

FACTSHEET

FCO policy on supporting appeals for clemency

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The Foreign and Commonwealth Office will consider supporting applications for clemency or pardon for British nationals imprisoned abroad in the following situations:

1 Where there is prima facie evidence of a miscarriage of justice

The prisoner needs to provide strong evidence that a miscarriage of justice has occurred, or justice has been denied, and all attempts to put this right have failed.

2 On compassionate grounds

The criteria for appeals on compassionate grounds reflects those applied in the UK by HM Prison Service. Under Section 36 of the Criminal and Justice Act 1991 or Section 3 of the Prisoners and Criminal Proceedings (Scotland) Act 1993: early release on compassionate grounds will be considered only where the death of a spouse would leave no-one to care for young children, or the death of a parent would leave the surviving parent without support.

Furthermore, Ministers will not normally support a plea for clemency on compassionate grounds if a Prisoner Transfer Agreement exists between the UK and the sentencing state and a transfer to the UK could be completed within a reasonable time frame. In such circumstances, any request for early or temporary release on compassionate grounds could then be made to the appropriate UK prison authority.

3 On medical grounds

The Foreign Office will consider supporting an application for a Pardon/Clemency if the prisoner is suffering from a serious or terminal illness or where the prisoner's life or health is at serious risk if they remain in prison.

4 Where the prisoner is a minor

The Foreign Office will consider supporting an application for a Pardon/Clemency if the prisoner is under 18 years of age. Decisions are always taken on a case-by-case basis, taking all circumstances into account.

If you require this leaflet in a large print format, please contact us. Our details are below.

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