

**INFORMATION FOR BRITISH NATIONALS
DETAINED/IMPRISONED IN
SOUTH KOREA**

BRITISH EMBASSY SEOUL

Consular Section

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INFORMATION FOR IMPRISONED BRITISH NATIONALS

Introduction

Who can help?

The Foreign, Commonwealth & Development Office (FCDO):

The FCDO 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 consular help and advice to British Nationals who get into difficulty in a foreign country.

This guide aims to explain the Korean legal and prison system to British Nationals who are imprisoned in Korea and to their next-of-kin.

Information that we provide on your initial visit are:

- 1) A booklet explaining:
 - what the Consular Section of the Embassy can and cannot do for you;
 - how to contact the Embassy;
 - a short note on the local legal system;
 - a note on the prison system, adapted to meet the rules of the prison concerned (visiting hours, censorship, visitors' passes, etc.); when we will visit you.
 - a list of English-speaking lawyers (**Appendix 1**).
- 2) Details of any legal aid scheme available to foreigners;
- 3) FCDO leaflets, "In Prison Abroad" and, where appropriate, "Can I be Transferred Home?";

The British Embassy Seoul has a website (in English):

<http://www.gov.uk/world/south-korea>

Our website contains information about the range of services the Embassy offers to British Nationals.

Consular Assistance from the British Embassy

About the Embassy

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

We can answer questions about your welfare and about prison regulations, but not questions about legal matters. You should ask your lawyer or the court these kinds of questions. We can give you a list of English-speaking lawyers (**Appendix 1**). However, 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 pay fines, 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 this information 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, please contact a lawyer.

How to Contact the Consular Section

British Embassy Seoul

Address: Sejong-daero 19-gil 24, Jung-gu,
Seoul 04519 South Korea

Tel: +82 (0)2 3210 5500

Fax: +82 (0)2 3210 5653

Email: Enquiry.Seoul@fcdo.gov.uk

Who will know that I have been detained?

When a British National is arrested and detained in South Korea, the Korean authorities must, with your consent, inform the British Embassy. This is usually done in writing (i.e. fax) and it normally takes a week to ten days to reach us. We may be informed much more quickly by friends or relations.

How can I contact my family or friends?

In South Korea, you do not have the right to make a telephone call when you are arrested. Instead, you can ask the prison/detention officer to inform your next-of-kin. He/she can do this direct or he can call the Embassy and ask us to pass on a message.

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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. The Embassy must have your permission to discuss your case, or to confirm your detention, with anyone.

However, if your family becomes aware of the detention (e.g. via the media) it will add to their distress if we cannot discuss the case with them, so please consider your decision carefully about whether you wish us to inform your family.

N.B. If the prisoner is a minor (under 18), we must inform the next-of-kin.

What will the Embassy do?

As soon as we have been notified (whether by family, friends, or officially) we will apply for a visiting permit and you will be visited by us once we have received a permit.

Please note that it can take 7 to 10 days for a permit to arrive although in most cases it is quicker.

We will send you information on the Korean judicial system and ask your next-of-kin if they would like to receive it too.

We can also give your next-of-kin the address of the prison and tell them how to transfer money to you through the Foreign, Commonwealth & Development Office in London.

Would I have a criminal record in the UK?

You should be aware that if you have been convicted of 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.

How the British Embassy Cannot Help

We cannot get you out of prison, pay fines, stand bail, or interfere in local judicial procedures to get you out of prison or secure you an earlier trial date; we cannot investigate a crime. We cannot intervene with police or prosecutors except to assure that British Nationals are treated no worse than Koreans would be under the same circumstances.

There are no British government funds to pay for lawyers, fines, or other legal expenses. If a British National cannot get funds to pay a lawyer, he/she must rely on a court-appointed defender. If he/she is held in Immigration Processing awaiting deportation, we cannot supply a ticket home. (In very exceptional circumstances, a repatriation loan may be considered. This money will have to be paid back.)

We cannot supply British food, bedding, clothing or other amenities.

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The Judicial System in South Korea

The Consular Section of the British Embassy in Seoul, Korea, has prepared this information sheet to answer some of the questions British Nationals may have about legal problems and procedures in South Korea. Consular officers are not lawyers, and are not permitted to give legal advice.

Part I of this information sheet explains Korean laws and the differences between the United Kingdom and Korean legal procedures.

Part II briefly explains the legal procedures that will be encountered by a British National who runs afoul of Korean law.

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Part I - Korean Law

Korean Law

The July 12, 1948 Constitution of the Republic of Korea, as amended and promulgated October 29, 1987, states in Chapter II, Article 12 that,

- (1) All citizens shall enjoy personal liberty. No person shall be arrested, detained, seized, searched or interrogated except as provided by law. No person shall be punished, placed under preventive restrictions or subject to involuntary labour except as provided by law and through lawful procedures.
- (2) No citizen shall be tortured or be compelled to testify against him/herself in criminal cases.
- (3) Warrants issued by a judge through due process, at the request of a prosecutor, shall be presented in cases of arrest, detention, seizure or search. In a case where a criminal suspect is apprehended, flagrante delicto, or where there is danger that a person suspected of committing a crime punishable by imprisonment of three years or more may escape or destroy evidence, investigative authorities may request an ex post facto warrant.
- (4) Any person who is arrested or detained shall have the right to prompt assistance of counsel. When a criminal defendant is unable to secure counsel on his own, the State shall assign counsel for the defendant as provided by law.
- (5) No person shall be arrested or detained without being informed of the reason therefor and of his right to assistance of counsel. The family, etc., as designated by law, of a person arrested or detained shall be notified without delay of the reason for and the time and place of the arrest or detention.
- (6) Any person, who is arrested or detained, shall have the right to request the court to review the legality of the arrest or detention.
- (7) If a confession is deemed to have been made against a defendant's will, due to torture, violence, intimidation, unduly prolonged arrest, deceit, etc., or if a confession is the only evidence against a defendant in a formal trial, such a confession shall not be admitted as evidence of guilt, nor shall a defendant be punished by reason of such a confession.

Differences between Korean and British Legal Systems

Reading the above section of the Korean Constitution may lead one to conclude that the Korean and British legal systems are virtually the same. Although this may seem so, there are a number of very significant differences. The main point to remember is that a British National in Korea is subject to Korean laws, NOT British laws. Below are some of the main differences between our respective systems:

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Access to a Lawyer

A British National, used to having his lawyer present at every step of legal proceedings, may be disconcerted to find that under Korean law a lawyer need not be present during questioning of a suspect by the public prosecutors' office. Police and public prosecutors may also question a suspect without a lawyer present. However, the suspect may refuse to answer questions during police and public prosecutor interrogation. In such cases, the authorities will usually allow counsel to attend. Korean lawyers are currently lobbying for greater access to their clients.

Communication

British Nationals accustomed to their "one phone call" may be taken aback when Korean authorities do not allow them that privilege. Under the Consular Convention, Korean police officials must notify the Embassy as soon as a British National is arrested, with his/her consent. The Police may make this notification in writing. It will often be a few days before the Embassy is apprised of an arrest. In practice, if a foreign suspect taken into police custody has relatives or a lawyer in Korea, law enforcement is required to and will notify the suspect's family and lawyer of the arrest promptly.

Double Jeopardy

Perhaps the most marked difference between our legal systems is the possibility of double jeopardy in Korea. Having been found innocent of a crime is no protection against the prosecutor appealing that acquittal. In other words, if the prosecutor feels the verdict is incorrect, he may appeal that verdict (e.g. an acquittal). If the prosecutor is unhappy with the sentence, he/she may appeal and request a harsher one.

