



Foreign &
Commonwealth
Office

Information Pack for British Prisoners in Sweden

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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 Commission 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 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. The attached list of lawyers is provided by the British Embassy for your convenience, but neither Her Majesty's Government, nor any official of the Consulate, take any responsibility for the competence or probity of any firm/advocate on the list or for the consequence of any legal action initiated or advice given.

We cannot 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?

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Vice Consul

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Skarpögatan 6-8

115 27 Stockholm

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First Steps

Who will know I have been detained?

The Swedish authorities are legally obliged to inform the Embassy of the arrest of a British national, and automatically do so themselves.

What will my family be told?

For confidentiality reasons we will not tell anyone that you have been detained, or what the charges are, without your permission.

We can, if you wish, ask the FCO in London to inform your next-of-kin in the UK of your arrest

What will the Consulate do?

We will aim to contact you within 24 hours of being notified of your arrest. If you request a Consular visit, we will aim to do this as soon as possible. If for example distance makes it difficult for us to visit as soon as you would like, we will explain this and confirm a time period within which we will visit.

Would I have a criminal record in the UK?

You should be aware that if you are arrested for certain serious offences, such as sexual assault or drugs crimes, our staff must inform other 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 information about this offence may appear if a criminal records check were carried out by a prospective employer for example.

Visits

A prisoner who is in detention, arrest or apprehension on suspicion of a crime may be subjected to curtailments of his or her contact with the outside world (restrictions) if a risk exists that he or she will remove evidence or otherwise impede the investigation of the matter at issue. Being on restrictions means that you might not be able to :

- Receive or send letters without them first being inspected by the prosecutor
- Receive visits without special permission from the prosecutor
- Receive or make phone calls without special permission from the prosecutor
- Watch TV, listen to the radio and read newspapers
- Interact with other inmates

You might have restrictions in all or some of the above areas, but you can still contact your lawyer and a member of consular staff (in special circumstances you may be allowed contact with family). You can also see a priest or other representative of a religious order.

If you are without restrictions you may make telephone calls to specific people after the prosecutor and the prison authorities have given their consent. Security checks will be carried out on those you wish to call. You will have to request for a telephone permit, complete the forms that will then need to be sent to the person you wish to call. He/she then gives his/her consent by completing the forms and returning them to the prison authorities. The prosecutor will then decide to grant or deny the application. The person you wish to call will be requested to supply a landline phone bill showing clearly the number and the person's name. They might also be required to produce a certificate from the UK police giving details of any criminal record. Ask the prison staff about how to buy a phone card, apply for a phone permit and how the consent works.

How do my family and friends arrange a visit

In the local instructions at the remand prison you can read about how to apply for visits and what the remand prison's visiting hours are. In some cases the remand prison can approve visits monitored by staff. If you are only granted permission to receive monitored visits, the staff monitoring the visit must be able to understand the language that you and the visitor speak. In some cases an interpreter may be hired.

Detainees with restrictions are normally not allowed visits.

Prisoners that have been sentenced and moved to a prison may receive visits.

How many visits am I allowed?

Each prisoner will undergo an individual evaluation, taking in to account the prisoner's circumstances and the current situation at the prison/remand prison. The number of visits/frequency of visits will also be determined at the evaluation.

The number of visits/frequency of visits will also be determined at the evaluation.

Consular visits

If you request a Consular visit, we will aim to do this as soon as possible. If for example distance makes it difficult for us to visit as soon as you would like, we will explain this and confirm a time period within which we will visit.

If you are convicted and wish us to, we will visit you once more after sentencing. Please contact us direct to request this.

What can visitors bring?

Institutions vary in what they allow visitors to bring. Friends and family are advised to contact the institution you intend to visit to find out the details of what is permitted.

Food and drink are usually prohibited.

Can my family and friends contact me?

If you are not on restrictions you may make, and in certain circumstances receive, telephone calls to specified people. However, the staff will carry out security checks on those you wish to call.

