



BRITISH EMBASSY BEIJING

Information for Imprisoned British Nationals in China

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Contents	Page
1. Introduction	3
2. Who Is My Consular Representative?	4
3. How the British Embassy in Beijing Can Help You	5
4. How Can I Contact My Family and Friends?	6
5. The Detention Centre	6
6. The Chinese Judicial System	7
7. What Happens if You Are Found Guilty?	7
8. Medical and Dental Treatment	8
9. Prison Life	9
9.1 Introduction	9
9.2 Consular Visits	9
9.3 Prison Comforts	10
9.4 Money	10
9.5 Prisoners Abroad Organisation	10
9.6 Letters and Mail	11
9.7 Work	11
9.8 Cells and Prison Facilities	11
9.9 Family Visits	11
10. Transfer and Release	12
10.1 Can I Be Transferred Back to the UK?	12
10.2 Early Release/Review of Sentence	12
10.3 Release	12

1. Introduction

- Being arrested in a foreign country can be a confusing and frightening experience, especially if you don't understand the language and don't know your rights within the law. This information pack provides background information on the Chinese legal and prison system from arrest through remand, trial, sentencing and afterwards.
- The British Embassy in Beijing has Consular jurisdiction in the following municipalities or provinces:

Beijing	Henan
Heilongjiang	Hubei
Jilin	Ningxia
Liaoning	Gansu
Inner Mongolia	Qinghai
Hebei	Tibet
Shandong	Shaanxi
Shanxi	Xinjiang
Tianjin	

- The British Consulate General in Chongqing has Consular jurisdiction in the following municipalities or provinces:

Chongqing	Sichuan
Yunnan	Guizhou

- The British Consulate General in Guangzhou has Consular jurisdiction in the following municipalities or provinces:

Guangdong	Hunan
Guangxi	Fujian
Hainan	

- The British Consulate General in Shanghai has Consular jurisdiction in the following municipalities or provinces:

Shanghai	Zhejiang
Jiangsu	Anhui

- This booklet is not a substitute for professional legal advice.
- The British Embassy and Consulates are unable to help BN(O) passport holders who have travelled to China on Chinese documents.

2. Who Are My Consular Representatives?

Contact details: **British Embassy Beijing**

Nicky Luff
Vice Consul

David Giles
Pro Consul

Consular Section
British Embassy
Floor 21, The Kerry Centre
1 Guang Hua Lu
Beijing 100020

Tel: (+86) (0) 10 8529 6083 (Mon -Fri 08:30-12:00 and 13:00-16:00)
Out of Hours Tel : (+86) (0) 10 5192 4000
Fax: (+86) (0) 8529 6081 Email: consular.beijing@fco.gov.uk

Consulate General Chongqing

Edward Burfield
Vice Consul

Andrew Speke
Pro Consul

Consular Section
British Consulate General,
28/F, Metropolitan Tower,
68 Zourong Road,
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Consulate General Guangzhou

MIndy Li
Pro Consul
Consular Section,
British Consulate General,
2/F, Guangdong International Hotel
339 Huanshi Dong Lu
Guangzhou 510098
P. R. China

Tel: (+86) (0) 20 8314 3000 (Mon-Fri 09:00-13:00 and 14:00-16:30)
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Fax: (+86) (0) 20 8331 2799 Email: consular.guangzhou@fco.gov.uk

Consulate General Shanghai

Usha Patel
Vice Consul

Consular Section,
British Consulate General,
Suite 319 Shanghai Centre
1376 Nanjing West Road
Shanghai 200040

Tel: (+86) (0) 21 3279 2000 (Mon - Fri 09:00-16:00)

Out of hours Tel: (+86) (0) 21 3279 2000

Fax: (+86) (0) 21 3279 2017 Email: consular.shanghai@fco.gov.uk

Family and friends in the UK should contact:

Consular Desk Officer for China,
Country Casework Team,
Consular Directorate,
WH4.3
Foreign and Commonwealth Office,
King Charles Street
London, SW1A 2AH

