



British
Consulate-General
Madrid

Information Pack for British Prisoners in Spain

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Introduction

Who can help?

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

About the Embassy

We are impartial; we are not here to judge. We aim to make sure that British nationals in detention are treated properly and fairly in accordance with local regulations, and that they receive the same standard of treatment as other detainees.

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

We cannot get British nationals out of prison, pay fines or stand bail, interfere with local judicial procedures to get them out of prison nor secure an earlier trial date, and 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/Consulate cannot accept legal responsibility for any errors or omissions in the information. If in doubt, detainees should contact a lawyer. We hope the information in this pack is helpful.

Who are the Consular Representatives?

Spain is divided into 8 consular districts. Please follow the links below for full details:

[Alicante](#), [Barcelona](#), [Ibiza](#), [Las Palmas](#), [Madrid](#), [Málaga](#), [Palma de Mallorca](#), and [Tenerife](#)

British Consulates are open to visitors Monday to Friday from 8:30 am to 1.30pm (Spanish times) excluding public holidays. However, consular phone lines are open outside of these hours).

Contact Information

British Consulate Alicante (Covering Alicante, Castellón, Valencia, Murcia and Albacete)

Edificio Espacio, Rambla Méndez Núñez 28-32, 6ª planta
03002 Alicante (Spain)

Tel: (0034) 965 216022 - Fax (0034) 965 140528

British Consulate-General Barcelona (Covering Catalonia, Aragon and Andorra)

Avda Diagonal 477 – 13
08036 Barcelona (Spain)
Tel: (+34) 93 3666200 - Fax: (+34) 93 3666221

British Consulate Ibiza (Covering Ibiza and Formentera)

Avenida Isidoro Macabich 45, 1^o1^a (corner with Calle Canarias)
07800 Ibiza (Spain)

Postal address:
Apartado de correos 307
07800 Ibiza (Spain)

Tel: (+34) 93 3666200 - Fax: (+34) 971 301972

British Consulate Las Palmas de Gran Canaria (Covering Gran Canaria, Lanzarote and Fuerteventura)

Calle Luis Morote 6-3^o
35007 Las Palmas de Gran Canaria (Spain)

Tel: (+34) 928 262508 - Fax: (+34) 928 267774

British Consulate-General Madrid (Covering Madrid, Asturias, Cantabria, Extremadura, Galicia, Navarra, País Vasco, Castilla-Leon and Castilla-La Mancha, except for the province of Albacete)

Torre Espacio
Paseo de la Castellana 259D
28046 Madrid (Spain)

Tel: (+34) 91 7146300 - Fax: (+34) 91 7146403

British Consulate Malaga (Covering Andalucía, Ceuta and Melilla)

Calle Mauricio Moro Pareto, 2
Edificio Eurocom
29006 Malaga (Spain)

Tel: (+34) 952 352300 – Fax: (+34) 952 359211

British Consulate Palma de Mallorca (Covering Mallorca and Menorca)

Carrer Convent dels Caputxins, 4
Edificio Orisba B 4^oD
07002 Palma de Mallorca (Spain)

Tel: (+34) 93 3666200 - Fax: (+34) 971 717520

British Consulate Santa Cruz de Tenerife (Covering Tenerife, La Palma, La Gomera and El Hierro)

Plaza Weyler, 8, 1^o
38003 Santa Cruz de Tenerife (Spain)

Tel: (+34) 928 262508 - Fax: (+34) 922 289903

First Steps

Who will know I have been detained?

The Spanish police will normally inform the British Consulate of the arrest. On committal to prison the detainee will have been asked to indicate (either by ticking a box on a form or verbally) whether he/she wishes to receive consular assistance. If they have requested consular assistance, the prison will inform the British Consulate and we will arrange to make contact with the detainee as soon as possible.

What will my family be told?

We can only inform family and friends if the detainee authorises us to do so (there are exceptions in the case of a minor). Providing the detainee has given consent to the British Consulate, it will be up to the detainee to decide how much information relating to their case is passed on to family/friends. However, please take into consideration that family/friends could learn about the case via other means, and may contact the British Consulate.

What will the British Consulate do?

Our staff are there to support the detainee to care for their wellbeing. Our staff can liaise with the prison authorities on certain issues and concerns; however, as pointed out earlier, legal matters should be addressed with the lawyer.

Would I have a criminal record in the UK?

If someone is arrested for certain serious offences, such as sexual assault or drug-related crimes, our staff must inform the relevant UK authorities. The information about the criminal offence will be sent to the ACPO Criminal Records office in the UK. It is therefore possible that, if convicted, the person may have a criminal record in the UK.

Visits

How do my family and friends arrange a visit?

Glass visits (*Locutorio*)

Glass visits are carried out in a booth where there is a glass panel between the prisoner and the visitor. Prisoners are permitted one glass visit per week (or, in some prisons, shorter visits may be twice a week) and are allowed a maximum of four visitors, including children and babies. Please note all visitors must present their original passport on arrival as identification.

The very first glass visit cannot be booked. Family members can turn up on the assigned visiting day for that prison wing (*módulo*) provided they present **documentary proof of relationship with the prisoner** (see explanation below) and wait until a booth becomes available. Visitors will be registered by the prison authorities and will be fingerprinted and photographed.

Glass visits by friends (not family) require prior authorisation from the prison authorities. Therefore the prisoner must submit a request in writing (*instancia*) providing the friend's details and passport number. Once they have been authorised by the prison authorities, friends can turn up on the assigned visiting day for that prison wing (*módulo*) and wait until a booth becomes available. Visitors will also be registered by the prison authorities and will be fingerprinted and photographed.

Subsequent glass visits must be booked in advance either by telephone **(+34) 91 335 6099** using the prison's 24-hour automated appointment system only available in Spanish, or on-line at www.institucionespenitenciarias.es. This service is available in English by clicking "Welcome". Visitors are expected to enter their passport number and the prisoner's prison number (*NIS*), as registered on the prison's system.

Visitors must report to reception area at least 30 minutes before their arranged visit time. Those intending to deliver a parcel must report to the visitors' reception area at least 45 minutes beforehand.

If a prisoner is transferred to another prison the visitor may need to register and provide documentary proof of relationship with the prisoner again.

Due to the number of prisoners in custody, the larger prisons, mostly in the main cities, are very strict in observing visiting regulations. There are slight differences in visiting arrangements between Spanish prisons. For further information, please contact the nearest British Consulate.

Please note that consular officers cannot arrange or get involved in changing visits. If a British prisoner registers with Prisoners Abroad, it is possible they may be able to assist with arranging visits. A lawyer may also be able to assist.

Open visits (*Vis a Vis*)

Open visits are for family only and they take place in a private room without direct supervision by wardens. Prisoners are permitted open visits once a month and are allowed a maximum of four visitors, including children and babies. There are different types of visits (e.g. conjugal, family), so the prisoner should check with the prison which are available to them.

The prisoner must submit a request in writing (*instancia*) to the prison requesting an open visit, and must provide a choice of three possible dates along with the family member's name and surname, relationship and passport details. The prisoner must also provide proof of the relationship (see information below **ID & Documentary proof of relationship**). The visit must be approved by the prison authorities before travel arrangements are made. The prisoner will be notified of the date and time and it is their responsibility to inform the visitor.

On the first visit family members must present **documentary proof of relationship with the prisoner** (see below). Visitors will be registered by the prison authorities and will be fingerprinted and photographed.