Prison conditions/services

What happens after I have been arrested?

The following is a general description of the sequence of events in Sweden from detention to imprisonment;

1. You are detained by the police. The prosecutor then decides whether or not to make an arrest.
2. The police will ask you if you want legal representation. You have the right to a public defence counsel. (State appointed lawyer)
3. You can be under arrest for a maximum of four days. (96 hours)
4. You will appear before a judge within 96 hours of being arrested (anhållen).
5. After that hearing, you will either be released or a court will decide to remand you in custody. (häktad). The court will decide to remand you in custody if they have reasonable suspicion (the lower degree of suspicion) or probable cause (the higher degree of suspicion)
6. If you are remanded the prosecutor has up to 14 days to present his case to the judge. The 14 days can be prolonged indefinitely and the court's remand decision must be reconsidered every 14 days.
7. During your stay in remand prison, you will be questioned by the police and prosecutor who will conduct a preliminary investigation into the crime(s) you are suspected of. The prosecutor will often lead the preliminary investigation and the investigation will be handled by the police.
8. When the preliminary investigation is complete, the prosecutor will decide whether to commence prosecution or not. If prosecution is commenced, there will be a trial, or a main hearing as it is called in the court and the case is heard. The court in this instance is the District Court.
9. The judge and the lay judges will decide in the main hearing whether you are guilty or not. The length of the sentence is also decided upon.
10. Sometimes the judgement is not pronounced (domen meddelas) at the trial, but at a later date instead. The presiding judge will then inform you of the date and time when this will take place.
11. Once the sentence has been announced if you accept the sentence (nöjdar sig) it now comes into effect (vinner laga kraft)
12. If you are not satisfied with the judgement, you can appeal (överklaga) to the court of appeal (hovrätten). The judgement will contain information about when this must be done at the latest. Your lawyer should help you with this. If the prosecutor also appeals there is a risk that the sentence is increased.
13. The outcome of the appeal is announced and the sentence comes into effect (straffet verkställs)
14. You now begin to serve your sentence and would normally serve two thirds of it subject to good behaviour.
15. If you are found not guilty, you might be entitled to compensation. Please see www.jk.se (Chancellor of Justice) for further information.

Arrival at the detention centre

When you arrive at the remand prison you will be registered. The staff will ask you questions about your mental health status, your family and social situation so that the staff can provide you with the support you need.

You will receive a contact person at the detention centre who will inform you about the daily routines and your rights and obligations at the remand prison. If you have not yet been appointed a lawyer, or if you want to contact your lawyer or embassy, the staff will help you with this.

You will be offered to see a counsellor. If you do not speak or understand Swedish you can receive help from an interpreter in certain situations. The same applies if you have seriously impaired vision, hearing or speech. It is the detention centre staff who decides whether to call in an interpreter. The police and prosecutor will make the same judgement when it comes to their investigations.

General information about the detention centre

Newspapers, radio/TV

You are allowed to listen to the radio, watch TV and read daily newspapers at the detention centre unless the prosecutor has decided otherwise. You can buy newspapers at the kiosk. You can borrow books from the book trolley or the library.

Fresh air

You have the right to spend time in the detention centre's exercise yard for at least an hour every day if there are no special reasons against you doing so.

Food

Cooked meals are served every day. If you are a vegetarian or allergic or unable to eat certain foods due to religious beliefs you have the right to ask for food that you can eat.

Personal hygiene

You will receive bedclothes, towels and hygiene products. The detention centre's staff can also offer you clothes and shoes. Laundry is to be changed regularly. You are responsible for keeping your room in order.

Healthcare

When you arrive at the detention centre the nurse will visit you and carry out an arrival conversation and health check. This will take place as soon as possible after your arrival or on the following weekday at the latest. If you fall acutely ill the staff will help you to contact a nurse or a doctor.

When you are registered you will be informed about how to contact the healthcare staff if necessary and you will be asked to fill in a health declaration. It is important that you inform the staff about your diseases, injuries and medicines.

