

DETAINED ABROAD

Assisting Dutch nationals in foreign detention

Femke Hofstee-van der Meulen

Detained abroad - Assisting Dutch nationals in foreign detention

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Assisting Dutch nationals in foreign detention

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For Josephine, Hein and Tom

CHAPTER 0

FOREWORD

'Thank you for visiting me. You made me feel human again.'

German prisoner to researcher, Tihar jail, New Delhi (India) 26 December 1996

The idea of embarking on a study of Dutch nationals in foreign detention was not born overnight. I have been fascinated by the theme of foreign national prisoners for a long time. On reflection this interest is linked to an accumulation of four events of which the first took place nearly twenty years ago. At that time I had just finished my history studies at Leiden University and travelled to India to take an internship at the Dutch Embassy.

Tihar Central Jail, New Delhi

On Christmas day 1996, I went to the Tihar Central Jail in New Delhi, the biggest prison in Asia, to visit a German girl who was sentenced to 8 years imprisonment for the possession of marijuana. I visited her because I heard she liked to receive visitors. With a written accreditation from the Embassy and, after hours of waiting in the sun, I met her in a large room that was divided by a zoo-like fence. Both prisoners and visitors tried to press themselves as much as possible towards the bars of the fence in order to make contact. Despite the surreal circumstances we had a nice conversation. Via a hole in the fence I could give her oranges, drinks and cookies which I had brought for her. When it was time to say goodbye she expressed her gratitude for my visit and interest in her. She said that the visit had made her 'feel human again'. I left the prison dazed but also inspired because I had the feeling that my visit had done something good.

Wormwood Scrubs, London

The second event took place in the United Kingdom in the period 2001-2002. I was appointed as member of the Independent Monitoring Board of Wormwood Scrubs, a large, male prison in London. Members of the Independent Monitoring Board are volunteers who have unrestricted access to prison in order to monitor the situation of prisoners and to handle complaints by prisoners. Due to the proximity of London Heathrow airport the Wormwood Scrubs has a large foreign population. During my regular visits to this prison I spoke to many prisoners including foreigners. Being a 'foreigner' myself enabled me to understand the difficulties which foreign prisoners face in daily prison life as a result of a poor understanding of the language and distance from family at home.

Ezeiza Women's prison, Buenos Aires

In 2004 I accompanied a volunteer from the International Office of the Dutch Probation Service to Ezeiza Women's prison close to the airport of Buenos Aires in Argentina. During this visit we met a Dutch girl who had been arrested a week beforehand for offences related to drugs and was being held in remand. The girl had not yet been able to inform her family about her detention and she had to sleep on the floor. The visiting volunteer, who visited the prison very regularly and who was known by staff, promptly arranged a bed for her to sleep in and for her to make a phone call home. For another Dutch prisoner the visiting volunteer brought medicines and she had a long conversation with another Dutch woman. I was impressed by the work of the visiting volunteer and the impact her visit had had on these Dutch women. It even made me feel proud that my country did not neglect people who, despite being accused or convicted of a crime, were nonetheless not left on their own in a difficult situation.

Foreigners in European Prisons-study

The fourth and last event is related to the outcome of a study into foreign national prisoners in the European Union. Curious about the situation of foreign nationals in European prisons, Professor Anton van Kalmthout from Tilburg University and I participated successfully in a tender from the European Commission on Social Exclusion in 2005. The study was carried out together with the International Office of the Dutch Probation Service, Greifswald University, Jesuit Refugee Service-Europe (JRS), Hungarian Helsinki Committee, Confederation of European Probation (CEP), International Centre for Prison Studies (ICPS), Prisoners Abroad, Aire Centre and one national expert from each EU country. In September 2006, the first results of the research were presented to the European Parliament in Brussels. In May 2007 the book 'Foreigners in European prisons' was published. One of the main conclusions was that more than 120,000 foreign nationals are detained in the European Union, this is on average nearly one in every five prisoners. The study confirmed that foreign national prisoners experience many difficulties in daily prison life as a result of their foreign status,

language difficulties and distance from their families. As a result of this they are often unable to benefit from the same rights as national prisoners, they feel socially excluded and have reduced opportunities to prepare for a successful return to society. Further, prison authorities often do not take into consideration difficulties which foreign prisoners face as a result of their foreign status, nor do they address their specific needs. Also, diplomatic missions hardly provide any consular assistance to their nationals detained abroad.