Visitors must report to reception area at least 30 minutes before their arranged visit time. Those intending to deliver a parcel must report to the visitors' reception area at least 45 minutes beforehand.

If a prisoner is transferred to another prison the visitor may need to register and provide documentary proof of relationship with the prisoner again.

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Please note that consular officers cannot arrange or get involved in changing open visits.

How friends/family should register with the prison

ID & Documentary proof of relationship is how to prove that there is a family **relationship** between the prisoner and relative and whose kinship and identity has been verified by the prison. Documentary evidence may consist of a passport, relevant birth / marriage / civil partnership / death certificate, children's birth certificates, Spanish family book (*Libro de Familia*), divorce decree, change of name by deed poll, etc.

In the case of a **common-law relationship** it will be necessary to provide documentary proof of relationship, eg joint tax declaration, statements for shared bank accounts, shared residential leases, bills for shared utilities accounts, such as electricity, gas or telephone, or other documents as proof of living together, etc.

Prisons do not expect certificates to be translated into Spanish but original copies must be shown. Documents accepted as proof of relationship is at the discretion of the prison authorities.

Only family/friends who have previously been authorised by the prison authorities will be able to visit/drop off parcels in person send money and receive phone calls.

What can visitors bring?

For security reasons, prisons **will not accept any items sent by mail or by courier service** to prisoners and packages will be returned without explanation. Parcels can normally only be handed in at the time of glass visits; if a prisoner only receives open visits, then he/she must submit a request in writing (*instancia*) to the prison requesting authorisation for a parcel to be handed in at the time of an open visit. Provided the visitor is authorised, prisoners may receive up to two packages a month of up to 5 kilos, containing clothes or reading materials. Please note that navy blue or black clothes that are similar to the prison staff's attire and hard back books are not allowed. In addition, foodstuffs, medicine, toiletries, blankets, sheets, bedspreads and quilts, ski type padded and quilted clothing and trainers with air cushion soles are not permitted in parcels. **A list of such items is displayed on the notice boards in the prisons.**

Visitors must open the packages in the presence of a prison officer. Any prohibited items are retained by the prison staff for collection in person by family/friend/legal representative. Items which are not collected within a stipulated amount of time are usually destroyed. British Consulates cannot deliver items on behalf of family or friends who cannot visit but the Red Cross or other authorised organisations may be able to offer assistance in some cases. Family and friends in the UK may also wish to seek help from Prisoners Abroad (see below).

The contents of each package must be placed in a plastic bag, which is provided, along with a sticky label to write the name, surname, prisoner's prison number (*NIS*) as registered on the prison's system, address and assigned wing (*módulo*) of the prisoner.

Prison/ Detention conditions and services

Arrival at police station

Following arrest, the detainee should be informed, in English (if necessary via an interpreter), why they have been arrested. Adults can be held in police cells for up to 72 hours maximum (under 18 years old up to 24 hours) by which time they must either appear before a judge or be released. The only exception is terrorism where a person can be held up to 5 days.

Legal representation & interpreters:

A lawyer must be present when a detainee makes a statement before the police or the judge. If arrested for a traffic offence, a detainee can in some circumstances choose not to have legal representation.

A detainee can appoint a private lawyer of their choice or they can ask for a court-appointed lawyer (in Spanish, *abogado de oficio*).

If a detainee chooses a court-appointed lawyer, he/she will give the detainee the form to apply for legal aid. However, legal aid is means tested and if the detainee does not qualify, they may have to pay for the court-appointed lawyer's services at a later date.

Court-appointed lawyers are not required to speak English.

When making any statement, a detainee has the right to be assisted by an interpreter, if they do not speak Spanish. Interpreters are provided by the police or the court and their services are free of charge.

Whilst held in police custody:

A detainee's rights are guaranteed under Article 17 of the Spanish Constitution. A detainee's lawyer can advise of these rights and the police will give the detainee a form outlining their rights, in English, following their arrest.

A detainee has the right to see a doctor.

A detainee has the right for someone of their choice to be informed of their arrest.*

A detainee has the right for their local British Consulate to be informed of their arrest and to speak with a consular officer if they wish to.* Please note, the British Consulate will only inform family and friends of the arrest if the detainee authorises us to do so (there are some exceptions if you are a minor).

A detainee does not have to make a statement if they do not wish to (or they can declare that they will only make a statement before the judge).

When in police custody, a detainee's lawyer is not there to defend their case, only to ensure that the correct legal procedures are carried out and their fundamental rights are guaranteed.

A detainee can speak with their lawyer in private before making a statement (or declining to make a statement).*

A detainee's personal belongings, including mobile phones, will be held by the police and they will be given a receipt for these. The belongings will accompany the detainee to court and, if released by the judge, they will be returned to the detainee, unless they are kept as part of the court's investigations.

*Unless Article 527 is applied (incommunicado detention).

Arrival at prison

On arrival at a prison, the prisoner has the right to immediately communicate their situation to family and a lawyer via a telephone call.* Currently the free telephone call on arrival can only be made within Spain. Therefore if the prisoner does not know anyone in Spain or cannot remember the telephone number and wish to communicate their situation, they can request to use their free telephone call to contact the nearest British Consulate for assistance. The prisoner must give their permission to pass on information to the person of their choice. On arrival, whether on remand or after sentence, a prisoner will be searched and routinely documented. All money, jewellery and/or other valuables, medicine and toiletries should be declared and handed in to the authorities. They will be kept in the belongings department (*valores*) and a receipt will be given to the prisoner until their release or transfer elsewhere. Belongings in *valores* are transferred separately by messenger service to the prison where the prisoner is being transferred to. This can take around two months to happen especially if the prisoner does not have funds to pay for the messenger service and the prison authorities have to pay the costs instead. These belongings can also be collected in person by someone nominated and authorised by the prisoner, usually someone on their visiting list or their lawyer.

* There may be exceptions, for example in case of incommunicado detention.

Also on arrival, the prisoner will be interviewed by the doctor and a social worker. Any medication must be declared and the prison doctor will decide which they can keep or be kept in the infirmary. The doctor should be told of any on-going medical condition (it may be helpful to provide the prison medical staff with previous medical records). The prisoner may keep and use their own clothing, after being washed on arrival and if it is considered suitable by the authorities. But if it is deemed unhygienic the clothing can be confiscated and the prisoner will be provided with officially issued garments. Basic toiletries are also provided by the prison authorities.

General prison conditions

Prisons in Spain are generally comparable with, and some better than, equivalent prisons in the UK. Within them, there are three types of imprisonment, Closed Regime (*régimen cerrado*), Ordinary Regime (*régimen ordinario*) and Open Regime (*régimen abierto*).

Closed Regime means close supervision, long confinement in cells and minimal privileges whilst the latter Open regime is a half-way house to full freedom. The majority of prisoners will serve their sentence under the Ordinary Regime (albeit in a high security prison if charged with serious offences). Those whose behaviour has been particularly bad or violent will be kept in the Closed Regime. Only prisoners who have served two thirds of their sentence and whose behaviour has been exemplary would be eligible for the Open Regime.

All prisoners are classified into one of three grades. These grades determine the extent of privileges (temporary leave, work facilities, etc) that can be obtained within the prison system. Grade 1 carries the least privileges. After conviction, and usually within two months of the prison authorities having received official notification of an irrevocable sentence (free of appeals), the Prison Board will classify prisoners and most will then be placed in Grade 2. Bad behaviour can result in being placed in Grade 1 or temporary withholding of a

classification. Grade 3 is granted to those who have displayed exemplary behaviour and are approaching the end of their sentence.