If you need emergency dental care the staff will help you contact a dentist, which you unusually have to pay for yourself. Medical healthcare, including treatment and medication for chronic illnesses, is provided free of charge.

Personal belongings

In your room you are not allowed to have objects that could pose a threat to security in the remand prison or obstruct searches.

The detention centre will store your personal belongings during your stay. You and the staff members who take care of your belongings will sign a list of the belongings to be stored when you first arrive. You will also sign the list when belongings are taken out of and put back into storage.

Money

You can have a maximum of 1500 SEK in your room. Some detention centres are cash-free, meaning that you will not be allowed to have any money in your room. The money is deposited into an account or stored by the detention centre.

If you do not have any money you may be eligible for a detention centre allowance of a maximum of 90 SEK per week.

Drugs

You must supply a sample for drug testing if the staff suspects that you are under the influence of alcohol or drugs. A “positive” drug test, as well as refusal to take a drug test, may result in your release date being postponed.

Mail/Parcels

If you are under restrictions any letters you send will (with your consent) be forwarded to the prosecutor who will decide whether the letter may be sent or not. Any letters sent to you will be dealt with in the same way. If you are not under restrictions, sealed letters will only be opened if they appear suspicious. It is permitted to receive parcels. The sender is advised to contact the prison before they send the parcel, to ask which items are permitted.

Work/Study

Detention centres have different opportunities for occupational activities. These occupational activities may regard work involving assembly, packaging, cleaning or other activities. Your possibilities of working also depend on whether you are allowed to take part in communal activities with the other inmates.

Sentenced prisoners have the possibility to study while in prison.

How can I receive money?

If your family and friends overseas wish to transfer money to you for “prison comforts” (phone cards etc), they can do so, either by paying directly to the detention centre or through the FCO in London.

Your family in the UK should call the FCO on +44 20 7008 1500 (24 hours a day) if they want to find out how to transfer money to you. They can also call the British Embassy on +46 8-6713000

The Foreign and Commonwealth Office charges a fee for transferring money to British nationals overseas, but exempts prison comforts up to £200 per month. A sliding scale of fees has recently been introduced. This means those who transfer smaller amounts aren't excessively penalised.

Prison comforts will continue to be exempt from charges up to a set limit. But from 1 January 2010 the limit will reduce to allow just one free transfer per month of up to £100. Any subsequent transfers in the same month, even under the £100 threshold, will incur a charge.

The £100 threshold will enable families/friends to transfer for free what is considered to be a sufficient amount per month to meet basic needs, and allows for the cost of living increases affecting some countries.

How can I make a complaint about mistreatment?

You should be treated fairly and without prejudiced by the officers and employees of the detention centre, they are there to do their jobs and not judge you. Should you feel that you are being treated in an unfair or prejudice way please bring this to the attention of other members of staff or contact the British Embassy.

You can also complain directly to JO-the Parliamentary Ombudsmen if you feel that you have been treated wrongly or unjustly by a public authority.

The contact details are:

The Parliamentary Ombudsmen (Riksdagens Ombudsmän) - JO
Box 16327
SE-103 26 Stockholm

Fax: +46 8 21 65 58

E-mail: justitieombudsmannen@jo.se

Telephone: +46 8 786 51 00

Text phone: +46 20 600 600

Website: www.jo.se

The Swedish Judicial System

Is the system the same as in the UK?

No. The biggest difference is that there is no bail system in Sweden. Another difference is that you can only be held in the UK for up to 24 hours (or up to 36 or 96 hours if you are suspected of a serious crime, for ex murder) before they have to charge you with a crime or release you. In Sweden you can be held for 96 hours before they release or remand you (begäras häktad) on suspicion of committing a crime.

What should happen when I am arrested?

If you're arrested, you'll usually be taken to a police station, held in custody in a cell and then questioned. The police can hold you for 96 hours before they release or remand you (begäras häktad) on suspicion of committing a crime. Being on remand means that you are suspected of committing a crime, but you are not convicted, and should according to law be considered innocent until proven guilty.

