



British Embassy
Ulaanbaatar

Information for imprisoned British Nationals in Mongolia

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Introduction

Who can help?

The Foreign and Commonwealth Office (FCO):

The FCO is represented overseas by its Embassies and Consulates (or High Commissions in Commonwealth Countries). Both employ consular officers, one of whose duties is to provide help and advice to any British National who gets into difficulty in a foreign country.

About the Embassy

We are impartial; we are not here to judge you. We aim to make sure that you are treated properly and fairly in accordance with local regulations, and that you are treated no less favourably than other prisoners.

We can answer questions about your welfare and about prison regulations, but you must ask your lawyer or the court about any 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 can we 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, we advise you to contact a lawyer.

Who are the Consular Representatives?

Louise Edwards
HM Vice-Consul

Urangua Chuluun
Pro Consul

Contact Information

British Embassy
30 Enkh Taivny Gudamzh
Ulaanbaatar 13
Mongolia
Tel: +976 11 458133
Fax: +976 11 458036
E mail: consular.mongolia@fco.gov.uk

First Steps

Who will know I have been detained?

When a British national (or other national for whom this Embassy has responsibility) is arrested and detained in Mongolia, the Mongolian authorities are legally obliged to inform the British Embassy. This is usually done in writing and may take a few days to reach us. We may be informed more quickly by friends, relations, or employers.

What will my family be told?

The Embassy can arrange for your next-of-kin to be informed, but we will not do so without your authority.

What will the Embassy do?

As soon as we have been notified (whether by family, friends or officially) we will contact you within 24 hours, and visit you as soon as possible thereafter.

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?

Under normal circumstances only close family are permitted to visit, though it is possible for non-family members to obtain permission. If family or friends intend to visit you, they should contact the Embassy before travelling. We will give them advice on how to apply for permission to visit. A guard will be present during any visit with friends or family.

How many visits am I allowed?

You are allowed the following visits depending on the prison's security level:

Prison Security Levels	Number of visits	
	Short term	Long term
Low security: Sentence - 107.4	Unlimited	8 visits a year
Medium security: Sentence - 108.1	1 visit in two months	1 visit in 3 months
High security: Sentence - 108.2	3 visits a year	2 visits a year
Maximum security: Sentence -109.4	2 visits a year	Not allowed

Consular visits

We will aim to visit you every six weeks while in detention. If sentenced, we will aim to visit you once every three months unless there are reasons to visit more frequently.

What can visitors bring?

You are permitted to receive clothes, books, magazines and the following products:

Pastry – 5 kg, Flour –10 kg, Rice – 5 kg, Sugar – 2 kg, Meat – 4 kg , Vegetables – 4 kg, Fruits – 2 kg, Milk – 2 litres. You are also allowed vitamins and sanitation products.

Prison conditions/services

Arrival at a police station

The police may arrest a person suspected of a crime and hold them for up to 72 hours before a decision is made to prosecute or release. Under the Criminal Code, a Court Order must be obtained to continue holding someone for over 24 hours. If the requested order is not granted within 72 hours, the suspect must be released.

General prison conditions

Prison and detention centre conditions vary by facility. It is likely that you will share a cell. The prison management will usually try to accommodate you with other English-speakers. Prisoners and detainees have reasonable access to visitors and officials.

How can I receive money?

You can receive money into your Mongolian prison account through the prison social worker. You cannot hold more than 10% of the minimum salary rate (192,000 MNT). If you do not have an account, the British Embassy can help set one up for you, and your family/friends can transfer money to it through the Foreign and Commonwealth Office in London. If you have no money, then "Prisoners Abroad" may be able to send you a small regular amount to cover necessities.

Can I work or study in prison?

There is little opportunity to work in Mongolian prisons.

Depending on your case the prison authority will decide how many hours of labour they will assign to you. Work can be suspended for health reasons or if you fail to adhere to safety and security rules.

It's possible to sign up for evening classes at local universities or colleges while serving your sentence. However, this needs to be cleared with prison authorities first and the actual studies need to be held on site. The prison will not cover your study expenses. If you commit disciplinary offences you may lose your right to continue your studies.

Can I receive medical and dental treatment?

You may request to see the prison doctor if you feel unwell. Prisons do routine medical checkups on a fortnightly basis. Medical examinations may also be carried out at the request of the Head of the Detention Centre, the investigating officer, the prosecutor or your defence lawyer.

