



Foreign &  
Commonwealth  
Office

## **Information Pack for British Prisoners in Mali**

### **Prisoners pack template - 2017**

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## Introduction

### Who can help?

The Foreign and Commonwealth Office (FCO):

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

### About the Embassy Bamako

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

We can answer questions about your welfare and about prison regulations but you must ask your lawyer or the court about legal matters. The attached list of lawyers is provided by the British Embassy for your convenience, but neither Her Majesty's Government, nor any official of the Consulate, take any responsibility for the competence or probity of any firm/advocate on the list or for the consequence of any legal action initiated or advice given.

We cannot get you out of prison, pay fines or stand bail or interfere with local judicial procedures to get you out of prison nor secure you an earlier trial date; we cannot investigate a crime.

We have tried to make sure that the information in this booklet is accurate and up to date, but the British Embassy cannot accept legal responsibility for any errors or omissions in the information. If in doubt contact a lawyer.

### Who are the Consular Representatives?

*Ann HERRIGAN*

*Consul*

[ann.herrigan@fco.gov.uk](mailto:ann.herrigan@fco.gov.uk)

*Minetou MOULAYE*

*Consular Officer*

[minetou.moulaye@fco.gov.uk](mailto:minetou.moulaye@fco.gov.uk)

### Contact Information

*British Embassy Bamako*

*Cité du Niger II*

*Bamako/Mali*

*Tel: (00223) 44 97 69 13*

[bebamako@fco.gov.uk](mailto:bebamako@fco.gov.uk)

## **First Steps**

### **Who will know I have been detained?**

As soon as a British National is arrested and detained in Mali, the Malian authorities must let the detainee make a phone call. It is your right to contact either the British Embassy in Bamako or family/relatives, except if they consider it might compromise the investigation. If you do not make any call the local authorities will then have to inform the Embassy.

### **What will my family be told?**

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

However, should you wish to inform your family, we can make contact with them through our colleagues in the FCO in London.

### **What will the Consulate do?**

We aim to make contact with you within 24 hours of being notified of your arrest. If you request a Consular visit, subject to where in Mali you have been detained, we will try and visit you as soon as possible, preferably within 48 hours (excluding weekends and public holidays).

If you have dual nationality and are imprisoned in the country of your other nationality the British Consul cannot assist you formally, under international law. However, Consular staff will provide whatever informal assistance the local authorities will allow. Your relatives and friends can contact the above address for advice from the FCO in London.

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

You should be aware that if you have been convicted for certain serious offences, such as sexual assault or drugs trafficking, we are obliged to inform the UK police. It is therefore possible that information about this offence may appear if a Criminal Records Bureau check were carried out by a prospective employer.

## **Visits**

### **How do my family and friends arrange a visit?**

Authorisation must be obtained from the public prosecutor in charge of your case.

Visitors must identify themselves when they arrive at the prison by showing an identification document which is held by the prison authorities and is returned at the end of the visit. Visitors must also sign a register.

The visits take place in private visit rooms and are supervised by a guard.

### **How many visits am I allowed?**

The number of visits is stipulated on the authorisation delivered by the public prosecutor. This can vary from one to once a week or daily, it depends on the case and the prosecutor's decision. The duration of the visit depends on the prison regulations and on the guards' judgement but it often varies from 30 minutes to 1hour.

### **Consular visits**

We aim to visit you every quarter while you are under trial, though may visit more often if it is necessary or in an emergency. If you are convicted we may visit less often but will make an assessment of your vulnerability before deciding this.

Consular visit are subject to the same conditions as family visits.

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

Visitors can exclusively bring food on a daily basis, and to do so, they do not need any prior authorisation. They will need to show an identity document and sign the prison register. They will also have to taste the food before being allowed to bring it to you. They can stay a couple of minutes with you.

## **Prison conditions/services**

### **Arrival at police station**

At the police station you have the right to ask for permission to call your Embassy or your family/friends or a lawyer unless the officer in charge considers it might interfere with the investigation.

