex 8: Fair Trials International Questionnaire and leaflets

<http://www.fairtrials.org>

http://www.fairtrials.org/documents/FTI_QUESTIONNAIRE_March_2012.pdf

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

Annex 9: Reprieve Information (optional)

[https://en.wikipedia.org/wiki/Reprieve_\(organisation\)](https://en.wikipedia.org/wiki/Reprieve_(organisation))

Disclaimer

This booklet was compiled by the British Embassy, Addis Ababa. It is revised on a regular basis.

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

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

Thank you.

Friday, 11 September 2015