Prisons are administered by a Governor (*Director*) and managed by the Spanish Ministry of the Interior (*Generalitat's*, Department of Justice in the case of Catalonia region). Insulting or aggressive behaviour towards prison staff is perhaps considered a more serious offence than in the United Kingdom and can result in reclassification and loss of any privileges.

A Prison Board is responsible for the internal affairs of the institution. The Prison Treatment Board (*Junta de Tratamiento*) regularly reviews individual cases to determine the classification and eligibility for parole of prisoners. Legal matters within the prison are the responsibility of the Prison Judge (*Juez de Vigilancia Penitenciaria*) who will normally pay regular visits to prisons within their district. Under Spanish law, this Judge is responsible for ensuring that all prisoners serve the correct sentence, that their rights are observed and that the institution's internal procedures accord with the law.

How can I receive money?

The British Government does not provide financial assistance to prisoners.

Family can deposit funds to a prisoner via their prison bank account which is managed by the accounts department (*peculio*) at the prison. Money transfers to the prison can be done either by a bank-to-bank transfer or via the Foreign & Commonwealth Office (FCO)

For prisoners to be able to receive money transfers, the sender must be their lawyer or a family member whose kinship and identity has been verified by the prison. The sender must forward a copy of their passport and documentary proof of relationship to the prisoner, see above, **How friends/family should register with the prison**. Money transfers from anyone else will be delayed and subject to approval by the prison Governor (*Director*).

The sender must include, in the bank transfer, the full name and surname of the prisoner, and the prisoner's prison number (*NIS*), as registered on the prison's system. If not, payment will be rejected by the accounts department (*peculio*) at the prison.

Most prisons will only accept a maximum of two bank transfers per month.

1. Bank-to-bank transfer:

In order to carry out a bank-to-bank transfer the sender must include the following information, if not the funds will not be deposited to the prisoner's bank account:

Beneficiary: Name of prison, [Centro Penitenciario]

Name of receiving bank: Banco Santander Central Hispano

Account number: XXXX-XXXX-XX-XXXXXXXXXX

Concept/Description: The prisoner's full name and prisoner's prison number (*NIS*) as registered on the prison's system must be included in this section otherwise the prison authorities will reject the payment.

For bank transfers made from the UK, the sender will also need to include the IBAN number and the Swift Code of the account.

Swift Code	IBAN	Bank*	Branch	D.C.	Account Number
BSCHEMM	ESXX	0049	XXXX	XX	XXXXXXXXXX

If the sender does not have the prison bank account details, please contact the nearest British Consulate in Spain.

2. FCO money transfer:

The Foreign & Commonwealth Office (FCO) operates a "Prison Comfort" system for money transfers to prisoners in Spain. Family or friends can send up to £100 per month free of charge by sending a Postal Order, Building Society Cheque or Bankers Draft (pounds sterling only) payable to "**The Foreign and Commonwealth Office**". Any amount above £100 or a second payment within the calendar month will be subject to a charge as per the table below. All Prison comfort funds should be addressed to:

Accounts Receivable
 Foreign & Commonwealth Office
 Corporate Services Centre
 PO Box 6108
 Milton Keynes
 MK10 1PX

It is important to include a short note to confirm the amount enclosed, who the money is for (full name, surname and prisoners prison number (NIS) as registered in the prison's system) and address of the prison. This will help ensure that the prisoner receives the money on time. Please enclose a stamped and addressed envelope if you would like a receipt. The FCO processes prison comforts weekly and the money can take from **15 to 20 days** to clear into a prisoner's prison bank account which is managed by the accounts department (*peculio*) at the prison.

A prisoner is able to hold any amount of money in their account but will only have access to a fixed amount of 100 euros/week maximum (this amount relates to 2017, and may be modified on an annual basis). Cash and bank notes etc are not permitted in prison and the money is topped up onto a personalized plastic card for use in the prison shop (*economato*). Top-ups take place once a week usually on Tuesdays, Wednesdays or Thursdays. Please note if money is received at the prison the day after the top-up day, the prisoner will have to wait a full week for the money to appear on their card.

The Foreign & Commonwealth Office will process one free transfer per month of up to 100 pounds sterling. Any subsequent transfers in the same month, even under the 100 pounds threshold will incur a charge as set out in the sliding scale below.

Sliding scale of charges for prison comfort transfers

Amount	Charge
One monthly payment up to £100.00:	Free
Any further payments in the same month of £0.01-£99.99:	£10.00
Any further payments in the same month of £100.00-£499.99	£30.00
Any payments of £500 and above after deducting £100	£80.00

If a prisoner is moved to another prison, the balance is forwarded by banking channels between the two prisons unless the transfer arrives after the prisoner has already left, in which case the money is usually returned to the sender by the prison. The money may not arrive at the new prison up until ten days later after the prisoner's arrival. For this reason prisoners are usually handed one week's money (*peculio*) in cash to take with them which they have to pay into the prison account on arrival. **Cash of any kind should never be sent through the mail directly to the prison as this may cause the prisoner to be sanctioned and the money confiscated.**

Prisoners who are moved, extradited or transferred to another country should ensure that they submit a request in writing (*instancia*) to the prison authorities providing their full bank account details (including name and address of bank, account holder, full account number and IBAN/SWIFT codes) to which any outstanding monies can be transferred.

Can I work or study in prison?

Although prisoners can work whilst in prison, please note that the prison authorities are not obliged to offer a job and that sentenced prisoners will normally have preference over prisoners on remand.

Prisons have educational facilities. If these are insufficient, or do not meet the prisoner's needs, the authorities will normally accept arrangements for postal studies, only through the UNED (*Universidad Nacional de Educación a Distancia*) i.e. Spanish Open University.

Can I receive medical and dental treatment?

Prisoners are entitled to the full facilities provided by the Spanish Health Service. But there are important differences between what is available in Spain and what is available in the UK, particularly regarding dental treatment; the only free facilities are for emergency treatment and extractions. Any fillings, caps, false teeth etc must be paid for privately. As long as the prisoner has the funds, they can receive such treatment, although it may sometimes be necessary to transfer temporarily to another establishment which has the appropriate facilities. The prisoner may request a private dentist of their choice to visit the prison, providing that the treatment is not available from the usual prison dentist. Visits by a private doctor may also be authorized. In both cases the prisoner must cover the costs/fees and submit a request in writing (*Instancia*) to the Prison Governor (*Director*) quoting the name, address and Professional Association of Dentists/Doctors number (*Número de Colegiado*) of the dentist/doctor concerned. Routine access to a prison doctor can be obtained by adding the prisoner's name to a list displayed in each wing. Most prisons have their own infirmary facilities but, as in the UK, there are provisions for accommodating serious cases in special wards of State hospitals. If the prisoner does not want to attend a medical/hospital appointment outside the prison, they should refuse to do so well in advance and in writing. Sanctions can be imposed by the prison authorities on those who refuse to attend appointments without giving prior notification. If a

hospital appointment coincides with a family visit, the prisoner should request for the time of the visit to be changed.

Food and Diet

Prison regulations establish that an inmate is entitled to 3 meals a day with a total of 3000 calories for healthy people and 3,500 for those under 21 or over 60. Special diets are available when prescribed by the prison doctor. Any prisoner with special dietary requirements because of religious or other valid reasons may ask the doctor to prescribe these. Alcohol is strictly forbidden.