Bail

Bail is legally possible under Korean statutes. However, bail is frequently not granted and may not be as readily available as in the United Kingdom. See the section under bail in Part II later in the booklet.

Smuggling and Other Customs Violations

Korean customs laws are as strict as, if not stricter than, our own. Violators of these laws are subject to fines up to ten times the normal customs duty, confiscation of the contraband, and jail sentences of up to ten years. Importing or exporting certain prohibited articles detrimental to national security, public health or public morals, or importing or exporting classified government information or counterfeit money is punishable by imprisonment of up to 10 years or a fine of up to 20 million won.

Importing or exporting goods which differ from those reported to customs authorities or failing to report imported or exported goods may result in imprisonment of up to 5 years prison or fine a fine equal to the higher of 10 times the normal duty or the purchase price of the goods.

Purposely misstating the quantity of merchandise to evade payment of duty can result in 3 years prison and fines of 500% of the regular duty or purchase price of goods, whichever is higher.

In the past, confiscated merchandise has included gold ingots, jewellery and unset precious stones, as well as bear bladders, deer antlers, and other items used in Oriental medicine. It is also possible that the goods and any vehicle or other articles used to bring the goods into or out of Korea may be confiscated.

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Drugs

Drugs and drug abuse are governed by the Narcotic Substance Control Act as well as by the Criminal Act. These laws regulate the import, export, manufacture, preparation, subdivision, sale, intermediate sale or purchase, and purchase of narcotics, as well as possession of narcotics for the purpose of import, export, manufacture, preparation, subdivision, selling or purchase; serving as an intermediary for buying and selling of narcotics. Provisions under these laws mandate minimum prison sentences of one year.

Korean government policy is aimed at discouraging the use of dangerous and habit-forming drugs in the country. Korean statutes classify marijuana as a “dangerous narcotic.” Parole is virtually never given in drug-related cases. Recent legislation provides that trafficking or abusing drugs may result in prison for an indefinite term and confiscation of illegal proceeds and the illegal substance.

Traffic Laws

British Nationals running afoul of Korean traffic statutes may expect serious penalties, possibly including jail time, for hitting pedestrians, driving while intoxicated, and leaving the scene of an accident. When a pedestrian has been injured or killed, the most important principle in Korean society is to provide restitution to the victim and his family.

Korean authorities handle traffic accidents in a significantly different way than authorities in Britain. Under Korean law, many traffic accidents—even minor ones—carry criminal consequences, as well as civil liabilities. Different laws, combined with a different legal system and different culture, cause anxiety and frustration. Under Korean law, anyone who drives an automobile is considered a “professional” driver and is held to a very high standard of duty to prevent accidents.

The Road Traffic Law provides penalties for violating these standards. These penalties range from a small fine to imprisonment. Anyone who violates any of the rules and causes damage to property of another is subject to a penalty under that law. Anyone who breaches the duty of care and causes the death or injury of another may be charged with “**occupational negligence resulting in death or injury**” under the ROK Criminal Act.

The Koreans also have a special statute called “**Special Law Concerning Disposition of Traffic Accidents**” which overrides the Criminal Act in traffic accidents. Under the “Special Law,” any driver of an automobile who has committed the offence of occupational negligence resulting in injury, or anyone who has caused property damage to another, cannot be prosecuted if the driver obtains a private settlement from the victim. This law also prohibits prosecution if the driver is insured by a policy that pays all medical expenses regardless of fault or agreement of parties. This “no-prosecution” provision, however, does not apply if the driver does one of the following:

- Causes injury to another and flees the scene without rendering assistance or moves the victim from the scene of the accident and abandons him;
- Ignores a traffic signal or device, or violates the direction of a police officer;
- Crosses the centre line, or makes an illegal crossing, U-turn, or driving in reverse;
- Exceeds the speed limit by more than 20 kms-per-hour;
- Makes an illegal lane change;
- Crosses a railroad crossing in violation of the Road Traffic Law;

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- Fails to protect a pedestrian in a crosswalk;
- Operates a motor vehicle without a proper license;
- Operates a vehicle under the influence of alcohol or drugs as prohibited by the Road Traffic Law;
- Crosses over the curb;
- As the operator of a vehicle for hire, fails to protect a passenger from falling off the vehicle in violation of the Road Traffic Law.

Even if one of these aggravating factors leads to criminal prosecution, private settlement is a very important factor in the Korean criminal justice system. If the driver ends up in a Korean court, a private settlement can make the difference between a small fine with a suspended sentence and imprisonment. Accordingly, private settlement is always encouraged. In Korea, such a settlement is not considered bribery or an admission of guilt; rather, it is a means -separate from the criminal case - by which parties settle the civil liability that arises from the traffic accident.

Another frustration for British Nationals involved in Korean traffic accidents is how the ROK authorities always seem to find the driver at fault. Because the driver is held to very high standards of care, the driver is almost always found at fault to some degree if a pedestrian is injured in a traffic accident. Consider the example of a pedestrian who carelessly darts in front of a vehicle that is moving well under the speed limit, and is struck because the driver of the vehicle simply did not have sufficient time to react.

Unless such an incident occurs in certain limited circumstances or locations, such as on an expressway or restricted highway where absolutely no pedestrian could be expected, or beneath a pedestrian overpass where a pedestrian has attempted to cross a street without using an available overpass, or where a pedestrian crosses against a traffic light, ROK authorities usually will find the driver to be at fault for failing to prevent the accident.

In assessing the civil liability, a Korean court may also find the pedestrian to be at fault. Indeed, it may conclude that the pedestrian was more at fault than the driver, and may even deduct the pedestrian's compensation accordingly (except for medical expenses, as no deduction is made against medical expenses). Nevertheless, just because the pedestrian was more at fault than the driver does not mean that the driver is "off the hook;" the driver still may face civil liability and criminal penalties.

In a vehicle-to-vehicle accident, both drivers are held to the same high standards of care. The mere fact that one driver violated a traffic rule and a second driver did not will not automatically exempt the second driver from civil or criminal liability. If the first driver who violated the rule is injured seriously, the second driver still may be found to be at fault for failing to prevent the accident. Again, although the amount of compensation may be reduced, the second driver is expected to compensate the first driver and also may be subject to criminal prosecution.

Contrary to the perception of some British Nationals, this "rule" is applied equally to all drivers, regardless of their nationalities. Language, rather than nationality probably cause the misconception that traffic rules favour Koreans. Remember, a Korean driver naturally has the advantage over a British National driver because the Korean can explain the circumstances to the investigating police in a light most favourable to them; the same would be true of a British driver, who would have the same advantage over a Korean driver in the UK.

Other Legal Problems

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British Nationals in Korea have committed such diverse crimes as murder, assault and defamation of character. Just as in the United Kingdom or any other country, running afoul of the law can lead to arrest and conviction. It is imperative that British Nationals remember that they are subject to the laws of Korea, and that some of the rights and privileges British Nationals have in the U.K. cease as soon as they leave the U.K.

Visa Status of British Nationals in South Korea

Tourists may enter Korea for a period of 90 days without a visa. (NOTE: The arrival day counts as day number one.) Foreigners who stay in Korea more than 90 days must obtain residence certificates. Fingerprints are generally required of all foreigners over 20 who will be here for at least one year.

British Nationals must keep their visa status current with Korean Immigration. Violators of immigration and entry/exit regulations are subject to fines; i.e. if foreigners overstay their visas they must pay substantial fines. The lowest fine is usually about 100,000 won for an overstay of 30 days or less.

Children born in Korea need to obtain visas and other pertinent documentation, and be reported to Immigration, within 30 days of birth.