Tel: (+44) (0) 20 7008 0145

3. How the British Embassy and Consulates Can Help You:

What We Can Do:

- 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 Chinese regulations, and that you are treated no less favourably than other prisoners. We cannot get you better treatment than other prisoners.
- As soon as we have been notified (whether by family, friends or officially) we will aim to visit you within 48 hours, unless you ask us not to. We have to request permission to visit by writing to the Public Security Bureau (PSB), so bear with us if we are not granted permission within our 48 hour target, it is not for want of trying.
- After the initial visit we would normally try to visit you monthly whilst in detention (this is at the discretion of the Public Security Bureau) and quarterly at the prison.
- We will ask you if you want anyone informed and give you information, such as this booklet, on what you can expect.
- We will answer any questions you have about your welfare and to the best of our knowledge about regulations in the detention centre.
- We will take up any justified and serious complaint about ill treatment or alleged discrimination with the local prison authorities on your behalf.
- We can provide you with a list of lawyers to enable you to choose legal representation.

What We Cannot Do:

- Get you out of prison or interfere with the local procedures.
- Discuss the case with you. The Chinese authorities do not permit us to do this at any time.
- Pay for prison comforts.
- Forward parcels to your family on your behalf.
- Offer you any legal advice. We are neither permitted nor qualified to do this.

4. How Can I Contact My Family and Friends?

- In the first instance, the Consular Officer can contact any friends or family at your request. If your family/ friends are in the UK then this can be done via the Consular Directorate of the FCO in London. We will need your permission to do this. We will not contact anyone if you do not want us to.
- In China you will not be able to ring your family yourself, or receive calls from them. You may write to them and they to you, but all letters will be read by the authorities. Visits by family or friends are not permitted until after the trial.

5. The Detention Centre

(NB. All detention centres in China will vary.)

- Most foreigners are taken to a detention centre if arrested.
- A cell can accommodate up to 10 people (in other provinces cells may hold 25 people). The facilities inside the cell include a shower, electronic fan and toilet.
- No family visits are permitted whilst in detention. Only a Consular Officer (plus translator and a lawyer) may visit you.
- Consular staff are permitted to visit once a month, at the discretion of the Public Security Bureau, Procuratorate or Law Court
- No food (or toothpaste) is allowed to be brought into the detention centre. We can bring in books and English Language newspapers. These will be checked by the authorities.
- There is a small shop on site where you will be allowed to buy basic commodities if you have money in your account. Money is transferred on to a card. Goods are ordered on a monthly basis. Be aware that deliveries can take anything from 4-6 weeks.

6. The Chinese Judicial System (Including Detention Procedure)

- You can be held in a Detention Centre from initial detention until 10 days (or longer) after the final sentence and any appeals have been heard.
- You can be detained for up to 6 weeks before being formally arrested. The Public Security Bureau begin the initial investigation and once they've made a decision, this is referred to the State Procuratorate. Any one of these bodies can ask for an extension at any time.
- You can be held for up to 14.5 months from being arrested until being formally charged and attend the trial, if you are found guilty at the trial, you will be transferred to a prison.
- Once charged, the Defendant should appeal within 10 days of sentencing.
- From the appeal being lodged to the appeal being heard by the High Court a maximum of 10 weeks is permitted.
- Chinese regulations may limit your access to a lawyer until after formal charges have been laid. If you wish to appoint your own lawyer, we can provide a list of lawyers practising in China but you will be responsible for paying all the fees. Otherwise the Chinese authorities will provide a free state-appointed lawyer. The lawyer must be a Chinese national. We cannot recommend a particular lawyer to you or pay any of your legal fees.
- Time Limits**