Mail/Parcels

The privacy of a prisoner's mail is guaranteed by the Spanish Constitution. But a prison officer can require that a particular letter be opened in his/her presence to prevent contraband. Prisoners may receive and send as many letters as they wish. There is an exceptional provision for censorship against a specific court order which could limit the amount of correspondence a prisoner may receive. This may also result in a delay in the sending or receiving of mail as censored correspondence may be sent to the Central Prison Board for translation into Spanish before being passed onto the prisoner. This is, however, exceptional and up to the Judge to decide through a court order. Prisons do not accept letters sent by registered post or recorded delivery. The sender should include the full name, surname and prisoners prison number (NIS) as registered in the prison's system. Also, the sender's address should be clearly visible on the back of the envelope, otherwise the letter will not be delivered to the prisoner. Any envelope containing more than just the actual letter e.g. photographs, paper clips, etc. may not pass the security checks and may be sent directly back to the sender by the prison authorities.

Information on parcels does not differ from the information provided under '**What can visitors bring?**' section.

Can I make telephone calls?

Prisoners can apply to make telephone calls and are allowed to submit a list of up to ten numbers and names (please note that if a prisoner wishes to call the British Consulate, this telephone number will be one of the ten numbers permitted). The prison authorities will request a telephone invoice/contract, bearing the name of the contract holder and the telephone number of those people they wish to call (including mobile telephones). Landlines and contract mobiles are accepted. Please note that pay-as-you-go mobile telephone numbers will be refused.

Relatives should send original telephone bills directly to the prisoner within 30 days or their phone number will be removed from the prisoner's authorised list of numbers. A minimum of two calls per week are allowed and in some prisons the maximum amount will vary, but usually up to eight. Extra telephone calls can sometimes be earned taking on unpaid work in the prison.

Leisure and entertainment

Spanish prisons offer a range of cultural and social activities. Taking part in these will be positively seen by the prison authorities and reflected accordingly on the prisoner's prison record.

Prisons have a prison shop (*economato*). Authorised food items, cakes, chocolates, refreshments, coffee, milk, cigarettes, toiletries, phone cards, etc, can be purchased there. A list of the items on sale with prices is published regularly and available in the prison wings. Most prisons also operate a messenger service whereby other authorised items such as TVs or clothing not on sale within the prison can be bought from outside shops as long as the prisoner has enough money in their account (*peculio*) to cover the cost.

Drugs

These substances are prohibited items in all Spanish prisons. Severe sanctions will be faced by those caught consuming or in possession of drugs.

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.

If a detainee has been mistreated by the police, they should make a complaint at the nearest Duty Court (*Juzgado de Guardia*) accompanied by a lawyer if possible. The report should include any medical examination reports and photographs of injuries following the incident or they should ask for a medical examination by the Official Court Doctor (*Médico Forense*) who could take photographs of the injuries.

Letters of complaint about the National Police or Guardia Civil:

Letters of complaint should be addressed to the Provincial Police Headquarters (*Comisario Jefe*) or Guardia Civil Barracks (*Comandante Jefe*) under whose jurisdiction the police station (*Guardia Civil or National Police*) falls. The addresses of the different Provincial Police Headquarters/*Provincial Guardia Civil Comandancias* can be found on http://www.policia.es/org_periferica/jsp_madrid/dependencias.html.

Complaints can also be submitted by email directly on the Guardia Civil website http://www.guardiacivil.es/es/servicios/atencionciudadano_1/index.html or by post. Click on the 'Atención al Ciudadano' section and follow the instructions under 'Quejas y Sugerencias'.

Letters of Complaint about the Municipal Police:

Municipal Police fall under the jurisdiction of the Town Hall. Letters should be addressed to the Mayor or the Councillor responsible for Citizens' Security (*Concejal de Seguridad Ciudadana*) - see relevant Municipal website. In Madrid complaints can also be submitted by email: relexternaspm@munimadrid.es. See relevant page in English of <http://www.munimadrid.es/> or by post to: Calle Albarracin, 31, 28037 Madrid.

Letters of Complaint about Autonomous Police (Basque Country and Catalonia): Letters should be addressed to the Presidential Ministry and Interior (*Consejería de Presidencia e Interior*) of the corresponding Autonomous Community (*Comunidad*).

Comunidad de Madrid
Jefatura Superior de Policía (National Police)
Calle Federico Rubio y Galí 55, 28040 Madrid
Tel: (0034) 91 3223400
Fax: (0034) 91 3115142

Comandancia de la Guardia Civil Madrid
Calle Sector Escultores 10, 28760 Tres Cantos, Madrid
Tel: (0034) 91 8073900
Fax: (0034) 91 8039149

Prisons:

Prisoners wishing to complain about mistreatment by prison staff should put their complaint in writing in a sealed envelope addressed to the Prison Judge (*Juez de Vigilancia Penitenciaria*) and leave it in the wing's mailbox for outgoing post. Each prison has a Prison Judge who investigates complaints made by prisoners. Sealed envelopes addressed to the Prison Judge should not be opened by prison staff without valid reason.

Both prisoners and detainees may also like to instruct a lawyer to take up their allegations with the relevant Spanish authorities. As mentioned before, British Consulates in Spain are able to provide a list of English-speaking lawyers.

If appropriate, the British Consulate will consider approaching the local authorities if prisoners and detainees are not treated in line with internationally-accepted standards.

The Spanish Judicial System

The Spanish legal process in criminal cases is different from that of the United Kingdom although, as in Britain, the Judiciary is independent of the Government and all foreigners, like Spaniards, have rights guaranteed under article 17 (Personal Liberty) of the Spanish Constitution.

What should happen when I am arrested?

Upon arrest, a person should be informed of the reason for their arrest and of their rights. If they have insufficient knowledge of Spanish an interpreter should be insisted upon. Under the terms of the UK-Spain Bilateral Convention, the police will normally inform the nearest British Consulate of the arrest of a British national. A consular officer will then offer consular assistance to them as soon as possible.

For how long can I be remanded in custody?

There is a maximum period during which an accused person can be held in prison without trial, up to 12 months for alleged offences punishable by a term of three years imprisonment

or less, and up to 24 months for offences punishable by a term of three years and one day or more. But if the investigating Judge is satisfied that there are valid reasons for the police not being able to complete their case against the accused within the time, or there is reason to believe that the accused will escape the Court's jurisdiction if released, the Judge may extend the pre-trial detention period by an additional 6 and 24 months respectively. This means in effect that a person can be held on remand for up to 4 years. If the accused person appeals their sentence, they can be held awaiting appeal for up to half the sentence imposed. If the appeal has not been heard by this time the accused must be released pending the result of the appeal.

What happens when I am charged?

Please see below under 'What happens at the trial' section.

What provision is there for bail?

Provisional release may be granted with bail (*libertad provisional bajo fianza*) or without bail. *Libertad provisional* is the temporary release from police custody or from prison of the accused awaiting trial. The accused maybe be required to pay security money (*fianza*) as a condition for their release. If the accused person wishes to apply for bail, they should consult a lawyer who will need to submit an application on their behalf to the court.

What kind of legal assistance is available?

Legal aid is provided in all legal cases to persons who can show insufficient income and wealth. This is evaluated by Provincial Commissions and, if a case is won with substantial economic compensation, a claimant may be required to reimburse legal aid costs already provided.