Incentive to start thesis

Besides the rather grim picture of the situation of foreign national prisoners in the European Union, the study also identified a few 'good practices'. One of them is the fact that Dutch nationals in foreign detention receive extensive consular assistance. In addition to assistance from the Dutch Ministry of Foreign Affairs and diplomatic missions, they can receive assistance from visiting volunteers of the International Office of the Dutch Probation Service and from chaplains of the religious foundation Epafra. The regular visits by volunteers who visit their own nationals who are detained abroad appear to be unique. The extent to which assistance received by Dutch nationals in foreign detention is appreciated or the extent to which it has a positive impact on their detention experience and special needs had not yet been studied. This became the incentive to embark on this thesis in order to fill the gap in research, to create awareness and to encourage authorities to address the needs of this special group of prisoners.

Motive

My personal motive to dedicate time and energy, during a considerable number of years, to this thesis is to stimulate the social inclusion of prisoners from both a human perspective and for the sake of society. If we desire to live in a safe world then we have to do it together. In my opinion it is therefore important not to avert our eyes from prisoners but to make them feel that they are still human beings and to empower them to rebuild their lives. The fact that there are people around the world who visit prisoners on a voluntary basis is inspiring for me.

Gratitude

Conducting a thesis is a lonely process, but I have not carried it out on my own. In fact, without the assistance and moral support from others, I could never have completed it. For this reason I would like to thank a number of people. First of all my thanks go to the Dutch nationals in foreign detention who openly shared their experiences and personal thoughts with me during interviews and by completing a very long questionnaire. Without their insight this thesis could not have been written. Further I would like to thank the Dutch Ministry of Foreign Affairs for granting me access to Dutch nationals in foreign detention and also Dutch diplomatic missions for distributing 2,600 questionnaires. Staff and visiting

volunteers from the International Office of the Dutch Probation Service generously allowed me the opportunity to be a ‘fly on the wall’ in their office for several months and the opportunity to accompany their visits and training sessions. I would very much like to thank them for their trust and openness. I also thank staff and chaplains from Epafras. Relatives of prisoners and ex-prisoners have been also very kind in sharing their experiences with me. I appreciate especially their willingness to talk as these conversations often led to strong emotions reminding them of a difficult period in their life.

It was Professor Anton van Kalmthout who stimulated me to start a thesis. Although there were several moments when I regretted my decision to start this academic adventure as an external PhD-student, I thank him for his guidance and friendship. In a late stage Professor Dirk van Zyl Smit became my co-promoter and I am grateful for his kind support and advice. I am also very thankful to Arjan Alberts, Alexandra Shearn, Elina Steinerte, Emily Bremers, Hindpal Singh Bhui, Mumbai-team, Mary Murphy and John Cameron-Webb who kindly proof-read parts of the text of this thesis. I like to thank my colleagues at the Dutch Inspectorate of Security and Justice for their support and collegiality. They invented the verb *poggen* for my thesis avoidance behaviour.¹ Furthermore, I owe much gratitude to my family and friends for their continuous moral support and friendship.

The person I am most grateful to is Mikkell Hofstee who became involuntarily a prison expert. I like to thank him for his confidence in me, humour and endurance during this thesis. This book is dedicated to our dearest: our daughter Josephine and our sons Hein and Tom.

Femke Hofstee-van der Meulen
Maarssen, October 2015

1 POG-en (Proefschrift Ontwikkend Gedrag)

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