For how long can I be remanded in custody?

If you are remanded the prosecutor has up to 14 days to present his/her case to the judge. If the investigation is not complete within 2 weeks, the prosecutor can apply for an extension of a further 14 days – this process can be repeated indefinitely. In other words there is no preset “maximum time” you can stay on remand and this can vary from case to case.

What happens when I am charged?

Being charged is a term used in the UK. This is similar to being remanded (begäras häktad) or detained in Sweden. If you are remanded the court will decide to remand you in custody if they have reasonable suspicion/probable cause of an offence committed by you (punishable by imprisonment for a term of one year or more). You will stay on remand until the court decides that the conditions for you being remanded are no longer fulfilled or your case is heard in court and you are convicted or released. You have the right to have an interpreter at the hearings.

Being remanded may only occur if the reason for being remanded outweighs the intrusion or other detriment to the suspect or some other opposing interest.

What provision is there for bail?

There is no bail system in Sweden.

What kind of legal assistance is available

You have the right to a State appointed lawyer. You have the possibility to request a specific lawyer, but please be aware that you might have to pay their services yourself.

What happens at the trial?

The judge and the lay judges will decide in the main hearing whether you are guilty or not. The length of the sentence is also decided upon.

Sometimes the judgement is not pronounced (domen meddelas) at the trial, but at a later date instead. The presiding judge will then inform you of the date and time when this will take place.

You have the right to an interpreter free of charge at the main hearing.

Sentences

Once the sentence has been announced if you accept the sentence (nöjdar sig) it now comes into effect (vinner laga kraft)

How can appeals be made?

If you are not satisfied with the judgement, you can appeal (överklaga) to the court of appeal (hovrätten). The judgement will contain information about when this must be done at the latest. Your lawyer should help you with this. If the prosecutor also appeals there is a risk that the sentence is increased.

The outcome of the appeal is announced and the sentence comes into effect (straffet verkställs)

You now begin to serve your sentence and would normally serve two thirds of it subject to good behaviour.

If you are found not guilty, you might be entitled to compensation. Please see the website of Justitiekanslern (www.jk.se) for further information.

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

None

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

You would normally serve two thirds of the sentence subject to good behaviour. This is called parole (villkorlig frigivning) and only applies to sentences longer than one month.

What provision is there for clemency or pardon?

Under the Instrument of Government, one of Sweden's fundamental laws, the Government may, by exercising clemency, pardon a person or reduce their sentence. Clemency is for use in exceptional situations. It is for the Government to decide whether or not to grant clemency in each individual case. Clemency is therefore not a right.

Clemency can only apply to a criminal judgment that has become final and non-appealable.

Foreign judgments can also fall within the scope of clemency if the enforcement of the sentence has been transferred to Sweden.

What about any financial penalties?

Fines may be levied in different amounts and ways dependent upon the nature and seriousness of the offence. The most common form of fine is "day fines" – a certain amount per day multiplied by a certain number of days.

Fines may also be set at a certain sum dependent on the offender's financial status. The minimum sum is 450 kronor.

In certain cases, fines can be imposed together with another penalty, e.g. conditional sentence or probation.

If the offender does not pay the fines, the court may under certain circumstances transform the fine into a prison sentence of not more than three months.

Is transfer to another prison within Sweden possible?

Which prison you are sent to depend on for example which type of security level is required and if there is a treatment plan in place. The prison authorities can impose transfers between

prisons in Sweden for security or other reasons. This is the policy of the Swedish authorities, and the Embassy cannot intervene on your behalf.

Prisoners may (if there are specific reasons such as medical/safety issues) apply to the prison for a transfer to a different prison. It is the Head office of the Prison authorities that takes the final decision about the transfer.

Is transfer to the UK a possibility?

Yes. There is a Prisoner Transfer Agreement between the UK and Sweden.