What are the costs of a trial and who should normally pay them?

- Going to court entails certain costs. These mainly include:
 - Procurator (court agent) and lawyer's fees
 - Court Fees, which depend on the size and type of case
 - Translation and interpretation costs
 - Costs of publishing announcements in official journals
 - Deposits required for lodging certain appeals
 - Experts' fees

- These costs normally have to be paid in advance by the party concerned. At the end of the trial the court has to decide which party is ultimately to bear the costs; in Spain this is known as the "*condena en costas*" (order to pay the other party's costs) and is governed by the "loser pays" principle. In civil courts however, the claimant or defendant has to be 100% successful in its claim in order to be awarded costs in its favour, otherwise no costs order is made. The amount of costs awarded is subject to an assessment procedure called taxation ("*tasación*") which usually reaches a figure significantly less than the actual legal costs and expenses paid out.

What is legal aid?

- In Spain legal aid (“*asistencia jurídica gratuita*”) is a right for members of the public who cannot afford the costs of a trial. Legal Aid may cover the following costs:
 - Pre-trial legal advice
 - Procurators’ and lawyers’ fees
 - Court Fees
 - Costs of publishing announcements in official journals
 - Deposits required for lodging certain appeals
 - Experts’ fees
 - Affidavits
 - An 80% reduction in the fees for notarial deeds and certificates from the land registry
 - Interpretation services

The law and regulations governing Legal Aid in Spain are set out respectively in: *Ley 1/1996 de 10 de enero, de asistencia jurídica gratuita* and *Reglamento de asistencia gratuita aprobado por Real Decreto 996/2003 de 25 de Julio.*

Who can benefit from legal aid?

- All European Community citizens who pass a means test
- Non-Community nationals who are legally resident and illegal residents who are in Spain and prove they have insufficient means
- In Employment matters, any employed person regardless of nationality and means
- Public-interest associations and foundations

The applicant shall not exceed the following thresholds:

- Incomes must not be more than two times the IPREM (Public Income Index, which is a wage indicator) when the applicant is not part of a family unit.
- Two and a half times the IPREM if the applicant is part of a family unit (less than 4 members).
- Three times the IPREM if the family unit comprises 4 or more people.
- In 2016-2017 the IPREM was € 537,84 per month

Regardless of the existence of sufficient resources to litigate, the right to free legal aid is recognised for:

- Victims of gender or domestic violence
- Terrorism
- Human trafficking

In any prosecutions that are linked to, arise from, or are the consequence of their status as victims, and minors and the mentally disabled when they are victims of situations of abuse or neglect.

In addition, the right to free legal aid is recognised for those who, due to an accident, can prove permanent consequences that completely prevent them from performing the duties of their regular job or profession and who require the help of other people to

perform essential daily activities, when the object of the litigation is a claim for compensation for personal injury and moral damages.

Can legal aid be obtained for all disputes?

- Criminal matters:

Legal aid is available for all cases, from the moment of arrest, and covers all proceedings, except minor offences, for which the services of a procurator and lawyer are not compulsory. It includes appeals and enforcement of judgments.

- Civil matters:

Legal aid is available for cases involving sums of over €901,52 and also includes appeals and enforcement of judgements.

In cases involving smaller sums, for which the services of a procurator and lawyer are not compulsory (those proceedings involving sums of less than €2.000), legal aid may be granted where the other party has legal representation or where explicitly called for by the judge or court to ensure that the two parties are on an equal footing. The same rule is applicable to admonitory proceedings (civil claims demanding the payment of documented debts lower than €250.000).

- Administrative matters:

All foreign citizens who can certify insufficient means for litigation, even if they do not reside legally in Spain, are entitled to free legal assistance in all proceedings relative to their application for asylum and the Aliens' Law (including preliminary administrative proceedings).

Is there a specific procedure for emergencies?

On consideration of the circumstances of the case or its urgency, the judge or court may order a procurator and lawyer to be temporarily appointed with immediate effect. However, regardless of this appointment, legal aid may be refused if the person concerned fails to demonstrate that they have insufficient means in accordance with the ordinary procedure.

Where can I obtain an application form for legal aid?

- The form is available from the website of the Secretary of Justice, Legal Guidance Departments (*Servicio de orientación jurídica*) of the relevant local Bar Association (*Colegio de Abogados*), Offices of Senior Judges (*Decanatos*) at courts and provincial Legal Aid Commissions (*Comisiones provinciales de Asistencia Jurídica Gratuita*).

Which documents should I attach to my request for legal aid?

- Documentation showing:
 - The applicant's own financial situation and the financial situation of the members of their family unit.
 - The applicant's personal and family circumstances
 - The legal protection sought
 - Claim to be filed with the courts and procedural stage thereof.
 - Identification of the opposing party in the litigation, if any.

Where should I file my request for legal aid?

- The application for legal aid must be filed with the Bar Association in the place where the court responsible for trying the main issue is located, or with the court of the applicant's place of residence.
- Nationals of European countries which are party to the European Agreement on the Transmission of Applications for Legal Aid may file their application with the central authority designated by their country for that purpose.
- The applicant must file their application before starting proceedings, or if the applicant is the defendant, at the time of filing the written defence brief. However, whether a claimant or a defendant, the applicant may apply for legal aid at a later stage, provided they can demonstrate that their financial circumstances have changed.

How will I be informed of whether or not I am eligible for legal aid?

The Bar Association's response to the application is formalistic and may adopt any of the following provisional decisions:

- To notify the applicant that there are defects in the application which must be rectified within 10 working days, failing which, the application will be closed;
- To declare the application inadmissible or unfounded and notify the Legal Aid Commission accordingly;
- To declare that the application fulfils the statutory requirements, in which case a procurator will be appointed within 15 days and the Lawyers' Association will be notified so that it can appoint a lawyer within 3 days; the Bar Association will also submit an application to the Free Legal Assistance Commission for final approval.
- If the Bar Association fails to reply within 15 days, the applicant may apply directly to the Free Legal Assistance Commission, which will decide forthwith whether to provisionally appoint a lawyer and a procurator pending verification of the information and documents.
- The final decision on whether or not to grant legal aid must be adopted by the Free Legal Assistance Commission within 30 days following receipt of the complete application. If, after 30 days, a decision has still not been taken, the provisional decisions adopted by the Bar Association and the Lawyers' Association will be ratified. If these Associations also fail to reply, their silence is deemed to be an approval.
- The applicant is notified of the decision within three days, as are the Procurator's Association, the Lawyers' Association and the judge or court hearing the case, or the senior member of the court if the proceedings have not yet commenced.

If I qualify for legal aid, what should I do?

- If the applicant is the claimant, they must file their application, before instituting proceedings, with the Bar Association in the place where the court responsible for trying the main issue is located or with the court in the applicant's place of residence.
- If the applicant is the defendant, they must file their application before filing their defence. An application filed by a defendant does not suspend the action; nonetheless, the court may, of its own motion or at the defendant's request, suspend the proceedings pending the decision awarding or refusing the free legal aid.

If I qualify for legal aid, who will choose my procurator?

- In general, a procurator is appointed by the Bar Association on a rota basis. However, it is possible to choose freely a procurator, provided that the latter agrees not to charge.

If I qualify for legal aid, will this cover all the costs of my trial?

