



DETENTION PROTOCOL

Of Note: If you break local laws, your U.S./foreign passport won't help you avoid arrest or prosecution. It's very important to know what is legal and what is not.

While some countries will automatically notify the nearest U.S. embassy or consulate if a U.S. citizen is detained or arrested in a foreign country, that might not always be the case. To ensure that the United States is aware of your circumstances, *request that the police and prison officials notify the nearest U.S. embassy or consulate as soon as you are arrested or detained.*

The recommendations in this protocol apply in all cases of arrest or detention, whether or not wrongful or warranted. You should follow this protocol as closely as possible, regardless of circumstances.

General Recommendations: Try your best to keep your colleagues and peers informed of your whereabouts, ask for somebody (preferably male) to accompany you in circumstances where your safety may be at risk, and memorize the telephone number of at least one colleague (because you may not always have your phone book or a contact list handy in a time of need).

Pre-Arrest or Detention:

- If you are home and the police arrive at your door, you do not have to open it immediately.
- Stall for a few minutes (ex: tell the police that you need to grab the keys, need to wash up quickly) and make a phone call to the Program Director or someone else on staff. Memorize this one phone number.
- Return to the police and ask the purpose of their visit.
- Ask to see their police IDs and write down their names and badge numbers.
- Ask to see the arrest and/or search warrant or order authorizing detention or other custody. This is legally required but is not always presented. It is recommended to ask for it, however.
- Do not resist arrest. You will need to accompany the police officer(s) to the police station. Before leaving, try to notify someone on staff.
- When leaving with the police, do not bring your actual passport. Say it is locked up at the office and bring a copy of your passport.

DETENTION PROTOCOL

- If possible, stall until someone on staff can accompany you to the station. They cannot ride with you but can follow the police car.

What **Not** To Do If Arrested or Detained:

- **DO NOT** resist arrest
- **DO NOT** be abusive or argumentative
- **DO NOT** try to bribe your way out of the situation
- **DO NOT** make statements unless asked and do not volunteer information; if you are required to answer questions, provide only brief responses and limit details as much as possible
- **DO NOT** admit to any wrongdoing
- **DO NOT** sign anything. If you are pushed to sign a document, politely decline until you have had the document examined and explained to you by a lawyer or embassy representative
- **DO NOT** agree to provide any kind of assistance to those detaining you in return for your release. If there is no other option, say that you will consider their proposal if released. Then contact your embassy immediately for assistance.

What To Do If Arrested or Detained:

- **DO** claim the right to contact your embassy. *You are entitled to consular notification if you request it.* This is your legal right, but that does not mean it will be granted.
 - If refused, continue to make the request until you are allowed
 - If granted, you will need to sign a Privacy Act Form, which you should sign, otherwise the US Government cannot share information with anyone
- **DO** remain calm, patient, dignified and professional
- **DO** explain that there has been a misunderstanding and suggest resolving the situation by sensible and calm discussion. Reiterate the mission of your organization
- **DO** focus on the strong, and long-standing, partnership with the local institution and your job in-country
- **DO** check the ID or credentials of individuals representing the embassy or other support and write down their name and job titles
- **DO** ask to contact a colleague or a lawyer

What To Do If A Colleague Is Arrested or Detained:

- If possible, meet at their house/place of arrest and follow them to the police station to ensure they arrive safely
- Notify at least one other local based staff member of the arrest. You can then coordinate responsibilities for contacting others (Embassy, other home institution staff, collaboration staff, leadership and travel insurance company)

For more information please contact MGH – Global Health, Global Disaster Response; globaldisasterresponse@partners.org or visit our website, bit.ly/MGHGlobalDisasterResponse

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DETENTION PROTOCOL

- Ensure the U.S. embassy has been notified of the situation
- Contact at least one person on the security team
- Contact at least one senior, trusted, local affiliated staff. Ask him/her to join you at the police station and speak on your behalf about the work you are doing and the strong partnership between your institution and the local institution.
- Contact your travel insurance company to let them know of the current situation

Managing the Detainment of a Colleague:

- **Situation Working Group.** While it is important to remain positive that the situation will resolve itself quickly, it may be prudent to establish a 'Situation Working Group' for managing response, communications, and daily reporting.
- **Visitation.** It is important to visit incarcerated individual as soon as possible and then on a regular basis. It may be of value to bring a camera and take a photograph as proof and as a record of current condition. Do this only with permission from the prison officials and try to write down the name of the prison official granting the permission.
 - *If allowed*, and if local circumstances warrant (i.e. there is little or no material or dietary support for incarcerated individuals), bring the following items in a clear plastic bag:
 - Soap
 - Toothbrush/toothpaste
 - Comb
 - Deodorant
 - Hygiene products
 - Writing paper, pen, pencil
 - Magazine or other reading materials
 - Dry food
 - Other comfort items which are permissible
- **Legal counsel.** If the program has been or anticipates operating within the country for long duration, it is a good idea to have identified attorneys with commercial and criminal law expertise and experience. At the very least, having a copy of the list from the embassy and short-listing a few is a starting point