Permission is required to engage in any activity (e.g. part-time work) not covered by the original visa or status of entry. Work visas are not granted in Korea; this type of visa must be obtained before entry.

Foreigners are reminded to obtain extensions of stay BEFORE the expiration of the allowed period.

There is an airport tax for all people departing Korea. There are no special exit procedures for tourists who depart the country before the expiration of the initial period of allowed stay.

However, re-entry permits, residence certificates and other documentation may be required of foreign residents who wish to return here. Complete information on these procedures may be obtained from any Immigration Office of the Korean Ministry of Justice.

INFORMATION FOR IMPRISONED BRITISH NATIONALS

Part II - Legal Procedures

What happens when I am arrested?

Arrest

A warrant is generally required before an individual can be arrested in Korea. No warrant is required, however, for an individual caught in the act of committing a crime. In addition, no warrant is required where an individual is suspected of committing a serious crime if there is a risk that evidence of the crime may be destroyed or that the individual may try to escape.

An arrested individual has the right to receive immediate assistance from a Lawyer. Within the limits of the law, the arrested individual may receive visits from a lawyer or other interested person, may have medical treatment, and may receive authorised medication.

There is a general right of arrest when one of the following applies:

- i) a person is caught or pursued in the act of committing an offence
- ii) where it is suspected he is going to flee
- iii) his/her identity cannot be established.

Questioning

Police officers are allowed to stop and question individuals who are suspected of having committed crimes or who are considered likely to commit crimes. However, police officers cannot force such individuals to answer their questions. Public prosecutors and police officers, before listening to statements from suspects, are required to inform them of the fact that they can refuse to give statements.

Lawyers must be present at trials but are not allowed to be present during most phases of a criminal investigation.

Detention/Remand

The police can detain individuals for up to 10 days before formal charges are filed. At the end of this period, police must move the case to the prosecutor's office. A public prosecutor then has ten days after in which to determine whether or not to indict the individual; however, the public prosecutor may make a request to the court for an additional 10-day extension. The courts normally grant these requests. There is no formal arraignment procedure in the Korean legal system.

Apart from detention in jail, British Nationals may be forbidden to leave the country if legal actions are still pending. Such individuals may be held in Immigration Detention or may merely be subject to an exit ban.

One day in remand will count as one day in prison, should the detainee ultimately be found guilty and receive a prison sentence. (See Article 57 of the Korean Criminal Act.)

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Investigation and Indictment

Whilst you are on remand (Pre-Trial), the Public Prosecutor's Office (PPO) investigates the alleged offence. The PPO may interview you and any witnesses and collect any evidence with the help of the police.

When there is enough evidence to open a prosecution, the investigation stage is formally closed and the trial stage begins. The PPO must then produce an indictment which sets out the details of the accused, the crime of which he is accused, when and where it took place, the legal definition of the crime and the criminal laws applicable to the case.

When the judge receives the indictment, date(s) for the trial will be set.

Trial

There are six kinds of courts in Korea:

- The Supreme Court,
- High Court,
- District Court,
- Family Court,
- Patent Court and
- Administrative Court.

Trials are conducted at the District Court level. Courts are required to complete a case within six months of receipt from the public prosecutor's office. Although there are legal provisions for bail, in practice it is virtually never granted.

Appeals

After sentencing, appeals may be submitted to the original court within seven days. In some cases, further appeals to the High Court and Supreme Court are possible. The prosecutor may also file requests for appeal of verdict and/or sentence.

Parole

See the chapter on Parole later in the booklet.

Bail

In certain circumstances the prosecutor may give you bail after being detained for a certain period and before your court appearance for sentencing. This is on the understanding that you will not flee the country. You will then be moved from the detention/holding centre to the nearest immigration centre. The prosecutor/immigration authorities will want assurances from the Embassy that you will not flee the country. The Embassy or the Immigration Authorities will hold onto your passport. The Embassy must have your written permission from you to hold on to your passport until the outcome of your court case.

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Legal Representation

Any individual who is arrested for anything more than a minor violation is urged to obtain competent legal counsel promptly. See **Appendix 4** for the Prisoners Abroad leaflet on choosing a lawyer. The court will appoint a Lawyer for any accused individual who is a minor, is over 70, is deaf and dumb, who has severe mental health and learning difficulties or cannot afford a lawyer. British Nationals used to a vigorous public defender should know that Korean public defenders are regular Lawyers doing pro bono work, and that the defence in such cases can be pro forma, with little attempt to exonerate the accused.

You can employ a lawyer for yourself at any time after your arrest; a list of English-speaking lawyers comes with this information booklet. Normally, if you employ a privately-engaged lawyer s/he will ask for a large advance on his estimated legal fees (which may be very high) before s/he will take on your case.

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

If you do not have a lawyer when you come to trial, the court will appoint a legal-aid lawyer free of charge. If you cannot afford a privately-engaged lawyer you can apply before the trial for a legal-aid lawyer through the prison.

Consular visits

A member of the British Embassy will visit you within two working days of receiving a visiting permit, unless you ask us not to. We will apply for a permit as soon as we hear of your detention.

We will offer to contact your family or next-of-kin to tell them the situation. We can give them advice on prison procedure, regulations, your morale and how you are doing. We can also pass on any messages from you.

You can write to us at any time on matters of concern.

Remand/Detention

We aim to visit you every 3-4 months unless there are reasons to visit more frequently.

Sentenced

We aim to visit you once every 10-12 months unless there are reasons to visit more frequently.

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Visits by Family, Next of Kin or Friends

Remand/Detention

Visits by your family or friends are allowed. However, public prosecutors can prohibit a visit if they think that your case might be prejudiced by it even though such prohibition is very unusual.

If your family or friends want to visit you they should contact the Embassy **before travelling**. We will give them the address and telephone number of the judge or prosecutor. Visits to remand prisoners at weekends are usually not permitted.

A prison guard may sit in on the visit to make sure that what is said between you and your visitor will not adversely affect the case. If the conversation is in English then the prison official is unlikely to understand it so the warden may insist that your visitors employ an interpreter. This would be at their own cost. At present, interpreter costs vary between Won 200-500,000 per day plus travelling expenses.

Please write to us if you would like a list of interpreters. Most interpreters will require at least 2-3 days notice and should be booked as early as possible to avoid problems when the visit is made.

Visitors must identify themselves when they arrive at the prison by showing an identification document containing a photograph (e.g. passport). This is held by the prison and returned at the end of the visit.

Sentenced

Visiting hours are generally 0900 hrs to 1600 hrs Monday to Saturday for 5-7 minutes only per day. No special permission is required but you should book first. Visitors should quote the inmates number when booking.

Visitors must identify themselves when they arrive at the prison. The visit is not normally closely supervised by a prison guard so you will not need an interpreter.

What can a visitor bring?

Visitors can normally buy sweets and soft drinks from a vending machine in the prison waiting room on behalf of the person they are visiting.

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Detention/Prison

Foreigners are generally treated fairly by Korean prison authorities. Special sections are generally set aside for foreigners. Prison officials are interested in making sure that British Nationals in their custody are treated as humanely as possible, without opening themselves to accusations of favouritism.

