



British  
High Commission  
Abuja

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

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**British Deputy High Commission, Lagos**  
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## Introduction

### Who can help?

The Foreign and Commonwealth Office (FCO):

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

### About the British High Commission

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

We can answer questions about your welfare and about prison regulations but you must ask your lawyer or the court about legal matters. We cannot get you out of prison, pay fines or stand bail or interfere with local judicial procedures to get you out of prison nor secure you an earlier trial date; we cannot investigate a crime.

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

### Who are the Consular Representatives?

#### British Deputy High Commission, Lagos

Consular Section

11 Walter Carrington Crescent

Victoria Island, Lagos

**Tel:** +234 1 270 0780/0781/0782

**24 Hours Service Tel:** +234 9 462 2200 (option 2)

**Email:** consular.lagos@fco.gov.uk

**Website:** www.gov.uk

#### Working Hours:

Monday to Thursday: 07h30 – 15h30

Friday: 07h30 – 12h30

#### Consular Section - Public Opening Hours:

Monday to Thursday: 08h30 – 14:00

Friday 08h30 – 12h00

**British High Commission, Abuja**

Consular Section

19 Torrens Close, Maitama,

Abuja.

**Tel:** +234 9 462 2200

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

**Working Hours:**

Monday to Thursday: 08h00 – 16h00

Friday: 08h00 – 13h00

**Consular Section - Public Opening Hours:**

Monday to Thursday: 09h00 – 15:00

Friday 09h00 – 12h00

**British Deputy High Commission, Port Harcourt (Liaison Office)**

Plot 230 Olu Obasanjo Way

Port Harcourt

Rivers State

Tel: +234 84 464874 ext 103

Fax: +234 84 464808

Monday – Thursday 07h30 – 14h30

## **First Steps**

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

When a British National is arrested and detained in Nigeria, the Nigerian authorities must inform the British High Commission upon the prisoner's formal request and it is their right to have this notification done by the authorities. However, we often learn more quickly of an arrest informally from friends or family.

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

We will not tell anyone that you have been detained, or what the charges are, without your permission. However, should you wish to inform your family, we can make contact with them through our colleagues in the FCO in London. We can give your family or next of kin advice on prison procedure, regulations, and how you are doing. We can also pass on any messages on your behalf.

If you are thinking about not telling your family, please consider the distress it may cause them if they are not told where you are. It may be possible for family members to find out the reasons why you are detained by using the Internet. It can also be a disadvantage to you if you need money for anything in prison or fall ill. Once we have told your family and friends, we will keep them updated on your well-being.

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

We aim to make initial contact with you within 24 hours of being notified of your arrest and to make sure that you are treated properly and fairly in accordance with Nigerian regulations, and that you are treated the same as other prisoners. We cannot however get you better treatment than other prisoners. Should you need a list of lawyers, we will be able to provide this.

We can answer questions about your health and welfare and the local prison system but we cannot answer questions about legal matters. You should ask your lawyer or the court those kinds of questions.

We cannot get you out of prison, pay fines or stand bail, or secure you an earlier trial date. Nor can we investigate a crime.

We can advise you of other organisations, both in Nigeria and the UK, who can offer you and your family further assistance both during your detention and after your release (see page 15).

With your permission, we can take up any justified complaint about ill treatment, personal safety, or discrimination with the police or prison authorities. Again, with your permission, we can make sure that any medical or dental problems you are having are brought to the attention of any police or prison doctor.

Within certain limits, we can assist your family sending you money via the FCO in London. In some cases, there may be a charge for this service.

If you are a citizen of Nigeria as well as a British national and you are imprisoned in Nigeria, the British High Commission cannot assist you except in exceptional circumstances.

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

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

## **Visits**

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

There are no strict formal procedures for visiting. Prison visits vary in various prisons; you are advised to contact the prison or post for visiting times.

Our colleagues at the Foreign and Commonwealth Office in London act as the point of contact for family members of British nationals detained overseas. It would be best for your family to contact the relevant Desk Officer in Consular Directorate before embarking on any visit, so that we can advise them before they make any arrangements

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

You will be allowed daily visits by family and friends. Visitors are advised to contact the prison for confirmation of visiting times.

### **Consular visits**

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

We will arrange to speak to you on the phone every couple of months where possible.