You can be placed under custody for an initial period of 48 hours; it can be prolonged to 72 hours. If more investigations are needed, a judge might issue a warrant for committal and you will be placed under custody at the Central Prison until investigations are over, that can last for several months.

During custody at the police station, you can have 2/3 visitors maximum per day. They can bring food, which will have to be tasted. Your visitors can be denied access if there is not an officer available to supervise, the exception being your lawyer.

### **Arrival at prison**

#### **General prison conditions**

Prison conditions in Mali are considerably poorer than in the UK.

Prisons are overcrowded and not very hygienic. You should not expect to have your own cell except if you are put in solitary confinement. Each cell generally has a toilet and wash basin. Showers, with no hot water, are mostly shared.

During day time, after roll call, prisoners are allowed to have visitors and can move freely about the prison compound.

#### **How can I receive money?**

You are not allowed to receive money in prison.

#### **Can I work or study in prison?**

There is no opportunity to work or study in prison. However, you can take correspondence courses and the prison may sometimes offer paid odd jobs.

#### **Can I receive medical and dental treatment?**

All prisons have an infirmary with several specialists including dentistry though they may not always be on duty. The facilities are rudimentary and not very hygienic.

There is no pharmacy, you will need to ask someone to buy your medicines and bring them to you. If you get seriously sick, you can request to be transferred to the hospital. The decision to transfer is taken by the prison Governor.

**Food and Diet**

The prison provides three meals a day. The meals are poor and not balanced and are essentially composed of cereals. However family and friends can bring food. (cf. "What can visitors bring?")

**Mail/Parcels**

You can receive and send mail/parcels via the prison manager or P.O. Box. All mail/parcels will be checked except those from your lawyer.

**Can I make telephone calls?**

You cannot make telephone calls. If you wish to speak to your lawyer you will need to ask a prison guard to assist you.

**Leisure and entertainment**

Most of the prisons have a TV room and a basketball/football yard.

**Drugs**

The use of drugs is strictly prohibited by the Prison authorities.

The hygienic conditions of the prisons make the risk of contracting AIDS and hepatitis very high in cases of intravenous drug use.

**How can I make a complaint about mistreatment?**

You can report to the prison manager, your Embassy or to the Human Rights and Prison Associations who frequently visit the prisons.



## **The Malian Judicial System**

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

The Malian judicial system is different from the system in the UK. It is structured as follows: a Supreme Court; a Court of Appeal (criminal cases are judged by a specific formation of the Court of Appeal called Court of Assize); and Courts of first instances (jurisdictions of common law and specialised jurisdictions).

There is no jury and the President of the court is the one who issues the verdict. You are entitled to legal representation.

### **What should happen when I am arrested?**

When arrested you should be taken to the police station where you will be remanded in custody to be questioned. Depending on the results of the investigation, you should be taken to court or remanded in custody in the Central Prison until investigations are over.

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

Following arrest, the police may detain you for an initial period of 48 hours to conduct investigations. It can be extended to 72 hours. Following this you will be sent to a prison to await the date of your trial.

### **What happens when I am charged?**

You will be sent to prison to await trial. **That can take several years or months depending on how efficient your lawyer is.**

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

When taken to Court, you can ask to be granted a bail. Depending on the seriousness of the offence, the President of the Court can decide whether you can be granted a bail.

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

There is no legal assistance available in Mali for minor crimes or offences. For more serious crimes, you are entitled to legal representation. If you cannot afford a lawyer, you will be appointed a pro-bono lawyer.

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

During the trial, the judge will state the charges against you and ask if you plead guilty or not guilty. You will be asked your version of the facts and the evidence. After the prosecutor and defence lawyer have put forward their arguments, the judge will issue the sentence. That can be immediate or it can take several days/months.

## **Sentences**

The Penal Code provides sentences for all offences. It can be imprisonment or fines, or both imprisonment and a fine. The death penalty has been suspended but not repealed.