More details of the following can be found in later sections in this chapter:

- Medical treatment is available in all prisons. Medical problems a prison doctor cannot handle are referred to local hospitals.
- Prisoners, depending upon their ranking may be allowed to read, listen to the radio and sometimes play cards. Prisoners are not allowed to smoke or drink. Some prisons do not allow coffee.
- British prisoners are usually kept in solitary cells and get very little chance to talk to other prisoners, although efforts are generally made to place non-Korean-speakers near each other if possible.
- Meals are adequate, but very Spartan. British Nationals sometimes cannot fully adjust to the Korean diet. Funds from the prison work programme can be used to buy a small quantity of supplemental foods.
- Prisoners may earn money in the prison work program or have money sent by relatives. Many prisons have workshops where some inmates may be allowed to work at various trades and earn pocket money. Pay is usually 900 won (about 45p) per day. Prisoners who have special skills or who have demonstrated good behaviour may be given additional opportunities to earn money in prison by performing tasks in fields where they have previous experience. English language lessons are often appreciated.
- Visitors are allowed but the number and length of visits are strictly controlled.
- Incoming and outgoing mail is censored.
- Telephone calls are not permitted by prisoners, but wardens may pass along emergency messages.

The Korean authorities do not tolerate dissent from prisoners (e.g. assaulting or talking back to guards, or for refusing to co-operate or follow instructions). Their methods for handling dissent can be harsh, and on occasion has resulted in physical abuse. Such abuse is unacceptable, and we will take it up with the Korean authorities on your behalf if you so wish. You may also raise it with the National Human Rights Commission (NHRC). All correctional facilities have an NHRC drop box for complaints. You may also request a face-to-face interview with an NHRC representative. Further information is available at www.humanrights.go.kr or by calling on telephone number (02) 1331. You may also wish to consult with your lawyer.

Prisoners are given a ranking of 1-4 depending on behaviour and participation in work programs. Authorities consider this ranking when deciding whether to grant parole.

Who can I ask for help in prison?

There are counsellors (who are members of staff) in every prison who are there to assist you. They can pass on messages to us or your family and explain to you how the prison system works. If you would like to make a telephone call, see the doctor, use the library, use any sports facilities, receive a parcel or for a legal-aid lawyer you should ask to see the counsellor. There is usually one who speaks English.

Please note that counsellors are members of the prison staff and are thus responsible for a very large number of people and so their time is stretched. It will help if you are polite, however trying the situation!

INFORMATION FOR IMPRISONED BRITISH NATIONALS

There is usually a Minister attached to each prison. In larger prisons, they are permanent staff. They may speak English and sometimes run Bible classes. They may often provide help or support where an over-worked counsellor cannot. You can ask for a pastoral visit at any time.

Can I receive medical and dental treatment?

If you need medical or dental treatment you should make an appointment to see the prison doctor or voluntary dentist. In some large prisons, it can be difficult to get an early appointment but if the situation is urgent you should contact the prison social worker (see above) who may be able to get you an earlier appointment.

Prison doctors are often the equivalent of GPs in the UK, so unusual or complex problems may be referred to a specialist outside the prison. You will have to pay for all outside treatment.

If you have a long-standing medical problem and have received treatment for it in the UK, it may be useful if you have your medical records, or at least a report, sent from the UK for the information of the prison doctor/specialist.

Food and diet

The detention/prison authorities have assured us that the food they provide is a balanced diet giving the necessary daily nutritional requirements. A special diet can only be approved where the prison doctor gives his authority on medical grounds. Vegetarians may fall into this category. If your religion requires you to have a special diet this may be allowed (depending on prison). If you need certain dietary needs such as diabetes, vegetarian, etc. speak to the prison authorities. However, your needs may not be able to be met due to the large numbers of inmates within the prison. You can supplement your diet by buying fruit, meat, etc. from the prison shop.

Can I work in prison?

It is difficult for the prison to supply work to all prisoners because there are often not enough jobs to go round. Sometimes this means that only about half of the prisoners in a prison will be able to work so you may have to wait a while before a suitable job is found. For some jobs you will need to speak Korean, for health and safety reasons. You are insured against accidents at work under the Korean social security scheme.

Remand/Detention

You do not have to work but may do so if a job can be found for you.

Sentenced

You must work if you are offered a job which you are physically and mentally capable of doing.

What about money

There are three ways in which you may receive/earn money whilst in prison. When you enter the prison system the authorities will give you a prison account where money is deposited whilst you serve your sentence:

INFORMATION FOR IMPRISONED BRITISH NATIONALS

1. Money earned from prison work/job

This money you earn from a job in prison.

Remand/Detention

All money earned is deposited in your account. (Usually you do not work while in remand.)

Sentenced

Your earnings will be deposited in your account. You can spend the remaining two-thirds on prison comforts, including fruit, milk products, sweets, toilet articles, stationery, newspapers, or whatever else may be available in the prison shop.

2. Savings for release

All sentenced prisoners must save money for their release.

The aim is that you will be able to use this money to cover the period immediately after your release.

3. How can I receive money?

Money can be sent directly to prisoners in South Korea via the prisoner's virtual bank account. Money can be wired directly from the UK to that virtual account. Please ask the prison or the Embassy for the prisoner's virtual bank account number.

Mail

There is usually no limit to the number of letters you may send or receive. The prison authorities are obliged to deliver letters with the minimum of delay. Correspondence with your lawyer will be read. Mail to the Embassy usually gets through very quickly but it too may be read, although in practice this seldom happens. We are not permitted to forward any mail on your behalf. Please do not enclose other mail in your letters to us. The privilege of receiving parcels corresponds to your crime. Drug-related crime offenders are not normally able to receive parcels, books or magazines. Only letters.

INFORMATION FOR IMPRISONED BRITISH NATIONALS

Letters

Remand/Detention

The judge has the right to limit your correspondence or stop the forwarding of letters, if he thinks they might prejudice the legal proceedings. If he withholds a letter as evidence you will be informed in writing that this has happened. Your incoming and outgoing letters must be translated (and censored if needed) before they reach you.

In practice, this means that delays of up to 4-6 weeks occur, particularly around Christmas and Easter. You should not discuss your case in private letters.

Sentenced

Your mail is not subject to the same censorship so delays are minimal.

Parcels

You may receive parcels on your birthday and at Christmas and Easter, (or at two other important religious holidays if you are a member of another religion). The Christmas parcel must not exceed 20 kg in weight. Parcels must contain a list of contents and bear the name and address of the sender.

It is not possible to provide a full list of prohibited items but the following **must not be sent**:

- Alcohol or other drinks
- Perishable items
- Toiletries (e.g. deodorant)
- Spray cans
- All forms of spices and vegetables
- Tea bags
- Letters and/or written notes
- Newspapers and magazines
- Tins, bottle or tubes of preserves
- All forms of medication, including vitamins and sweeteners
- Inflammable substances

If you want a cassette player for educational purposes check that the prison authorities will accept it before anyone sends one. Some prisons have approved suppliers from whom radios, TVs and cassette players can be ordered. Check with the social worker for approved suppliers or on the procedure for getting approval for your request. Please note that you may have to pay for electrical equipment to be sealed so that it cannot pick up police broadcasts.

If you are not sure whether an item is allowed, check with the prison officer before asking for it to be sent. If not, you may find that you are not allowed to receive all or some of the contents of the parcel containing a prohibited item.

The parcels are inspected when they arrive at the prison. Certain items may be dissected to make sure that no prohibited items are being hidden. The prison authorities reserve the right to refuse a parcel which does not conform to the prison guidelines.

INFORMATION FOR IMPRISONED BRITISH NATIONALS

What is there to read?

Most prisons have some English books and other reading materials in their library. We also try to bring books, magazines or newspapers when we come to visit. We ask you to leave any books from the Consulate in the prison library for the benefit of other prisoners. Please note that the books we bring are donated to us for this purpose.

If the prison gives you permission, you can order books direct from publishers, through book clubs and also from the British Embassy. Again with permission, you can receive English newspapers and magazines on subscription – check with the prison whether there is an approved supplier.

Always confirm in advance with the prison that there is no objection to you ordering a particular book or magazine. Reading materials sent without prior permission will not be accepted by the prison.