Legal aid covers the following costs:

- pre-trial legal advice
- procurators' and lawyers' fees
- costs of publishing announcements in official journals
- deposits required for lodging certain appeals
- experts' fees
- affidavits
- an 80% reduction in the fees for notarial deeds and certificates from the Property Register and the Mercantile Register.
- translation services

If I qualify for partial legal aid, who will pay the other costs?

- If the applicant's monthly income is more than three, but less than five times the IPREM, the Legal Aid Commission may exceptionally grant legal aid in view of the applicant's personal and family circumstances (in 2016 the IPREM was € 537,84 per month).
- In such cases, the Commission itself decides exactly which costs are to be covered. The costs not covered will have to be met by the applicant, pending the court's ruling on who to award the costs to. If the ruling goes against the other party, it is from him/her that any costs which have been met by the applicant should be claimed

If I qualify for legal aid, will it cover any appeal I might make following the trial?

- Free legal aid covers all the stages of legal proceedings, including appeals and enforcement.
- However, in the case of enforcement action instituted more than two years after the final judgment, a new free legal aid application must be submitted.
- Legal aid may not be used for proceedings other than those for which it was granted.

If I qualify for legal aid, can it be withdrawn?

- The decision granting legal aid may be revoked if it was obtained through an incorrect statement, falsehood or omission on the part of the applicant.
- Legal aid may stop being paid if the financial situation of the person to whom it was granted improves within three years.

If I am turned down for legal aid, can I appeal against this decision?

- The applicant can appeal against a legal aid decision by writing to the Secretary of the Legal Aid Commission within ten days of the date on which they were notified of the decision. The appeal will be considered by the court within five days by issuing a Court Order.

What happens if I lose, or there is no order for costs?

- If a court order for costs is issued against the applicant for legal aid, they would only be obliged to pay those costs if their financial circumstances change within 3 years from the decision (in other words, if their income is more than twice the IPREM).

If the decision does not contain a judgement regarding the legal costs and the applicant is successful, they will be obliged to pay their own legal costs (where these costs are less than a third part of the judgement amount awarded).

Useful vocabulary:

Procurator (*Procurador*): This is the professional legal representative who is responsible for formal communications with the court, delivery of briefs at the court office etc.

Lawyer (*Abogado*): This is the legal professional who would usually provide the substantive legal advice, prepare the case, briefs and evidence, and speak to the judge in court on your behalf.

Depending on the type and value/importance of the matter, either or both of these may be required to represent you in a court case. In order to represent you, they must have a "Litigation Power of Attorney" (*Poder para pleitos*) from you which you have to sign in front of a Notary Public (*Notario*) or in front of the Court Officer.

What happens at the trial?

Please bear in mind before attending trial that the following proceedings will take place whilst on remand in custody in prison:

Investigation phase

The Examining Magistrate is in charge of investigating the crime, its circumstances, perpetrators and any other matters relating to the offence. He/she is assisted in this by the members of the police force assigned to his/her office. The State Prosecutor (*Fiscal*), defence lawyer (and, if appointed, private prosecuting counsel) may ask the Judge to follow specific leads in the investigation. The prosecutor is at the same time charged with the legal duty of ensuring the defendant's rights are respected and the victim's rights protected. Once the investigation is completed, and if there is sufficient evidence that a crime has been committed, it is the prosecutor (*Fiscal*) who files the formal accusation based on the evidence and he/she will eventually present the case for the prosecution in court.

During the investigation stage all evidence, including police documents and witness statements, are restricted documents and copies will not normally be released to interested parties or their representatives. However, defence lawyers and, if appointed, private prosecuting lawyers do have the right of access and examination to these files. A judge can, nevertheless, severely restrict the access to papers, stating that the investigation shall be declared secret (*Secreto de Sumario*) in exceptional cases.

Intermediate phase

Once the investigation activities have been carried out, the Examining Magistrate will end the investigation phase and an intermediate phase before the eventual trial will start. For this purpose the Examining Magistrate will issue one of the following orders:

- i) declare that the offence has not been committed or that the identification of the culprits was impossible and order the closure of the file;
- ii) declare that there is enough circumstantial evidence of the commission of the crime and the identification of the culprits to proceed. This order may be appealed, although the appeal does not suspend proceedings. In the latter case, the Examining Magistrate will grant a five-day term to the Public Prosecutor, the private accusation and the defence, in which they can submit one of the following Briefs: i) that they wish to continue with the proceedings (accusation writ): formal charges are drawn up and presented during the main hearing); ii) that they do not wish to continue with the proceedings (a dismissal brief); or iii) that they think it is necessary to carry out additional investigations before taking this decision.

In certain cases where the alleged crime is punishable by less than six years' imprisonment, it is possible for a defendant to admit guilt by signing a formal brief stating that he/she is in agreement with the Prosecutor's allegations.

Fast trials

Fast Trials (*juicios rápidos*) are applicable in cases where the accused has been caught in the act of committing an offence or in cases of domestic violence, robbery, thefts and traffic offences, or even in relation to other offences if the investigation phase is likely to be straightforward. The offences to be judged must not be punishable by a term of imprisonment of more than five years, and the existence of a police report (*atestado policial*) is also necessary. The investigation steps are carried out by the Duty Court (*Juzgado de Guardia*), which is also in charge of the intermediate phase of these proceedings and it will then send the file to the local Trial Court, which will be in charge of the trial phase.

Minors

Offences committed by minors between 14 and under 18 years old, are investigated and judged by Minors Courts (*Juzgado de Menores*). The Public Prosecutor (*Fiscal*) has an important presence throughout the whole proceedings and especially during the investigation phase. The measures that can be imposed in the sentence, if the minor is found guilty of the offence, are above all aimed to re-educate the minor to prevent future offences, although they may involve imprisonment in Minors Detention Centres for serious cases.

Trial phase

In cases where the maximum penalty prescribed by law is five years imprisonment or less, the trial will be held at the local Criminal Court (*Juzgado de lo Penal*), heard by a single professional Judge, and legal representation for the accused is mandatory. In cases where the maximum penalty is over five years, it will be held in the appropriate Provincial Court (*Audiencia Provincial*) and heard by a panel of three professional Judges and legal representation for the accused is again mandatory.

Serious cases which are deemed to be crimes against the State (e.g. major drug trafficking and certain monetary offences), or crimes in which there is a universal jurisdiction principle (genocide, crimes against humanity, extradition hearings, etc) are dealt with by the Central Courts at the National Court (*Audiencia Nacional*) in Madrid.

Juries are appointed for trials dealing mainly with crimes against persons, breach of trust/confidence by civil servants, defamation, personal freedom and the environment. Such trials are held only at Provincial Courts and the jury is composed of nine members and one presiding Judge. The jury will simply declare guilt or innocence, and the judge then passes sentence. Seven out of the nine votes are needed to "prove" a verdict by majority. Five votes are needed for "not guilty" verdicts.

The trial itself will normally be significantly shorter than its equivalent in the UK because much of the evidence and the examination of witnesses will already have been covered by the investigating judge. It will usually take place in open court and judgement (*fallo*) is normally announced within a month through official notification to counsel and defendant. The accused must personally appear at the trial. If he/she fails to do so, the case will be kept active and a search and arrest warrant (*busca y captura*) issued.

Sentences

This is the phase during which the enforcement of the punishment takes place.