Food and Diet

You will be provided with meals, although those used to Western food may find Mongolian food difficult to adjust to. You will be allowed to buy food from the prison shop and receive food parcels from visitors, subject to the contents being approved by the prison authorities.

Mail/Parcels

You are able to send and receive letters depending on the prison's security category.

<u>Prison Security Levels</u>	<u>Maximum no. of parcels to receive/letters to send</u>
Low security: Sentence - 107.4	Unlimited
Medium security: Sentence - 108.1	One a month
High security: Sentence - 108.2	Parcels: 3 a year Letters: 2 a month
Maximum security: Sentence -109.4	Letters: 1 a month

Can I make telephone calls?

Yes, but you are limited by the prison's security category.

Telephone calls are limited to five minutes between 09:00-17:00

<u>Prison Security Levels</u>	<u>No. of calls permitted</u>
Low security: Sentence - 107.4	One a week
Medium security: Sentence - 108.1	One a week
High security: Sentence - 108.2	One a fortnight
Maximum security: Sentence -109.4	One a month

Leisure and entertainment

Some prisons have libraries, prayer rooms and sports halls where you can spend your leisure time. You can also do your laundry during leisure time.

Drugs

You can use legal medication prescribed by a prison doctor.

How can I make a complaint about mistreatment?

Incidences of harassment, threats or violence are rare, but if you do experience such treatment, you should report this to your consular representative as soon as possible. It is our responsibility to take up allegations of mistreatment against a British national. We will only raise concerns with the prison administration if you request that we do so.

The Mongolian Judicial System

Is the system the same as the UK?

No, it's different from the Common Law system of the UK. The Mongolian judicial system is divided between three levels of court: Soum, Inter-soum and District, and Aimag. The Supreme Court is the highest judicial organ of the State, and is the court of last resort. These courts deal with criminal, civil and administrative cases.

What should happen when I am arrested?

If the police suspect you of a crime, they will submit a decree for arrest to the Court for approval. The decree should specify the following grounds for arrest: place; time; results of body search and time of record.

The decree of arrest should be explained to the suspect, including his/her rights which include the right to an attorney and a translator. You should be asked to sign the decree to confirm your understanding of the allegations. The courts should confirm whether the suspect should be confined or freed within 48 hours of receiving the decree.

The Embassy should be notified of any arrest within 24 hours and we will try to make contact with you within 48 hours of receiving such notification.

For how long can I be remanded in custody?

If you are a suspect you can be held for up to 14 days. If you have been accused you can be held for up to two months.

What happens when I am charged?

You will be moved to a prison.

Is there provision for bail?

Yes. This will be handled by the courts. The number of guarantors cannot be less than two.

What kind of legal assistance is available?

Consular staff cannot give legal advice, but they can provide you with a list of English-speaking lawyers. You may choose to appoint a lawyer to represent you. The British Embassy cannot pay legal fees.

If you do not have funds to hire a lawyer, the court must appoint one. State appointed lawyers are free of charge but rarely speak English.

What happens at the trial?

According to Mongolian law, all accused persons have the right to due process, legal defence, and a public trial. Closed proceedings are permitted in cases involving state secrets, rape cases involving minors, and other cases as by law. The law provides that defendants are innocent until proven guilty.

How can appeals be made?

Your lawyer will be able to advise you on the appeals process.

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

The judge may decide to make deductions to a sentence for good behaviour.

Is there provision for early release, e.g. on parole?

Yes, there is provision in the law for early release. Your lawyer can outline the circumstances in which parole is granted.

Whilst early release is possible, if you break your parole conditions within the subsequent time period your original sentence will be reinstated

What provision is there for clemency or pardon?

The following groups of people may be eligible for clemency under the law:

- Under 18s with no prior criminal record
- Pregnant women or those who have children under 18 years of age
- Single mothers who have children under 18 years of age
- Men over 60 years old
- Women over 50 years old

Clemency is not granted in the following cases:

- Serious crime
- Where the subject has been convicted of crimes more than three times;
- Crimes against the State

What about any financial penalties?

The court can impose financial penalties. The total amount of a penalty is usually within the range of 5 to 500 times the minimum salary rate set in statutes when the crime occurred. If you evade the financial penalty, the court can convert the penalty into a maximum three year prison sentence.