Can I have my own cell?

Overcrowding is often a problem in Korean prisons so you cannot expect a single cell as a matter of course. If you think that you have medical grounds for having a single cell you should approach the prison doctor. Please note that the prison is not obliged to grant your request to share the same cell as another prisoner and/or a prisoner who can speak English.

How can I make a complaint about mistreatment?

If you have been tortured or 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 may also be able to raise your allegations of torture and/or mistreatment with the authorities. Alternatively, you can file an official complaint (in English) with the National Human Rights Commission of Korea (국가인권위원회).

UNCLASSIFIED**INFORMATION FOR IMPRISONED BRITISH NATIONALS****Transferring**

Can I be transferred to another prison in Korea?

If you have been tried and convicted you will be sent to a prison where you can expect to serve your sentence. Transfers to prisons in other regions in Korea are only permitted when there are exceptional and compassionate reasons for doing so.

Can I be transferred to the UK to serve my sentence there?

Both Korea and the UK have signed the European Convention on Transfer of Sentences, which means that if preferred, you may have your sentence transferred to the UK. This scheme only applies to Nationals of the United Kingdom of Great Britain and Northern Ireland only.

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.

A brief explanation of these conditions is given below. This is not an exhaustive description of the Convention.

If you are interested in being transferred to the United Kingdom to serve your sentence please read the enclosed leaflet.

Who has to agree to the transfer?

A transfer requires:

1. the consent of the person concerned (you) or that of your legal representative, where applicable;
2. the consent of the State where you were sentenced;
3. the consent of the country to which you wish to be transferred.

Who is eligible for a transfer to the United Kingdom?

You may be eligible if you meet the following conditions:

1. you are considered a national of the United Kingdom (for this purpose a UK national is a British citizen with the right of abode in the UK, or any person whose transfer the UK Government considers appropriate, having regard to any close ties which the person has with the UK);
2. if the judgement which resulted in your sentence is final;
3. if, as a general rule, there are at least six months of your sentence to be served when your transfer request is received. In exceptional circumstances this period may be less; and
4. if the offence which you were tried is a criminal offence under the law of the relevant part* of the UK. (*England and Wales; Scotland; Northern Ireland).

INFORMATION FOR IMPRISONED BRITISH NATIONALS

What sentence would I serve after being transferred to the UK?

The maximum sentence you would serve is the amount of your original sentence which remains after deducting any remission earned in Korea up to the date of your transfer.

If the sentence imposed in Korea is longer than or of a different nature to the sentence you would receive for the same offence in the relevant part of the UK, it would be adapted to the nearest equivalent sentence available under the law of that part of the UK - without being longer or more severe than your original sentence in Korea.

Prosecution for other offences

Please note that if you are transferred the UK authorities are entitled to prosecute, sentence or detain you for any offence other than that for which your current sentence was imposed.

Pardon, Amnesty and Commutation

Your transfer would not prevent you from benefiting from any pardon, amnesty or commutation of sentence which might be granted by either Korea or the UK.

Review of original judgement

If, after your transfer, new information comes to light which you consider grounds for a review of the original judgement passed in Korea, it is for Korea alone to decide on any application for review.

Termination of enforcement

If for any reason whatsoever the sentence which was imposed in Korea ceases to be enforceable in Korea, the UK authorities would release you from the sentence being served as soon as they were informed of this. Similarly, if the sentence being served in the UK ceased to be enforceable in the UK, you would not have to serve the original sentence imposed in Korea if you should ever return there.

Some information on the procedure

You can apply to the Ministry of Justice in Korea via the Prison authorities informing the British Embassy. If the Korean authorities are prepared to consider your transfer, they will send the United Kingdom authorities via the British Embassy information about you, about the facts relating to your conviction and about the nature and length of your sentence.

If the UK authorities are prepared to consider your transfer, they will respond by sending (via the British Embassy) information about the length and type of sentence you would serve after transfer. They would also send information about the arrangements for remission, conditional release, etc. in the relevant part of the UK.

If both countries are content to agree to your transfer, you will receive the information provided by the UK for your consideration. You will then be asked whether you consent to being transferred under the Convention.

INFORMATION FOR IMPRISONED BRITISH NATIONALS

The address for the UK authorities is as follows:

Prisoner Administration Group
Prisoner Service HQ
Cleland House
Page Street
London SW1P 4LN

Parole / Early Release

In Korea, the law makes a provision for the early release of prisoners serving a sentence. The public prosecutor is obliged to consider automatically whether you should be released when you have served two-thirds of your sentence.

In practice, however, a minimum of approximately two-thirds (usually about 70%) of a sentence must be served before parole is considered. Foreign inmates are usually treated more leniently than Koreans by parole boards, but the same policy of serving at least two-thirds of the sentence before parole is granted still applies. Parole is never granted in drug cases.

The authorities have advised us that although you may apply for early release at any time, you have to of serve at least two-thirds of your sentence if the sentence is for more than two years. There must also be extenuating or mitigating circumstances for an application to be successful.

If you are released early or are paroled it has been common practise to deport prisoners on release.

For your benefit under this provision, it is important that your conduct whilst in prison is good.

Appeal and Deportation

It has been common practice to detain drug offenders until the case is tried in court. After sentencing, you may either have a short prison sentence or a suspended sentence with a criminal fine.

Once you have been sentenced the court will send both you and the immigration authorities a copy of the verdict. You will have **7 days** in which to appeal against the decision of the court. We advise you to consult with your lawyer as to what you should do next. The British Embassy cannot intervene in the process.

If you do not decide to appeal, you will be either transferred to prison or the immigration centre usually within 24 hours. The immigration authorities will make their decision on your case. It has been common practise to ask offenders to leave Korea voluntarily (but they will deport you if your refuse) and decline your entry back into the country for a minimum of 1-5 Years. Although this has been the common practice of the immigration authorities so far, they do work on a case by case basis.

If you do decide to appeal, you have 7 days to serve your appeal to the courts who will arrange a new date to hear your appeal. You will either stay on bail or stay in detention until the outcome of your appeal.

INFORMATION FOR IMPRISONED BRITISH NATIONALS

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

We recommend ALL prisoners who have been notified of deportation, or who consider they may be deported at the end of their sentence, whatever their visa status, register with Prisoners Abroad in London for assistance on return (**Appendix 3**).

INFORMATION FOR IMPRISONED BRITISH NATIONALS

Prisoners Abroad can provide information and assistance in looking for work, enrolling for National Health, benefits, and how to seek accommodation. But to offer this service, you **MUST** be pre-registered.

If you wish for a registration form please complete the form in this booklet (**Appendix 2**) and post it to Prisoners Abroad in London or to us at the Embassy, and we will fax it for you.

You **MUST** be pre-registered at Prisoners Abroad to be able to use their services on return to the UK.

Leaflets and forms from the charity Prisoners Abroad can be downloaded from their web site <http://www.prisonersabroad.org.uk/> or ask for information from the Embassy.

INFORMATION FOR IMPRISONED BRITISH NATIONALS

Appendixes

English-speaking Lawyers: Appendix 1

List of Lawyers in the Republic of Korea

Prepared by the British Embassy Seoul

www.gov.uk

The following list of lawyers has been prepared by the British Embassy Seoul for the convenience of British Nationals who may require legal advice and assistance in Republic of Korea. It is provided on the understanding that we the British Embassy Seoul do not assume or undertake any legal responsibility, to you, or those affected, if you choose to take it into account when instructing a local lawyer.