Depending on the severity of the crime found to have been committed, the following penalties may apply:

- i.) Fine and/or victim compensation
- ii.) Exclusion orders, or orders not to approach a person (*orden de alejamiento*)
- iii.) Disqualification (such as driving or public office etc) (*inhabilitación*)
- iv.) Prison (sentences of less than two years' imprisonment may be suspended).

How can appeals be made?

A judgement issued by the Local Criminal Court can be appealed (*recurso de apelación*) before the Provincial Court (*Audiencia Provincial*) by either the defence or the prosecution. If the trial has taken place at the Provincial Court (i.e. if the penalty could be over five years' imprisonment), the judgement can be appealed at the Supreme Court (*Tribunal Supremo*)

know as a cassation" appeal (recurso de casación). Any such appeal must be filed within five days from the notification of the judgement to the Procurator. Decisions of the Supreme Court are final. Only if it is asserted that a Constitutional right has been violated can an appeal be lodged with the Constitutional Court. Should new evidence come to light after a person has been found guilty, there is a provision for the original judgement to be reviewed. A petition for revision can, in these circumstances, be lodged with the Ministry of Justice who, if it accepts that there is a case, would instruct the Public Prosecutor to pursue the petition before the Supreme Court.

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

It is sometimes possible in cases of good behaviour or community work. However, a lawyer is best placed to advise on whether it may be possible to appeal against a sentence.

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

Subject to good behaviour, undertaking such routine tasks as may be required by the authorities (e.g. on cleaning rosters), and participation in any specified education or welfare programmes, all prisoners will become eligible for parole (conditional release) on completion of three quarters of their sentence (or two-thirds if exceptionally well behaved). This concession is submitted by the Prison Board to the Madrid Central Prison Board for approval. Failure to observe any conditions, which could include regular reporting to the Court, would usually result in re-arrest to complete the sentence and possibly result in further charges.

What provision is there for clemency or pardon?

Prisoners can apply for a pardon from the King. Letters need to be addressed to the Minister of Justice. Pardons are discretionary and in practice very rare.

Pardons can either be complete or partial (a reduction in the sentence). It is not necessary to have a lawyer to apply for a pardon but prisoners may wish to seek legal advice before doing so.

What about any financial penalties?

Depending on the severity of the crime, a fine and/or victim compensation may be imposed. If any financial penalties ordered by the courts are not paid, the accused may be subject to "subsidiary personal liability" (i.e. required to serve time in prison in lieu of the fine - *prisión sustitutoria*). It is also advisable to consult a lawyer about any financial penalties.

Is transfer to another prison within Spain possible?

The Central Prison Board (*Instituciones Penitenciarias*), except for Catalonia, is in charge of transfers between prisons. Prisoners can request to be transferred to another prison on the basis of having family ties. This is usually not the case for British nationals, as family may reside in the UK.

Please note that the Central Prison Board can likewise transfer without prior notice to any prison in Spain for logistical reasons. Unfortunately the British Consulate cannot intervene.

Is transfer to the UK a possibility?

COUNCIL FRAMEWORK DECISION 2008/909/JHA. The EU Prison Transfer Agreement:

With effect from 2 December 2014, Spain brought into force the EU Prisoner Transfer Agreement (EU PTA). The EU PTA facilitates the compulsory transfer of sentenced prisoners between the EU member states to continue serving a sentence of imprisonment. However, the Spanish authorities may take into consideration a prisoner's personal circumstances (ie family ties in Spain).

The EU PTA currently applies to all British sentenced prisoners whose sentence has been made final (*Sentencia Firme*) and with no appeal in process, and who do not have any other outstanding charges in Spain. The Spanish authorities have decided to not apply it retrospectively.

Prisoners who wish to transfer to the UK should submit a request in writing (*instancia*), to the Prison Judge (*Juez de Vigilancia Penitenciaria*) who will initiate proceedings.

The Prison Judge (*Juez de Vigilancia Penitenciaria*) will then confirm with the prisoner their wish to transfer, and inform the prisoner that they have the option of appointing a lawyer, or being represented by a court-appointed lawyer (however, access to a court-appointed lawyer may be means tested).

The prison court (*Juzgado de Vigilancia Penitenciaria*) will gather information from the prison, and also from the Spanish judiciary to confirm that the prisoner has no outstanding cases in Spain, in order to be able to decide whether or not the transfer application can go ahead.

Once the prison court (*Juzgado de Vigilancia Penitenciaria*) agrees that a transfer application can go ahead, they will inform the relevant competent authority in the country of destination (see below*).

The relevant competent authority in the country of destination will carry out the necessary procedures and reply directly to the prison court (*Juzgado de Vigilancia Penitenciaria*), notifying of their agreement or refusal to the transfer.

Once the prison court (*Juzgado de Vigilancia Penitenciaria*) receives confirmation of the country of destination's agreement to the transfer, they will pass the case to the relevant police group who will then make arrangements to transfer the prisoner, liaising with the prison in Spain and the UK authorities.

*The competent authorities in the UK are:

England and Wales - Cross Border Transfer Section, HM Prison & Probation Service

Scotland - The Scottish Prison Service

Northern Ireland - The Northern Ireland Prison Service

If any prisoner who has requested transfer to the UK wishes to inform the British Consulate, consular staff will contact the relevant prison court (*Juzgado de Vigilancia Penitenciaria*) to confirm that they have received the application and ensure they have the contact details of the competent authority in the UK.

What are the procedures for release and deportation?

Release on full completion of sentence will usually be unconditional, unless specified otherwise at the time of the trial, and the prisoner will be free to remain in Spain or return to the UK as long as they are not subject to an expulsion order (see note below on expulsion). Consular officers would be grateful if prisoners or their family could let the British Consulate or Foreign & Commonwealth Office know when they are released or expelled to help keep our records up to date.

Prisoners who remain in Spain following at least six months' imprisonment, either after provisional release on bail or on completion of their full sentence, may be entitled to unemployment benefit if they have previously worked in Spain or the UK in the previous six years. Those not eligible for unemployment benefit may be entitled to other benefits if their income is less than a certain amount. Released prisoners should make enquiries immediately on release at the local Jobcentre (*Instituto Nacional de Empleo INEM*) and register as unemployed. An application for benefits has to be made within 15 days of release (excluding Sundays or Public Holidays). Requested documents include a certificate issued by the Director of the prison confirming time spent in prison, proof of income, bank details, passport and a *NIE* (certificate issued by the Spanish police with an identity number for foreigners).

Foreign prisoners may be encouraged to apply for expulsion instead of serving short sentences in Spain. The possibility is only open to those sentenced to less than six years imprisonment or whose charges could not result in a longer sentence. It is important to note that this is not an entitlement and is only granted at the discretion of the courts. Prisoners should seek advice from their lawyer. There is also the possibility of applying for expulsion to the UK at the time of being granted release before completion of full sentence (*libertad condicional*). In both cases the person will be prohibited from returning to Spain for a set period of time of up to ten years. If they arrive at a Spanish airport before the prohibition time has expired or been annulled, they may be sent back to the UK, or if they come to the Spanish authorities' notice on Spanish territory, they may be sent back to prison to complete the Spanish sentence. Prisoners should discuss with their lawyer the implications of a prohibition order and the process for future cancellation of the order at the time of application. It should be noted that failure to pay fines may also result in arrest on arrival at a Spanish airport or within Spain.

Additional Information

Religion

Most prisons will have a resident Spanish speaking Roman Catholic priest. Any British prisoner who would like to be visited by an English-speaking priest or any other religious representative/ minister of religion of any denomination should contact the nearest British Consulate who will try to arrange this on their behalf.