During routine visits you will have the opportunity to discuss welfare concerns, health issues, security and other general issues that you wish to raise with our Consular staff. At each visit, we will complete a "Visit Report Form" and, with your permission, will pass on updates to your family or friends.

It may also be possible for prisoners to receive quarterly deliveries of funds and letters via the High Commission.

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

Visitors are allowed to take toiletries, personal effects and food for you. Visitors are required to taste food before handing them over to you. Cigarettes aren't allowed apart from for condemned prisoners (prisoners on death row).

## **Prison conditions/services**

### **Arrival at police station**

You will be taken to the police station and you are entitled to know the charge (s) against you. Your rights should be read to you on arrival at the police station, after which you are entitled to call a family member or lawyer. You can only be detained for a maximum period of 24 hours after which you should be charged to court or 48 hours where the court location is not within 40 kilometres radius of police station.

### **Arrival at prison**

There must be a remand warrant in place for a new prisoner. Before being handed over, the warrant has to be checked by the officer in charge of the gate. This is to ensure that such warrant has at least the 8 main features of a valid warrant which are:

1. The inmate's name
2. Charge number
3. Sentence and offence
4. Judges signature
5. Must be made out in Nigeria
6. Special endorsement
7. Name of the prison
8. Date the sentence was made

On arrival at prison you will be searched for contraband goods and should then be taken to the records office. Here, you will be registered. Any valuable you have with you like wristwatches, shoes, chains etc will be bagged and labelled then handed over to the person in charge for safe keeping. Any cash you have with you will also be taken and recorded on



the prison form 40. Forms should be signed by you and the record warder to confirm that all your items are listed.

Within the first 24 hours you should go into the reception board which is headed by the superintendent in charge at the prison. The reception board should inform you of your rights and privileges which may include seeking legal aid, medical aid, being able to practice your faith, to appeal, receive visits and make calls or write letters. The board will also take note of any medical problems you may have, allocate you to a cell and they should check that your property has been properly recorded by reading it out to you for confirmation before the superintendent in charge appends his signature. If you are a convicted prisoner, the board may allocate you to a labour or industry unit.

### **General prison conditions**

The vast majority of prisons in Nigeria are seriously overcrowded and essentials such as running water, electricity and meals are likely to be considerably more basic than would be expected in a UK prison.

The number of inmates to each cell depends entirely on the size of the cell and the number of prisoners in that particular prison. Women's prisons are separate to the men's. You should not expect to have your own cell. In the prisons, there is no provision for hot water. Each cell do not have its own toilet; what exist is a common toilet to serve a certain number of cells. Electricity is not regular though each prison has a generator to back up power supply, thus 3 hours of electricity daily on average is provided. Prisoners are brought out for at least one hour per day.

Even though searches to confiscate weapons are carried out, they are in free circulation. Extortion is a problem and you may be asked for bribes. If you experience serious harassment, threats or violence you should report this to the prison officials or to the High Commission.

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

Money may be deposited with the prison welfare officer, which you can use to purchase food, clothing and other items. Money is deposited into an account and the prison's Welfare Section can buy goods on your behalf. If your family send money through the FCO, we will bring this with us when we visit and deposit it in your account.

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

Prisoners have access to education with prisons offering basic education skills and vocational training. Facilities include barber shops and tailoring.

With the support of NGOs most prisons have educational facilities from primary school to the tertiary level. In some selected prisons there are National Open University of Nigeria study centres which are open and free to all interested prisoners.

All prisons have industry sections to teach different trades such as farming and animal husbandry, furniture making, soap making, palm oil extracting, hair making, fashion designing, pastry making, car wash and dry-cleaning etc.

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

The Nigerian Prisons service has qualified personnel in the medical and dental unit; if you are unwell you should be able to be seen by a doctor in the prison. For more serious complaints you may be taken to a government hospital.

### **Food and Diet**

Prisoners can expect to be fed three meals a day but meals may be insufficient given the levels of overcrowding. There is also no allowance made for different dietary needs. Prisoners are allowed provisions to supplement the basic meal allowance and may also opt for self feeding i.e. having food brought in by friends or family. The prisons provide Nigerian food/meals e.g rice, garri, beans, fish, vegetable etc. Prisoners are provided with water.