Further and alternatively, we cannot accept any liability to any person or company for any financial loss or damage arising from the use of this information or from any failure to give information. Our aim is to provide our customers with as much relevant information to enable them to make better informed decisions but our lists **are not recommendations and should not be treated as such.**

INFORMATION FOR IMPRISONED BRITISH NATIONALS

List of Lawyers in Seoul, Republic of Korea**HWANG MOK PARK****address:** 9F/10F Shinhan B/D, 120 Taepyungro 2 ka, Chung-gu, Seoul**telephone number:** +82 (0)2 772 2700**email:** desk@hmplaw.com**website:** www.hmpj.com**practice areas:** criminal, litigation and dispute resolution, notarisaton, etc.**Taeshin Law Firm****address:** 18, Seocho-daero 50-gil, Seocho-gu, Seoul, Korea. Yuseong Bldg. 4h and 6th Floorh Floor**telephone number:** +82 (0)2 6011 1887**email:** rok.chung@taeshinlaw.com**website:** <https://www.eng.taeshinlaw.com>**practice areas:** criminal, civil, child custody, intellectual property, etc.**Korea Legal Aid Centre for Family Relations****address:** 11-13 Yoido-dong, Youngdeungpo-gu, Seoul**telephone number:** +82 (0)2 782 3427**email :** mskim1@lawhome.or.kr**website:** www.lawhome.or.kr**practice areas:** family law, divorce, custody.**Attorney-at-Law Sung Hee KWON****address:** 25, Seochodae-ro 51 gil, Seocho-gu, Seoul**telephone number:** +82 (0)2 592 8300**email :** bonita63@hanmail.net**practice areas:** voice phishing, civil & criminal litigation, family law, divorce, copyright, etc.**PD&law office****address:** 2F, 59-1, Gangnam-daero 6-gil, Seocho-gu, Seoul, Republic of Korea**telephone number:** +82 (0)2 511 8723**email:** pdnlawyer@gmail.com**website:** <http://pdnlaw.kr>**practice areas:** criminal, civil, visa, incorporation, trademark, copyright etc.**Sijoong Attorneys At Law****address:** 3rd floor, 15 Beobwon-ro 3-gil, Seocho-Gu, Seoul**telephone:** +82 (0)2 536 7071**website:** www.sijoong.com**email:** legal@sijoong.com**practice areas:** Criminal / Civil / Corporate / Administrative, etc.**LIWU LAW GROUP****address:** 3F/5F, Yangjin Building, 138 Banpo-daero, Seocho-gu, Seoul**telephone number:** +82 (0)2 524 9602**email:** yhkoo@liwulaw.com**website:** www.liwulaw.com**practice areas:** corporate law, civil & criminal litigation, family law

INFORMATION FOR IMPRISONED BRITISH NATIONALS

Pureum Law Office**address:** 308, 217 Itaewon-ro Yongsan-gu, Seoul**telephone number:** +82 (0)2 790 7303**email:** simon@pureumlawoffice.com**website:** <https://pureumlawoffice.com>**practice areas:** Criminal Defense, Immigration, Signiture witnessing and notarization, Corportate, Civil L**K&Partners Law Office****address:** 6/F, 12, Teheran-ro 84gil, Gangnam-gu, Seoul, 06178, Korea**telephone number:** +82 (0)70-8859-4268, (0)70-8859-4740 (English Available)**email:** tyk@kpartnerslaw.com**website:** www.kpartnerslaw.com**practice areas:** criminal defence (sexual assault, narcotic crimes etc), intellectual property rights**List of Lawyers in Incheon, Republic of Korea****K&P LAW FIRM****address:** (songdo-dong centroad) B-209, 323, Incheon tower-daero, Yeonsu-gu, Incheon**telephone number:** +82 (0)32 864 8300**email:** info@kimnpark.com**website:** www.kimnpark.com**practice areas:** immigration, criminal offense, taxation & customs, debt collection, business, etc.**Attorney-at-Law Hong KIM (KIM & COMPANY LAW GROUP)****address:** 2F/6F Heunggum B/D, 36, Soseong-ro 163beon-gil, Nam-gu, Incheon**telephone number:** +82 (0)32 866 5114 (English Available)**email:** lawyer-kim@naver.com**practice areas:** divorce, child custody, criminal defence, international business transaction, etc.**Disclaimer**

The following list of local lawyers has been prepared by the British Embassy Seoul for the convenience of British Nationals who may require these services and assistance in Republic of Korea. It is provided on the understanding that we the British Embassy do not assume or undertake any legal responsibility or liability, to you, or those affected, if you choose to take it into account when instructing a lawyer. Further and alternatively, we cannot accept any liability to any person or company for any financial loss or damage arising from the use of this information or from any failure to give information.

Our aim is to provide our customers with as much relevant information to enable them to make better informed decisions but our lists are not recommendations and should not be treated as such. The information on the list has been provided by the medical facility or practitioner directly and the sequence of the names on the list has no significance.

INFORMATION FOR IMPRISONED BRITISH NATIONALS

Appendix 2 Prisoners Abroad Authorisation Form

AUTHORISATION FORM

89 - 93 Fonthill Road London N4 3JH T +44 20 7561 6820 F +44 20 7561 6821
 email info@prisonersabroad.org.uk www.prisonersabroad.org.uk
 Charity Number 1093710



Under the provisions of the 1998 Data Protection Act Prisoners Abroad needs your permission to hold information about you in order to work with you while you are detained.

What information do we collect about you?

We collect information when you register with us or make a request for our services. The information we hold about you will include details of your current situation, your alleged offence, any health problems and any other information you provide. We appreciate that some of the information you provide will be of a highly sensitive nature.

All information given to us is confidential and will only be shared with any other person or agency where you have given us authorisation to do so. We will only be able to discuss your case with the family members or friends whose names and details you have given to us (please see separate form).

How information about you will be used

Prisoners Abroad provides our services on the basis of need, so we will collect the information you provide to make an assessment of how we can help you while you are detained overseas and when you return to the UK afterwards.

Sometimes we will need to share information about you and talk about your case to other relevant organisations so that together we can work out how to help.

Examples of these situations might be:

- discussing health problems with the prison authorities where you are detained so we can request suitable treatment on your behalf;
- discussing your case with your legal representative so we can update you on any progress;
- checking your financial situation with the Foreign and Commonwealth Office (FCO) so we can provide you with a grant; and/or
- discussing your transfer with the National Offender Management Service (NOMS) so we can update you on any progress in your application.

We have a strict confidentiality policy and will not share any information about you with anyone else unless we have your permission.

Information about your overseas conviction

Information about your sentence and conviction is passed on by foreign authorities to the UK completely independently of whether you sign the Prisoners Abroad Authorisation form.

Likewise, British citizens will not be able to avoid deportation from the sentencing country by choosing not to sign this form.

Access to your information and correction

Please contact us if you have any questions about our policy. You may also request details of personal information which we hold about you under the Data Protection Act 1998

We want to make sure that your personal information is accurate and up to date. Please advise us if you change your address or believe any of the other information we hold concerning you is out of date or inaccurate.

Registering with Prisoners Abroad

If you would like to be in contact with us and continue to receive our services, please read the declaration over the page, fill out the form and sign before sending it back to us. You may withdraw your permission at any time.

If you do not sign the form or withdraw permission at a later date, it will affect our ability to work with you in the future.

For example, we need to confirm your nationality with the FCO so that they can help us to deliver any financial assistance, so if you do not sign you will not be able to receive any of our grants or services while you are detained.

Similarly, we require confirmation of your alleged offence from the FCO in order to work with you when you return to the UK, so if you do not sign the form you will not be able to access our Resettlement service.