Maximum time	Stage of Investigation/Judicial Process	Responsible Authority
1. Initial Detention		
30 days	1A. Initial investigation and recommendation for official arrest	Public Security Bureau
7 days	1B. Review of recommendation for official arrest	Prosecutor's Office
2. Official Arrest or Release		
2 months	2A. Formal investigation	Public Security Bureau
1 month	2B. Formal investigation 1 st extension (if required)	Public Security Bureau
2 months	2C. Formal investigation 2 nd extension (if required)	Public Security Bureau
2 months	2D. Formal investigation 3 rd extension (if required)	Public Security Bureau
1.5 months	2E. Review of formal investigation	Prosecutor's Office
1 month	2F. 1 st supplementary investigation (if required)	Public Security Bureau
1.5 months	2G. Review of formal investigation (if 2F. is required)	Prosecutor's Office
1 month	2H. 2 nd supplementary investigation (if required)	Public Security Bureau
1.5 months	2I. Review of formal investigation (if 2H. is required)	Prosecutor's Office
3. Submission to Court or Rejection / Release		
Normally 2.5 months	3A. Court Hearing(s)	Court

4. Verdict		
Appeal, if wish, must be made within 10 days; timeline is 2.5 months for final verdict.	4A. Appeal and final verdict	Court
5. Serving of Sentence or Release		

* Note: Delay in some of the process can happen.

Authorities may provide you with an interpreter when asking you to sign statements in Chinese. Remember, **you should never sign anything you can not read or when you are not satisfied with the interpreter provided.**

7. What Happens if You Are Found Guilty?

- It could take as long as 15.5 months from initial detention until trial being sentenced and transferred to a prison. None of this time would be taken into consideration as part of your sentence. Your sentence would not begin until your arrival at prison. Foreign prisoners are normally dealt with as quickly as possible, but it is still a minimum of 3 to 4 months before everything is finalised.
- While in detention you will be subject to Chinese law.
- If you wish to contact the Embassy / Consulate General outside the visiting arrangements mentioned you must do so in writing through the prison authorities. They will inform the Embassy / Consulate General of your request and we will respond to the best of our abilities and resources.

8. Medical and Dental Treatment

- If you need medical or dental treatment, either in detention or in prison you should request to do so through the Chinese authorities. They have their own doctors and dentists that they use. Any complex problems may be referred to a specialist; again if one is needed this should be supplied by the Chinese authorities. You will not be permitted to see your own choice of dentist or doctor. If you are refused medical treatment you should inform the Embassy / Consulate General as soon as possible. If you have any long-standing medical problem and have received treatment in the UK, it maybe useful to have your medical records (or a medical report) sent from the UK for the information of the prison doctor/ specialist.
- Please note that in the unfortunate event that you are diagnosed with a potentially terminal disease (i.e. cancer), this will not automatically mean you will be released early. The prison authorities are likely to treat you in an authorised hospital first. In the event of this happening, the British Embassy / Consulate General would consider asking for clemency, but there is no guarantee that this will be considered by the Chinese authorities.

Prison Life

9.1. Introduction

- If you are found guilty of a crime at your trial (and after your appeals have been heard) you will go to prison for the sentence handed down to you. In Beijing (at the time of writing) the majority of foreigners are sent to No.2 Prison. There are a number of prisons in some of the other provinces where foreigners are sent.

9.2. Consular Visits

- The following information is based on No.2 Prison, Beijing. It is worth remembering that if you are placed in a different prison, the rules and regulations could vary.
- British Consular staff are permitted to visit the prison, except during public holidays. The visits are approximately 30 minutes long and are always accompanied by 2-3 prison guards, who make notes on what is said. British Consular staff will visit at intervals determined by the outcome of a generic risk assessment on the conditions and specific circumstances of your detention.
- Please bear in mind that if you ask the Embassy / Consulate General for information about the prison system or an issue that you have, getting a reply from the Justice Bureau can sometimes take months. We will raise all the issues you have concerns about, but we are unable to guarantee you get an answer, or when.

