



CONSULATE GENERAL OF THE
UNITED STATES OF AMERICA

Jerusalem

Assistance to U.S. Citizens Arrested Abroad

SUMMARY: One of the most essential tasks of the Department of State and of U.S. embassies and consulates abroad is to provide assistance to U.S. citizens incarcerated abroad. The State Department is committed to ensuring fair and humane treatment for American citizens imprisoned overseas. We stand ready to assist incarcerated citizens and their families within the limits of our authority, in accordance with international law. We can and do monitor conditions in foreign prisons and immediately protest allegations of abuse against American prisoners. We work with prison officials to ensure treatment consistent with internationally recognized standards of human rights and to ensure that Americans are afforded due process under local laws.

BACKGROUND: While in a foreign country, a U.S. citizen is subject to that country's laws and regulations, which sometimes differ significantly from those in the United States and may not afford the protections available to the individual under U.S. law. As our Country Specific Information explain, penalties for breaking the law can be more severe than in the United States for similar offenses. Persons violating the law, even unknowingly, may be expelled, fined, arrested, or imprisoned. Penalties for possession, use, or trafficking in illegal drugs are strict, and convicted offenders can expect jail sentences and fines. If arrested abroad, a citizen must go through the foreign legal process for being charged or indicted, prosecuted, possibly convicted and sentenced, and for any appeals process. Within this framework, U.S. consular officers provide a wide variety of services to U.S. citizens arrested abroad and their families.

CONSULAR ACCESS TO PRISONERS: Article 36(a) of the Vienna Convention on Consular Relations of 1963, 21 UST 77, TIAS 6820, 596 UNST 261, a multilateral treaty to which many, but not all, countries are party provides that consular officers shall be free to communicate with their nationals and to have access to them. However, Article 36(b) provides that the foreign authorities shall inform the consular officer or the arrest of a national "without delay" (*no time frame specified*), if the national requests such notification. Bilateral Consular Conventions between the United States and individual countries are more specific, requiring notification, regardless of whether the arrested person requests it, and generally specifying the time period in which such notification is to be made. When there is no treaty in force, notification and access are based on comity and largely dependent on whether the two countries have diplomatic relations.

CONSULAR SERVICES: Consular officers abroad provide a wide variety of services to U.S. citizens incarcerated abroad. Specific services vary depending on local laws and regulations, the level of local services available in the country in question, and the circumstances of the individual prisoner. The frequency of U.S. consular visits to citizens arrested abroad may likewise vary, depending upon circumstances.

Consular services include:

Upon initial notification of arrest:

- Visiting the prisoner as soon as possible after notification of the arrest;
- Providing a list of local attorneys to assist the prisoner obtain legal representation;
- Providing information about judicial procedures in the foreign country;
- Notifying family and/or friends, if authorized by the prisoner;
- Obtaining a Privacy Act Consent;
- Relaying requests to family and friends for money or other aid.

On-going support to incarcerated Americans:

- Providing regular consular visits to the prisoner and reporting on those visits to the Department of State;
- Providing loans to qualified destitute prisoners through the Emergency Medical/Dietary Assistance (EMDA) program;
- Arranging dietary supplements (vitamins/minerals) to qualified prisoners;
- Arranging for medical and dental care if not provided by prison, to be paid for from prisoner's funds, funds provided by family or funds loaned to the prisoner by the U.S. Government under the EMDA program for destitute Americans incarcerated abroad under the conditions specified at 22 CFR 71.10.;
- Arranging for examinations by an independent physician if needed;
- Arranging special family visits, subject to local law;
- Protesting mistreatment or abuse to the appropriate authorities;
- attending the trial, if the embassy/consulate believes that discrimination on the basis of U.S. nationality might occur or if specifically requested by the prisoner or family, if possible;
- Providing information about procedures to applications for pardons or prisoner transfer treaties, if applicable.

Discretionary support provided as needed:

- Providing reading materials subject to local laws and regulations;
- Providing personal amenities such as stamps, toiletries, stationary, if permitted by prison authorities, from prisoner's or family's private funds;
- Assisting in finding ways to expedite prisoners' mail;
- Inquiring about the possibility of prison employment;
- Assisting in arranging correspondence courses;

A CONSULAR OFFICER CANNOT:

- **Demand the immediate release of a U.S. citizen arrested abroad or otherwise cause the citizen to be released;**
- **Represent a U.S. citizen at trial, give legal advice or pay legal fees and/or fines with U.S. Government funds.**

ADDITIONAL INFORMATION: The Consulate General's List of Attorneys is enclosed.

QUESTIONS: Additional questions regarding services to Americans incarcerated at the Consulate General's consular district may be addressed to our office via e-mail, JerusalemACS@state.gov, telephone 02-622-7221 or 02-622-7207 during office hours. For emergencies outside of normal business hours **ONLY** (outside of Monday-Friday, 8AM to 430PM) you can contact the Consulate General at 02-622-7250. Our consular office is located on 27 Nablus Road in Jerusalem. Mailing address: U.S. Consulate General, Attn: American Citizen Services
P.O. Box 290, 91002 Jerusalem.