### **How can appeals be made?**

If you disagree with the decision of the President of the Court, you can lodge an appeal before the Court of Appeal.

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

The Prison Manager will need to support your application for a sentence reduction. The President of the Court in charge of your case can then decide whether you deserve to be granted a remission.

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

Consideration for early release will need to be discussed with your lawyer who will then need to negotiate and argue your case at Court.

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

Only the President of the Republic can grant a pardon; here again, your chances of being granted pardon all depend on your lawyers capacities to plead. But you can be released if your victims forgive you and then withdraw their complaint.

### **What about any financial penalties?**

In certain cases (e.g. a public figure) and depending on the seriousness of the offence, the President of the Court can decide that you should not be imprisoned but should pay a fine.

### **Is transfer to another prison within Mali possible?**

Transfer to another prison can occur when a prison is overcrowded or if the Judge considers your behaviour or situation (e.g. you are in danger) makes your transfer necessary.

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

There is no Prisoner Transfer Agreement (PTA) between Mali and the UK. For all crimes committed and sentences passed in Mali, Her Majesty's Government can ask for a transfer to the UK, but with no legal process the outcome relies entirely on goodwill and relations between the two countries.

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

Before you are released, the Judge/Attorney General in charge of your case issues an Order of exit to be passed on to the Prison Manager.

If you were to be deported, the conditions of your deportation will entirely depend on the relations between Mali and the UK and the agreement they reach for your deportation.

**Additional Information**

Several very active Human Rights NGOs in Mali regularly visit prisoners: ICRC, the Swiss NGO Terre des Hommes, and the Association Malienne des Droits de l'Homme (member of the International Federation for Human Rights).

## 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](mailto:info@prisonersabroad.org.uk)

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

## Glossary of Terms

### Key phrases – English into French

English	French
Hello	Bonjour
I do not speak French	Je ne parle pas le français
I need an interpreter	J'ai besoin d'un interprète
How are you?	Comment allez-vous ?
Please	S'il vous plait
Sorry	Pardon
Thank you	Merci
Goodbye	Au revoir
Can I talk to my lawyer?	Puis-je parler à mon avocat ?
Can I call my Embassy?	Puis-je appeler mon Ambassade ?
Can I make a phone call?	Puis-je téléphoner ?
Can you help me?	Pouvez-vous m'aider ?
I am thirsty	J'ai soif
I would like some water	Je voudrais de l'eau
I am hungry	J'ai faim
I would like something to eat	Je voudrais à manger
I am cold	J'ai froid
I am hot	J'ai chaud
I am tired	Je suis fatigué
I am sick	Je suis malade
I need some medicine	J'ai besoin de médicaments
I need to see a doctor	J'ai besoin de voir un docteur
I have a headache	J'ai mal à la tête
My stomach hurts	J'ai mal au ventre
It hurts	Ça fait mal
I have got a fever	J'ai de la fièvre
I need to go to the restroom	J'ai besoin d'aller aux toilettes
I am sleepy	J'ai sommeil

## Annexes

**Annex 1: List of English-Speaking Lawyers experienced in Criminal Law**

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

**Annex 2: List of Private Translators/Interpreters**

<https://www.gov.uk/government/publications/mali-list-of-translatorsinterpreters>

**Annex 3: FCO leaflet: *In prison abroad***

<https://extranet.fco.gov.uk/doingyourjob/consular/assistance%20guidance/Pages/default.aspx#prisoners>

**Annex 4: Prisoners Abroad authorisation form**

<http://www.prisonersabroad.org.uk/help-and-support/consular-area.html>

**Annex 5: Prisoners Abroad family contact form**

<http://www.prisonersabroad.org.uk/help-and-support/consular-area.html>

**Annex 6: Fair Trials International questionnaire and leaflets**

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

## **Disclaimer**

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

Thank you.

March 2017