9.3. Prison Comforts

- We are allowed to bring in certain food items and most comfort items that you require.
- You are permitted to receive Prisoner Abroad magazines or books but this will need to be sent via the Embassy / Consulate General. We are not permitted to take in vaccinations or medicine, but you are allowed to receive vitamins. The normal restrictions apply to alcohol, inflammable substances, tools and glass.
- The Consular Officer can collect second hand English language books from the Management Section of the British Embassy / Consulate General. These are donated to prisoners and there is no charge for them.
- Beijing No. 2 Prison has a prison shop which sells food items and toiletries.

9.4. Money

- Apart from the second hand books, you will have to pay for all items out of your own money. An account can be set up at the Embassy / Consulate General and your family/friends can transfer money to it through the Foreign and Commonwealth Office in London. If you have no money at all then Prisoners Abroad may be able to send you a small regular amount to cover necessities.

9.5. Prisoners Abroad

- Prisoners Abroad is a charitable organisation in the UK. They provide practical support to inmates and their families around the world. They also campaign for the welfare of Britons imprisoned overseas. They can also help with aftercare and provide help and advice in settling back into the community. The Chinese prison authorities do not allow foreign prisoners to receive the Prisoners Abroad Newsletter. Prisoners Abroad can be contacted at:

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

Tel: 0207 561 6820

Fax: 0207 561 6821

Email: info@prisonersabroad.org.uk

Internet www.prisonersabroad.org.uk

9.6. Letters and Mail

- You are allowed to send and receive letters/ mail, but all will be inspected by the prison authorities. Because of this your mail can take a long time to get through the system.

9.7. Work

- Foreign prisoners are not permitted to work in Chinese prisons. Educational possibilities are also limited. Artwork is permitted.

9.8. Cells and Prison Facilities (Including Recreation)

- In the Foreigner's Block of No. 2 Prison, up to 6 people can be accommodated in a cell. Each cell has its own toilet and wash basin. You are not permitted to stick anything on the wall. Each cell also has a television (although programmes are in Chinese). There are communal showers in the Foreigners' Block.
- The Prisoners are allowed out of their cell all day from 6am. In fact they are not allowed in their cells until lock-up at 6pm. There is a communal TV room. There is a basketball/ football court which prisoners can use once a week. There is a small gym (mostly weights) in the Foreigners' Block, which you are free to use everyday.
- The Prison has a Medical Unit and a prison doctor and dentist. As stated above if you have a more serious problem you will be escorted to a local hospital.

9.9. Family Visits

- Apart from the Consular Officer, only your family will be allowed to visit you. Visits to the prison have to be requested, in writing, up to one month in advance, so it is best to let the British Embassy / Consulate General know if you have a family member intending to visit you. Family members, like the Embassy, are only allowed to visit the prison twice a month for a 30-minute duration period each time. Family members are allowed to bring food however all items are subject to inspection and there is 2kg limit per month. Visits are limited to 3 persons only. The Embassy / Consulate General can help arrange permission for the visit for family members. We are also happy to brief family members on what they can expect. Family members will only be permitted access to the prison with a Consular Officer. However consular staff do not have to be present at the actual meeting itself.
- Chinese prisoners are allowed a family meal with family members. This is not afforded to foreign prisoners. Family visitors are also not permitted to look around the prison and are confined to the visiting room.

Transfer and Release

10.1. Can I be transferred back to the UK?

- No: There are no prisoner transfer arrangements between China and the UK at this time.

10.2. Early Release/ Review of Sentence

- Towards the end of your sentence you may get a Review of Sentence. This process can take some months to complete, with many stages to go through ending with the decision being made by the High Court. The outcome will be dependent on your good conduct and behaviour while you have been in prison.

10.3. Release

- The Embassy / Consulate General will be told 10 days before a prisoner is released (to enable them to organise a passport or travel document). The prisoner will have to pay his/ her own passage back to the UK. The Embassy is unable to pay this and must try and obtain the money from other sources (such as family etc) first.

Disclaimer

While every effort has been made to ensure that the information given in this leaflet is accurate and up to date, the British Embassy Beijing can accept no responsibility (legal or otherwise) for any errors, omissions or misleading statements in that information.