INFORMATION FOR IMPRISONED BRITISH NATIONALS

AUTHORISATION FORM



Your declaration

I understand the following:

You will hold the information I have provided for the time that I am in receipt of Prisoners Abroad's charitable services. After this time you will destroy all personal information held about me in accordance with your policy.

You will check the information I have provided with the Foreign & Commonwealth Office (FCO) to verify details of my nationality and of my alleged offence. A copy of this form will also be sent to the FCO.

You may check further details of my arrest, alleged offence, sentence and detention, and any other relevant information concerning my current situation with the FCO and certain other organisations, or give information about me to them in order to:

- make sure the information I provide is accurate
- carry out work in connection with your charitable services (e.g. in providing me with services and any grants and advocating on my behalf)

These other organisations include prison authorities and social workers where I am detained, my legal representatives and any other organisation that I have authorised to act on my behalf (e.g. Fair Trials International, NOMS).

I declare that the information I have given on this form is correct and complete.

If I give information that is incorrect or incomplete you may withdraw services.

Please complete this part of the form, sign and return it to the address below.

Prisoners Abroad
 89 – 93 Fonthill Road
 London N4 3JH UK
 T +44 20 7561 6820
 F + 44 20 7561 6821
 info@prisonersabroad.org.uk
 www.prisonersabroad.org.uk
 Charity Number 1093710

Your first name(s):

.....

Your surname:

.....

Prisoner number:

.....

Date of birth (dd/mm/yy):

.....

Name of Prison:

.....

Prison Address:

.....

.....

.....

Country

.....

Are you: (please tick)

Male Female

Alleged offence

(what have you been accused of?):

.....

.....

Signed:

Date:

OFFICIAL USE ONLY
 COMPASS CASE #

INFORMATION FOR IMPRISONED BRITISH NATIONALS

Appendix 3 How prisoners abroad can help you in prison abroad?

A GUIDE TO HOW PRISONERS ABROAD CAN HELP YOU

Being arrested and held in prison abroad can be a confusing, terrifying and lonely experience. You may not understand the people around you and may know little or nothing of the local criminal justice system.

Prisoners Abroad is a non-government organisation which provides a vital service to British nationals in prison abroad, to their families and to released prisoners returning to the UK.

This leaflet explains the ways in which we can help you.

All our services are free and confidential, and we make no moral judgement about the people we work with; we help convicted and un-convicted, guilty or innocent, solely on the basis of need.

Our Casework Team

Our casework team will provide a personal, friendly and confidential service and will try to respond to your questions and your needs. All our caseworkers speak at least one other language and where necessary can speak with the prison, your lawyer, the British Embassy or any other relevant authorities on your behalf.

Information

Once you return the registration form, you will receive a pack containing a series of briefing sheets about issues which may affect you during your detention and information on the prison and criminal justice system of the country in which you are held. If you have specific requests for information, our casework team will try and find the information you need. Where possible, they can also arrange for documents to be translated or provide information on how you can apply for transfer back to the UK.

Financial Assistance

If you have no other source of income, we can help in the following ways:

- In developing countries, we can make regular payments to help you buy essentials such as food, vitamins and bedding.
- In some circumstances, we can help with the cost of essential medical treatment that is not provided by the prison.
- In developed countries, we may be able to send you a one-off annual grant for essentials such as toiletries and stationery.

Representations and Liaison

Prisoners Abroad addresses complaints about prison conditions and treatment, and, where necessary, will lobby the relevant agencies that can help. We cannot get better treatment for you than is provided for other prisoners in the same country, and some authorities are more open to representations than others, but we will do whatever is possible. If you wish, we will keep in touch with the Embassy representative about your situation and can also refer you to other organisations.

Social Contact and Support

INFORMATION FOR IMPRISONED BRITISH NATIONALS

We can send you:

- Regular copies of our newsletter
- International Freepost envelopes so that you can keep in touch with us and your family for free.
- Magazines and newspapers
- Donated paperback books
- If you would like someone to write to you regularly, we can try to match you with a pen-pal who shares your interests
- We also have a limited supply of arts materials and language learning materials that we may be able to send you

Help For Your Family

Prisoners Abroad will also offer your family or friends' advice, information and support. We have a series of leaflets that offer guidance and information on some of the problems that family's face when they have a relative in prison abroad. Finally, if your family is on welfare benefits and would like to visit you, they can apply to us for a contribution towards travel costs.

After Release

When you are released from prison, we can offer you a range of services to help you re-settle in the UK. For example, if you are returning to the London area, we can advise you on finding emergency hostel accommodation and claiming benefits. We also offer use of a computer, temporary storage for luggage and a shower facility.

What Prisoners Abroad cannot do for you

Prisoners Abroad will try to help you where possible. However, there are limits to the assistance we can provide. We cannot:

- Get you out of prison
- Give legal advice about your case
- Publicise your case in the press and media
- Pay your fines or your airfare back to the UK
- Provide living expenses if you are released on bail
- Handle and/or speed up your transfer application
- Visit you in prison abroad

If you have problems with any of the above issues, contact our casework team and explain your problem. In most cases, we will at least be able to provide some advice or tell you whom to contact for further help.

Contact Us

If you think that we can help you or your family, or if you are interested in finding out more about our services, please fill out the form below and return it to us. **By signing at the bottom of this form you are giving us your authorisation to discuss your case with the family members whose contact details you have given.**

Prisoners Abroad, 89-93 Fonthill Road, London N4 3JH

Tel. 020 7561 6820 Fax. 020 7561 6821

Email: info@prisonersabroad.org.uk Website: www.prisonersabroad.org.uk

Prisoners Abroad is a registered charity, number 1093710 Company number 04333963, registered in England

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CONTACT WITH YOUR FAMILY & FRIENDS



Prisoners Abroad 88 – 89 Fonthill Road Finsbury Park London N4 3JH T 020 7581 8820 F 020 7581 8821
email info@prisonersabroad.org.uk www.prisonersabroad.org.uk
Charity Number 1083710

Family members often contact Prisoners Abroad to ask us to find out information on behalf of their loved one in prison, to confirm where the person is being held, to check on money transfers, etc.

Please write below the names of any family and friends who you would like us to talk to about your case. By signing this form you are giving us your authorisation to discuss your case with them, if they contact us. They should be over 18.

Prisoners Abroad's strict confidentiality policy means we can only pass information of this kind to your partner / family if you have given us specific permission to do so. We will not share any information with loved ones or anyone else (we cannot even confirm if we are in contact with you) unless you have named them below. You can continue overleaf if you want to name more than two people.

Name:	Name:
Address:	Address:
.....
.....
Postcode:	Postcode:
Their Relationship To You	Their Relationship To You

Prisoners Abroad will:

- Send your relatives initial information about our services (including a newsletter and booklet about ways we help families)
- Share information / speak to them about your case at their / your request
- Liaise, where appropriate, with prison authorities / social workers etc. on your family's request
- Give your loved one the opportunity to receive our newsletter three times a year

Prisoners Abroad will not:

- Phone your family to tell them you are in prison - you should ask the Foreign Office to do this if you cannot.
- Contact them proactively, unless absolutely necessary

I (please print name), hereby agree that Prisoners Abroad can discuss the details of my case, and any other information relating to my personal circumstances, with the members of my family as named above, except where instructed otherwise.

Name of Prison:

Country:

Signed: Date:

Please fill in this part of the form and return it to: Prisoners Abroad, 89-93 Fonthill Road, London N4 3JH

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Appendix 4 Prisoners Abroad - Finding a Lawyer

Every effort has been made to ensure that the information given is accurate and up to date.

Prisoners Abroad/The Foreign, Commonwealth & Development Office cannot accept liability for any loss, injury or damage sustained from use of this factsheet.