Prisoner Transfer Agreements (PTAs) allow prisoners to transfer and to serve the remainder of their sentence in their own country. This enables them to be closer to family and friends in an English-speaking environment and permits them to benefit from pre-release courses available in British prisons.

The prisoner should inform the prison of their interest in applying and they will take the application forward. Please note that the transfer process can be very slow and bureaucratic.

Women

Approximately 5 per cent of inmates are women. Women in prison often have a different background compared with men and they face different problems. They are therefore placed in female prisons.

What are the procedures for release and deportation?

Release The institution will determine the day on which you are released. Usually it is early in the morning. If you are unable to arrange any clothing yourself, the institution must help you with clothes suitable for the time of year, and in some circumstances a release allowance and possibly money for the journey home.

Deportation If deportation is part of your sentence, the most common procedure is that you are transferred from the prison, sometimes via a temporary remand centre, to the airport by the Prison and Probation Service Transport Company. You will be escorted by them until you reach the airport in your home country.

Additional Information

Prisoners Abroad

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

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

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

Prisoners Abroad
89 – 93 Fonthill Road
London N4 3JH
UK

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

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

Email: info@prisonersabroad.org.uk

Website: www.prisonersabroad.org.uk

Glossary of Terms

Useful legal terms

ENGLISH	SWEDISH
a verdict of not guilty	frikännande
administrative court of appeal	kammarätt
appeal, complaint	Klagan, överklaga
arrested	anhållen
attempted offence	försök till-
become final, gain legal effect	vinna laga kraft
breach/ violation of the law	lagbrott
care	vård
case	mål
charge, prosecution	åtal
come in to force, take effect	träda i kraft
conviction	fällande dom
court	domstol
court of appeal	hovrätt
courtroom	rättsal
crime, offence	brott
custody, detention centre	håkte
deed, criminal act	gärning
defence	försvar
defendant	tilltalade
deport	utvisa
detained/remanded	häktad
detention, remand	häktning
district court	tingsrätt
evict	avvisa
find not guilty	frikänna
guilty	skyldig
hearing, trial	rättegång
injured person/party	målsägande
interpreter	tolk
judge	domare
lawyer	advokat
lay judge	nämndeman
minor offence	ringa-
misdemeanour	lindrigare
offender, perpetrator	gärningsman
official	tjänsteman
parole/conditional discharge/release on probation	villkorlig dom
pay a fine	böta

petty, small	ringa
plead guilty/confess	erkänna
police interrogation	polisförhör
police investigation	polis utredning
prison	Anstalt/fängelse
probation	skyddstillsyn
prosecutor	åklagare
released	frigiven/försatt på fri fot
remand hearing	häkningsförhandling
sentence, sanction	brottspåföljd, dom
serious crime	grovt-
summons, subpoena	kallelse (till domstol), stämning
suspect	misstänkt
suspected on good grounds	skäligen misstänkt
suspended sentence	villkorlig dom
verdict	jurys avgörande
witness	vittne

Key phrases

ENGLISH	SWEDISH
can I please have...?	kan jag få..
do you speak English?	pratar du engelska?
good bye	hejdå
hello	hej
hungry	hungrig
I don't know	jag vet inte
I don't speak Swedish	jag pratar inte svenska
I don't understand	jag förstår inte
my name is....	jag heter....
sick/unwell	sjuk
thank you	tack
water	vatten
where is....?	var är...?

Annexes

Annex 1: FCO leaflet: *In prison abroad*

Annex 2: FCO leaflet: *Transfers home for prisoners abroad*

Annex 3: Prisoners Abroad authorisation form

Annex 4: Prisoners Abroad family contact form

Annex 5: FairTrials International questionnaire and leaflets

Disclaimer

This booklet was compiled by the Consular Section, British Embassy Stockholm. It is revised on a regular basis

If any of the information contained in this booklet is incorrect, please draw inaccuracies to our attention so that we can make amendments.

The British Embassy in Sweden is not accountable for the information provided in this booklet. Local proceedings are subject to change at any time.

Thank you.