### **Mail/Parcels**

You may send and receive letters and parcels but they must be vetted by the superintendent in charge. If parcels contain prohibited items they may be confiscated. Prisoners Abroad can supply you with International Freepost envelopes so that you can write to your friends and family without having to pay for postage. You should note however that the Sierra Leone postal service is very slow and you have no guarantee that your letters will arrive in the UK. Our consular team are happy to pass on messages by phone / email to your friends and family after their visits.

### **Can I make telephone calls?**

You may be allowed to make telephone calls if you request permission, but there will be a prison officer present throughout. Cell phones are prohibited but there is provision for access to telephone for the prisoners. To use the communal telephone provided by the prisons, the prisoners can make a request to make a call from time to time and in the presence of a prison staff

### **Leisure and entertainment**

The prison service provides religious and academic facilities. You may have access to sports facilities and to television though this will not always be the case. Many prisons have

libraries and you can borrow books. Some NGOs may arrange visits or entertainment in prisons.

## **Drugs**

Drug abuse is a problem in some prisons. If you are caught holding or taking drugs, punishment can be severe. If you inject drugs you also run the risk of contracting serious blood-borne infections, like AIDS and hepatitis. Cigarettes are not allowed except for condemned prisoners (prisoners on death row).

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

If you feel you have a justified complaint about prison conditions, raise it with the prison welfare officer or another superior prison official in the first instance. If this does not resolve the matter, contact the Consular Section and we will take action as appropriate.

## **The Nigerian Judicial System**

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

Nigeria operates a federal political structure under the Constitution of the Federal Republic of Nigeria, (CFRN) 1999. This constitution vests the Legislative, Executive and Judicial powers of the Federal Republic of Nigeria in the National Assembly, the Executive and the Courts. The Attorney General of the Federation and Minister of Justice is the Chief Law Officer of the Federation. He is the head of the Federal Ministry of Justice. Likewise, the Attorneys General of the States have similar powers in respect of Laws enacted by the Houses of Assembly of the States.

The Nigerian Judicial System and the UK Judicial System have some similarities. For example, prisoners are presumed innocent until proven guilty; they have a right to legal representation, interpreter, fair trial and appeal. However there are fundamental differences. For example, there is no jury system. In addition, the Nigerian judicial system is extremely backlogged, understaffed and lack of resources mean cases can take far longer than they might in the UK. Prisoners can remain in prison without having been sentenced for considerable periods.

Remember that you should never sign anything you cannot read. If you find yourself under pressure to sign, ask to speak to your lawyer.

Other sources of Nigerian Law include Local Legislation (State and Federal), Nigerian case law as well as Customary Law.

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

When you are arrested you will be informed of the reason for the arrest at the time. Where a person has been arrested while actually committing the offence or pursued immediately thereafter or escapes from lawful custody, the offender must be informed at the time of the arrest of the reason for the arrest. Also, the constitution provides that any person arrested or detained shall be informed; in writing within 24 hours and in a language that is understood.

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

24 hours or 48 hours or longer if the court deems it reasonable

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

When a person is charged, the person is then arraigned (brought before a court to answer a charge or indictment) and is called to enter a plea. When a plea is entered, the trial can commence.

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

All offences with the exception of capital offences are bailable. Requests for bails can be made orally or in writing.

To secure bail, detainees are usually required to produce Nigerian sureties able to pledge their property title deeds. This can prove difficult for British visitors with limited connections in Nigeria. Courts are often reluctant to grant bail to foreigners due to the risk of them leaving the country. However bail conditions can be negotiated. Having legal representation is recommended.

You may be asked to submit your passport to the courts as part of your bail conditions. British passports are property of Her Majesty's Government,. If you want us to, we can formerly request the return of your passport; however this may have implications on your bail status. We cannot issue you a new travel document if your passport is held as a condition of bail without first asking for that passport to be returned.

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

Legal assistance exists at the Legal Aid Council but only for indigent Nigerians.

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

The trial begins with the entering of a plea of guilty or not guilty (the arraignment). The prosecution then calls witnesses in support of its case. If the judge regards the prosecution

case to be sufficiently strong, the accused person will give evidence in support of his own case if he chooses to do so. He will then call other witnesses in support of his case if such witnesses exist and are willing and able to give evidence.

Criminal trials take a long time in Nigeria. That is because most trials are not listed on consecutive days, but intermittently in the months and years that follow. The courts are in a state of reform with judges now being encouraged to be less tolerant of delay and to hear cases more expeditiously, but you should not expect a trial to be carried out as quickly as in the UK.