Leave

Prisoners who have been classified at Grade 2 and have a resident in Spain who will stand as their guarantor may apply for permission to take short breaks away from the prison. This is a privilege rather than an entitlement and granted solely at the discretion of the visiting Prison Judge (*Juez de Vigilancia Penitenciaria*). These breaks will not normally be longer than 3 or 4 days and never more frequent than once a quarter. The prisoner must then always stay at the address specified on the relevant permission.

Welfare

Each prison has a number of social workers (*Trabajadores Sociales*) charged with caring for the individual welfare of prisoners. They will liaise with prisoners' families or Consulates, advise on prison procedures and if necessary provide interpreting assistance within the prison's resources.

The Samaritans in Spain

The Samaritans provide emotional support in English to all English-speaking prisoners in writing. Their address is as follows:

PAT at Samaritans in Spain

The Mail Room, Box 185

Calle Alhelies 1

Local 2-4

Playa Flamenca

03189 Orihuela Costa

Spain

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 prisoners' health and welfare, both during imprisonment and also on return to the UK, through their resettlement service (if the prisoner registered with Prisoners Abroad whilst in prison). They can also provide support and advice to the families during prisoners' imprisonment. In order to access any services, prisoners must first register with Prisoners Abroad by signing and returning their authorisation form.

Once a prisoner seeks help from Prisoners Abroad, the Prisoner and Family Support Service will be their 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 information, in English, on:

- the rights as a prisoner and issues that may affect them 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 the country of imprisonment
- translation of documents
- grants for food if in a developing country and if without funds from other sources
- grants for essential medicines and toiletries if without funds from other sources
- preparing for release
- help for 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 (Monday-Tuesday 9.30am-6.00pm, Wednesday-Friday 9.30am-4.30pm, UK time):

If calling from overseas 00 44 207 561 6820

Or for relatives in the UK Freephone 0808 172 0098

Email: info@prisonersabroad.org.uk

Website: www.prisonersabroad.org.uk

Glossary of Terms

Court	Juzgado
Trial	Juicio
Judge	Juez
Prosecutor	Fiscal
Lawyer	Abogado
Interpreter	Intérprete
Procurator	Procurador
Litigation Power of Attorney	Poder para Pleitos
Notary Public	Notario
Legal Aid	Asistencia Jurídica Gratuita
Prison wing	Módulo
On remand	Preventivo
Sentenced	Condenado
Sentence	Sentencia
Appeal	Apelación
Prison Legal Advisor	Jurista
Prison Councillor	Educador
Prison Social Worker	Trabajador/a Social
Prison Guard	Funcionario
Written request (in prison)	Instancia
Prison Doctor	Subdirector Médico
Prison Judge	Juez de Vigilancia Penitenciaria
Prison Court	Juzgado de Vigilancia Penitenciaria
Parole	Libertad Condicional
Prison Governor	Director
Bail	Fianza
Local Bar Association	Colegio de Abogados
Treatment Board	Junta de Tratamiento
Accounts Department	Peculio
Prison Shop	Economato
Valuables Department	Valores
Receipt	Recibo
Administration Department	Régimen
Educator	Educador

Useful phrases/vocabulary

I don't understand

No entiendo

The telephone is out of order

El teléfono no funciona

I do not have any money to buy...

No tengo dinero para comprar...

I would like to order...

Me gustaría pedir...

This is urgent

Esto es urgente

May I make an appointment to see...

¿Podría fijar una cita con...?

I need to see my lawyer

Necesito ver a mi abogado

Can I have a list of local English-speaking lawyers?

¿Me das una lista de abogados que hablen inglés?

Who is dealing with my case?

¿Quién está a cargo de mi caso?

Does the prison have a list of translators?

¿Hay una lista de traductores en la prisión?

Can I get bail?

¿Puedo pedir la libertad bajo fianza?

Can you tell me how long I will be held in police custody before I get transferred to a prison?

¿Me podrías decir cuánto tiempo estaré detenido antes de ser transferido a una prisión?

What must I do to get transferred to another prison?

¿Qué debo hacer para ser transferido a otra prisión?

Can you tell me how long my sentence is?

¿Me podrías decir cuánto tiempo durará mi sentencia?

Can you tell me the date my sentence finishes?

¿Me podrías decir la fecha en que mi sentencia terminará?

Can I move to Mr.....'s cell as he speaks English?

¿Me puedo cambiar a la celda del Sr....., ya que habla inglés?

Can Mr..... move into this cell?

¿Puede el Sr... cambiarse a esta celda?

I am very cold, can I have an extra blanket please?

¿Tengo mucho frío, me das otra manta por favor?

When is the shop open?

¿Cuándo abre la tienda?

How much money do I have in my account?

¿Cuánto dinero tengo en mi cuenta?

What day does the doctor come? What time?

¿Qué día viene el médico? ¿A qué hora?

Is there any work that I can do?

¿Hay algún trabajo que puedo hacer?

I would like to work in the...

Me gustaría trabajar en el/la....

Can you show me what I must do?

¿Me puedes enseñar lo que debo hacer?

Could I buy a Spanish/English dictionary?

¿Podría comprar un diccionario de inglés/español?

Can you contact the Consulate for me?

¿Puedes contactar el consulado para mí?

I want to make a complaint

Quiero poner una queja

Can I have permission for my family to send me....?

Me gustaría pedir permiso para que mi familia me envíe...

As I am not allowed visits, could I have a parcel of clothes sent to the prison?

Como no tengo permitido ninguna visita, ¿se me podría enviar un paquete de ropa a la prisión?

Are there any items which they are not permitted to send me?

¿Hay algo que no pueden enviarme?

I want to send this letter to...

Quiero enviar esta carta a....

Why are my letters taking so long to get to my family?

¿Por qué mis cartas tardan tanto en llegar a mi familia?

I have not heard from my family and I am worried about them

No sé nada de mi familia y estoy preocupado/a por ellos.

How do I arrange a visit for my family?

¿Qué tengo que hacer para solicitar una visita de mi familia?

Can you confirm that my family has booked a visit for (a specific date)?

¿Podrías confirmar qué día ha reservado mi familia para visitarme?

May I have an extended visit as I do not get many and my family has to travel a long way?

¿Podría pedir una visita más larga ya que no recibo muchas visitas y mi familia tiene que viajar de lejos?

Could I go to the prison school to learn Spanish?

¿Podría ir a las clases de la prisión para aprender español?

Could you give this letter to Mr... cell no.... so he can translate it for me?

¿Podrías darle esta carta al Sr.... celda número ... para que la traduzca para mí?

Additional documentation

- [List of English-Speaking Lawyers](#)
- FCO leaflet: [In prison abroad](#)
- FCO leaflet: [Transfers home for prisoners abroad](#)
- [Prisoners Abroad authorisation form](#)
- [Prisoners Abroad family contact form](#)
- [Initial Arrest Factsheet - After Arrest Things to Consider](#)
- Fair Trials International information [Criminal proceeding and defence rights In Spain](#), *Need Help* Fair Trials International
- European Arrest Warrant Legislation (if applicable)
- Specific prison information (upon request)
- Spanish glossary (upon request)
- List of Private Translators/Interpreters (upon request)

Disclaimer

This booklet was compiled by the Consular Section, British Consulate-General, Madrid. 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.

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Thank you.

[September 2018]