This factsheet cannot answer all your questions about your detention however it may be a useful starting point. It is not intended to be a substitute for local legal advice.

There are factsheets about the criminal justice systems of certain countries available on the Prisoners Abroad website. Please note that Prisoners Abroad cannot give legal advice.

How to choose a lawyer and fund your case

The first, and most important, step is to find a local lawyer to prepare your defence and advise you on the legal system and your rights. The decision to hire a specific lawyer is your responsibility. You may wish to consider whether a lawyer is:

Experienced in your type of case

- Well regarded in the local legal community
- Able to talk to you in your language
- Willing to agree on a fee structure for the whole of the case, including any appeal procedures

Once you have identified a possible lawyer or a law firm, contact them by telephone or arrange to meet them to discuss of your situation. To prepare for this:

- Write down a diary of events for your case and put any paperwork you have in order; this will help the lawyer to understand your situation more quickly.
- Make a list for yourself of the questions you want your lawyer to answer. Make sure you ask all your questions and that you fully understand the answers you are given. Tick off each point as it is covered.
- Your lawyer will need to ask you lots of questions. Try to answer these clearly and accurately but also be as brief as you can. After the first meeting/phone call, ask your lawyer to send you a letter confirming the
 - That they have taken on the work and confirm the advice they have given you
 - The name/status of the person who will be dealing with your case
 - How long the case is likely to take and arrangements for progress reports
 - An estimate of legal costs (see below)
 - Any more information you need to supply
 - Who you should contact if you have a complaint about your lawyer's service.

Finding a lawyer

The following organisations may assist you in finding a lawyer:

Embassies and High Commissions can provide you with a list of local private lawyers but will not recommend or endorse any of the lawyers that are listed.

www.martindale.com

This website provides directories of lawyers worldwide (over 1 million lawyers and law firms in 160 countries). They also provide access to biographical information and professional credentials of lawyers (including their own Lawyer Rating system for lawyers in USA and Canada based on peer review).

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However, they do specify that they do not recommend or endorse any of the lawyers listed. To find a lawyer on this website, click on "Lawyer Locator" then choose the "Location/area of practice" tab. Under "Select general area of practice" choose Criminal law from the dropdown menu. Choose the appropriate country and specify "English" under "Languages spoken" if necessary. It will produce details of any relevant lawyers.

The Law Society of England and Wales

113 Chancery Lane

London WC2A 1PL

General Enquiries: +44 20 7242 1222

Community Legal Service (legal aid for England & Wales): 0845 608 1122

International Section: +44 (0) 20 7320 5942 or: +44 (0) 20 7320 5881

The Law Society is the professional body for solicitors in England and Wales. They can provide lists of lawyers from some foreign jurisdictions who are now based in the UK, lists of English solicitors working in some countries overseas and contact details for Bar Associations and Law Societies overseas. It should be noted that these are not necessarily lawyers with expertise in criminal law. However, some of these lawyers may carry out work overseas, or can link up with lawyers in the appropriate country.

Local Law Society or Bar Association in the country of detention

To find the details of the local Law Society / Bar Association, contact one of the UK

Law Societies or:

The Bar Council

3 Bedford Row

London WC1R 4DB

Tel: +44 (0) 20 7242 0082

Lawyers' charges

When you are hiring a lawyer, it is important to establish an estimate for the cost of the work and how it will be paid at the first meeting/telephone conversation with them. Lawyers should tell you at the outset how much a case like yours is likely to cost and how they work out the costs. All legal fees and additional costs should be negotiated and agreed upon by you or your family and the lawyer before any work is done.

Bills are usually worked out on an hourly basis - the longer it takes, the more it costs.

However, there are other options:

- You may want to agree a fixed spending limit
- You may want to be billed monthly rather than get a single bill at the end
- In particular, we recommend that you find out if there are any additional costs over and above the fee for the legal work, for example for court applications.

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Legal Aid

In some countries, prisoners may be entitled to state-sponsored free legal aid. The local British Consulate, Embassy or High Commission can advise you on whether you are eligible for this. Even if there is legal aid provision, you may feel this is inadequate (for example if the lawyer provided does not speak English or does not have enough time or perhaps experience to provide a good service).

Legal aid is not available in all countries. Although legal aid is available in the UK, you may not apply for representation in overseas cases.

Questions to ask your lawyer

The following are only suggestions, but you may wish to ask your lawyer to explain:

- Your rights during detention, e.g. can you apply for bail?
- Your right to consular access
- The seriousness of the case and the likely sentence if convicted
- When and how you will be given details of the case against you
- How will your case be prepared, e.g. who will be working on it?
Who will be responsible for its day to day running? Who will see your witnesses?
- The general court procedure, e.g. will you be asked to enter a plea? Will you be asked to give evidence before or at the trial? Will you have an interpreter?
- The prison system and your rights to legal and family visits

Keeping in touch with your lawyer

Your lawyer should keep you regularly informed about progress and about the costs incurred so far. Your lawyer should ask you whether and how you want to proceed and should tell you if something has happened which will increase the costs. In turn, you need to let your lawyer know of any changes that could affect your case. If you haven't heard from your lawyer for a while, or are worried about anything, don't be afraid to get in touch. Do get in touch when you feel you need to, but don't overdo it; remember, time is money.

Bail

It is important to note that there are a wide variety of different bail systems and that the granting of bail will often depends on the nature of the offence and the person before the court.

Some countries provide a system of bail which allows for defendants to be released on condition they return for court hearings. Courts often impose other conditions such as the surrender of a passport, a surety (a sum of money which will be forfeited if you do not surrender at the next hearing) or a condition that you remain in the country until the trial is over. Unfortunately, the situation is more complicated when you are not a national or resident of the country detaining you. Many courts fear that foreign nationals will leave the country and never return if granted bail. Thus, it is important to be aware that bail is very often refused in these cases, especially if you are charged with a serious offence.

You should ask your lawyer to advise fully on the relevant national bail system and your prospects of obtaining bail at the different stages of the investigation and trial process.

Your rights during trial and detention

Generally, if you have been arrested or detained you do not lose your entitlement to human rights protection. Various international human rights treaties actually contain provisions specific to criminal trials and detention. For example, international treaty provisions on fair trials typically state that individuals are entitled to a fair and public hearing within a reasonable time before an independent and impartial tribunal. They also normally specify that you should be considered innocent until proven guilty

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and provided with an interpreter without charge. Many international human rights treaties also prohibit torture and inhuman treatment or punishment and require that people in detention are treated with humanity.

International human rights treaties may be regional (e.g. European Convention on Human Rights and Fundamental Freedoms) or international (e.g. International Covenant on Civil and Political Rights). A country will only be legally bound by a particular treaty's provisions if it has signed and ratified the document. Information about international human rights treaties that are relevant for specific countries can be requested from Prisoners Abroad.

It is important to obtain proper legal advice from your lawyer in respect of your rights in the country in which you are detained. If you feel that your rights have been violated, it may be possible to take your complaint to an international body depending on which country has violated those rights. However, international procedures can be slow, costly and cumbersome and you will normally have to exhaust all available national remedies before taking your case to this level.

Legal assistance after conviction and sentence

If you wish to appeal against your conviction or sentence, you will need advice from your lawyer and you will need to submit an appeal within the time period allowed (which varies from country to country). You will need a lawyer to represent you during the appeal process.

If you wish to take a complaint about prison conditions and/or the fairness of the trial to an international human rights body, you will need to seek advice from an organisation which specialises in this kind of work. Prisoners Abroad has produced a separate factsheet giving details of organisations which may help.

Disclaimer

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

Thank you.

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