### **Sentences**

Sentences are set by law and are set out in the relevant provision under which the criminal charge is brought. 'Sentence' does not necessarily mean prison sentence and may include a fine or forfeiture of assets.

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

The provisions are generally set out in Chapter VII – Part B of the Constitution of the Federal Republic of Nigeria 1999 – as amended. Advice should be taken from the court trying the case in the first instance. Time limits may apply as to when an appeal may be brought. In most cases, the accused person may appeal against a ruling of law given at any stage in the trial process, as well as the verdict.

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

Remission does not exist as such, though the Prison Service may apply to the court for a sentence to be reduced in cases of serious sickness, or good behaviour coupled with the near-completion of the term of imprisonment.

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

The Prison Service may apply to the court for a sentence to be reduced in cases of serious sickness, or good behaviour coupled with the near-completion of the term of imprisonment.

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

Clemency can be granted by either the president or the Governor of the State. The act of clemency is to grant a reprieve.

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

Where the law provides, the court may pass a fine, either as an alternative to a term of imprisonment or as a stand-alone sentence. The court's decision would depend on the individual circumstances of the offence and offender.

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

Yes, depending on the status of the prison of first detention and individual circumstances of the case.

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

Yes, it possible.

The Federal Republic of Nigeria and the United Kingdom signed an agreement in January 2014 providing for the transfer of prisoners between the two States. The Agreement allows Britons who commit crimes in Nigeria to serve their sentences in the UK.

Once you have been sentenced, and if there are no appeals outstanding, you can apply to be transferred to the UK to serve the remainder of your sentence in a UK prison. The application process can take up to a year, on average.

If you wish to be considered, you will need to complete an application form. The High Commission has no involvement in the process, but we can send you the forms and information sheet on request.

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

A person is released if the prosecuting authorities are satisfied that there is insufficient evidence to warrant prosecution, upon order of the court following an acquittal or order for stay in proceedings, or upon completion of the sentence of imprisonment (or near-completion on application by the Prison Service). Deportation is not a sentence of the court and would most likely occur where the Immigration Service is satisfied that the subject has no legal right to be in Nigeria. Deportation would normally be considered by the authorities as an early alternative to criminal investigation and prosecution. Deportation would consist of being escorted to the border and the authorities' being satisfied that the subject has left the jurisdiction.

## **Prisoners Abroad**

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

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

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

**Prisoners Abroad**

89 – 93 Fonthill Road  
London N4 3JH  
UK

**Telephone:** 00 44 (0)20 7561 6820 or, for your relatives in the UK, Freephone 0808 172 0098

(Mondays to Fridays 9.30 am to 4.30 pm, UK time)

**Email:** [info@prisonersabroad.org.uk](mailto:info@prisonersabroad.org.uk)

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

**Annex 2: FCO leaflet: In prison abroad**

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/35521/in-prison-abroad.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/35521/in-prison-abroad.pdf)

**Annex 3: FCO leaflet: Transfers home for prisoners abroad**

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/292519/FCO\\_Transfers\\_Home\\_0314web.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/292519/FCO_Transfers_Home_0314web.pdf)

**Annex 4: Prisoners abroad authorisation form**

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

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

[http://www.prisonersabroad.org.uk/uploads/news/id44/Contact\\_with\\_Family\\_Friends.pdf](http://www.prisonersabroad.org.uk/uploads/news/id44/Contact_with_Family_Friends.pdf)

**Annex 6: Prisoners aboard CFF form**

[http://www.prisonersabroad.org.uk/uploads/news/id49/Form\\_cff.pdf](http://www.prisonersabroad.org.uk/uploads/news/id49/Form_cff.pdf)

**Annex 7: Fair Trials International Questionnaire and leaflets**

<http://www.fairtrials.org>

[http://www.fairtrials.org/documents/FTI\\_QUESTIONNAIRE\\_March\\_2012.pdf](http://www.fairtrials.org/documents/FTI_QUESTIONNAIRE_March_2012.pdf)

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

**Annex 8: Reprieve Information (optional)**

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



## **Disclaimer**

This booklet was compiled by The British High Commission in Nigeria. 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 High Commission in Nigeria is not accountable for the information provided in this booklet. Local proceedings are subject to change at any time.

Thank you.

July 2016