Is transfer to another prison within Ulaanbaatar possible?

If you are interested in transfer, you should notify the Embassy. The Embassy will send a letter to the Prison Board which will then consider the following before authorizing the transfer:

- Prison records
- Disciplinary records and coverage of damage
- Professional experience
- Health condition
- Reasons for transfer
- Term served in prison
- Witness/victim testimony
- Administrative support documents

Is transfer to the UK a possibility?

No. There is no Prisoner Transfer Agreement between the UK and Mongolia.

What are the procedures for release and deportation?

In theory, prisoners are not allowed to stay in Mongolia after release. You will need a valid passport and air ticket before deportation can be arranged. If the prisoner does not have a passport, the Embassy can issue an Emergency Travel Document (ETD). You must pay the costs of the ETD fee and the flight. If you do not have sufficient funds, the Embassy will contact your family/friends in the UK.

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 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 (but only 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:

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

Mongolian alphabet:

А а	Б б	В в	Г г	Д д	Е е	Ё ё	Ж ж	З з
а	бэ	вэ	гэ	дэ	е	ё	жэ	зэ
a	b	v	g	d	ye	yo	j	z
[ɑ]	[p/pʲ]	[ʋ/ʋʲ]	[g/gʲ/ɣ]	[t/tʲ]	[ji~jə]	[jɔ]	[ʧ]	[ts]
И и	Й й	К к	Л л	М м	Н н	О о	Ө ө	П п
и	хагас и	ка	эл	эм	эн	о	ө	пэ
i	j	k	l	m	n	o	ö	p
[i]	[i]	[kʰ/kʰh/x/xʲ]	[ʎ/ʎʲ]	[m/mʲ]	[n/nʲ/ŋ]	[ɔ]	[ø~o]	[pʰ/pʰj]
Р р	С с	Т т	У у	Ү ү	Ф ф	Х х	Ц ц	Ч ч
эр	эс	тэ	у	ү	фа/эф	хэ/ха	цэ	чэ
r	s	t	u	ü	f	kh	ts	ch
[r/rʲ]	[s]	[tʰ/tʰj]	[u]	[u]	[f/pʰ]	[x/xʲ]	[tsʰ]	[tʃʰ]
Ш ш	Щ щ	Ъ ъ	Ы ы	Ь ь	Э э	Ю ю	Я я	
ша	шча	хатуугийн тэмдэг	ы	зөөлний тэмдэг	э	ю	я	
sh	shch	i	y	i	e	yu	ya	
[ʃ]	[ʃʧ]	hard sign	[i]	soft sign	[e~i]	[ju/ju]	[ja]	

Useful legal terms in Mongolia:

Law- хууль/ huul

Human right – хүний эрх hunii erh

Illegal – хууль бус huul bus

Judge – шүүгч shuugch

Court – шүүх - shuuh

Supreme court – Дээд шүүх deed shuuh

Attempt – оролдлого oroldlogo

Supreme power – дээд эрх мэдэл deed erh medel

Prohibit – хориглох - horigloh

Forbid – хориглох horigloh

Commit – үйлдэх –uildeh

Execution – гүйцэтгүүлэх - guitsetgeh

Legislation – хууль тогтоомж huuli togtomj

Politics – улс төр uls tur

Government – засгийн газар zasgiin gazar

Respect – хүндлэх – hundleh

Obey – дагаж мөрдөх – dagaj mordoh

Right to vote – сонгох эрх – songoh erh

Right to speech – үг хэлэх эрх – ug heleh erh

Right to religion – шашин шүтэх эрх – shashin shuteh erh

Attorney – өмгөөлөгч - omgologch

Judicial branch – шүүгч - shuugch

Imprisonment – шоронд хорих shorond horikh

Fine торгууль - torguuli

Arrest – баривчлах bariwchlah

Probation - тэнсэн суллах – tensen sullah

Penalty шийтгэл sheetgel

Annexes

Annex 1: List of English-Speaking Lawyers

Annex 2: List of Private Translators/Interpreters

Annex 3: FCO leaflet: In prison abroad

Annex 4: Prisoners Abroad authorisation form

Annex 5: Prisoners Abroad family contact form

Disclaimer

This booklet was compiled by the Consular Section, British Embassy Ulaanbaatar. It is revised on a regular basis.

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

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