

# INFORMATION ON CRIMINAL PROCEEDINGS AND DEFENCE RIGHTS IN SPAIN

## **This leaflet covers:**

- Information about FTI
- Definitions of key legal terms
- Criminal proceedings and defence rights in Spain
- Useful links

This booklet was last updated  
in February 2013

## **About Fair Trials International**

Since 1992 Fair Trial International has worked for the better protection of fair trial rights and defended the rights of people facing criminal charges in a country other than their own. Our vision is a world where every person's right to a fair trial is respected, whatever their nationality, wherever they are accused.

Fair Trials International was established to help people arrested outside their own country to defend their right to a fair trial. Every year we help hundreds of people and their families to navigate a foreign legal system by offering practical advice, including contacts of local lawyers; guidance on key issues encountered by people arrested abroad; and basic information on different legal systems and local sources of support. As a charity, we do not charge for any of the assistance that we provide.

We believe that respect for fundamental rights and the rule of law are the hallmarks of a just society and that the right to a fair trial is at the heart of this. Sadly too many shocking cases of injustice demonstrate how, time and again, this most basic human right is being abused. We fight against injustice by lobbying for the legal reforms needed to ensure that the right to a fair trial is respected in practice. Working with our clients and international networks, we also campaign for changes to criminal justice laws which are being abused and overused.

To find out more about how FTI can assist you, please contact our legal team (contact details on the back cover).

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## DEFINITIONS OF KEY LEGAL TERMS

**Accusatorial or Adversarial System** (*Sistema Acusatorio*): A system in which a prosecutor and the lawyer representing the accused present their case before an impartial judge. This system is followed in some countries such as the UK and the USA. Unlike some European countries (such as France), judges are expected to be neutral and do not take an active role in investigating cases.

**Appeal** (*Recurso*): An opportunity to dispute a decision made at trial (either on guilt or on sentence) by asking a higher court to review it. This can result in the decision being overturned or changed.

**Bail** (*Libertad Bajo Fianza*): The temporary release from police custody or from prison of a person accused of a crime and awaiting trial. When the defendant is required to pay security money as a condition for his release, it is referred to as *fianza*.

**Bar Association** (*Colegio de Abogados*): An organisation whose role is to represent lawyers and help people in their dealings with lawyers.

**Charge** (*Acusación*): A written statement accusing a person of carrying out an offence.

**Consulate** (*Consulado*): The section of an embassy whose task is to assist its citizens.

**Court of Appeal** (*Tribunal de Apelación*): A court that is competent to hear appeals (i.e. challenges) made to decisions of the lower courts.

**Court of First Instance** (*Tribunal de Primera Instancia*): A lower court where a trial is initially heard.

**Embassy** (*Embajada*): The office of a government official who resides in a foreign country and represents his/her government's interests.

**European Court of Human Rights** (*Tribunal de Derechos Humanos*): The Court is based in Strasbourg, France, and hears human rights cases against the 47 countries which make up the Council of Europe (which is different from the European Union).

**House arrest** (*Arresto Domiciliario*): Detention at your home address or at the address of someone else, if accepted by the court.

**Inquisitorial System**: A system in which the judge plays an active role in conducting the investigations and seeking the truth. This system is followed in Spain and many other European countries (but not in the UK). Unlike in adversarial systems such as the UK and the USA, the role of the defence lawyer is to ensure that his/her client's rights are respected, but it is not to investigate the case. An important part of the trial can be based on written submissions.

**Investigative Judge** (*Juez de Instrucción*): A judge who performs an examining role and actively steers the course of a trial.

**Judge** (*Juez* or *Magistrado*): A person with authority to hear and decide on cases in a court of law.

**Judgment** (*Sentencia*): A decision on a case provided by a judge or jury in a court of law.

**Lawyer** (*Abogado/a*): A person whose profession is to give legal advice and assistance to clients and represent them in court or in other legal matters.

**Legal Aid** (*Asistencia Jurídica Gratuita*): Financial assistance provided to a person who needs a lawyer and who cannot afford to pay for one.

**Offences:** There are two categories of offences: petty crimes (*faltas* - which do not carry prison sentences and do not appear in your criminal record unless you re-offend three times) and serious crimes (*delitos* - which carry prison sentence and appear in your criminal record).

**Plea Bargain:** A procedure which allows the defendant to plead guilty in exchange for a less severe sentence. There is no such procedure in Spain.

**Police Custody** (*Custodia Policial / Detención*): Detention of a suspect by the police after arrest.

**Pre-trial Detention** (*Prisión Preventiva*): Detention in police custody or in prison during the investigations (and often during the trial itself as well), which happens before the decision on guilt or innocence is made by the court.

**Public Prosecutor** (*Fiscal*): A state lawyer who conducts a case against a person who is accused of a crime

**Remand:** The act of sending a person, accused of a crime, into police custody.

**Secret legal proceedings** (*Secreto de Sumario*): secret proceedings used when dealing with some serious offences.

**Sentence** (*Sentencia*): The punishment assigned to a person convicted of a crime as fixed by a court of law.

**Victim** (*Víctima*)

**Warrant** (*Orden Judicial*): A document issued by a legal or government official authorising the police to make an arrest, search premises, or carry out some other action relating to the administration of justice.

## INFORMATION ON CRIMINAL PROCEEDINGS AND DEFENCE RIGHTS IN SPAIN

**We have prepared these notes with the assistance of local criminal lawyers, who tried to describe how things happen in practice, i.e. in the real world. Even within one country, however, practice can vary a lot from one place to another and it is therefore possible that your experience will sometimes differ from the descriptions below. This document does not constitute legal advice and only provides general information. If you need advice in relation to your specific case, or if you are concerned about a possible violation of your rights, you should discuss this with your local lawyer.**

### 1. LEGAL SYSTEM

#### Q1. Where do the laws of Spain apply?

The laws of Spain apply within the territory of the kingdom regardless of the nationality of the accused. The Spanish territory includes the Balearic Islands (Majorca, Minorca, Ibiza, Formentera, etc.) and the Canary Islands (Gran Canaria, Tenerife, La Palma, etc.).

#### Q2. What kind of legal system is it?

The Spanish legal system is a civil law system which is very different from common law countries like England and Wales, the US and Australia. The criminal process is “inquisitorial”, meaning that an investigative judge (*Juez de Instrucción*) plays a role in the conduct of the investigations and is responsible for preparing the case for trial. The case is then passed onto a different judge

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who is responsible for hearing the case. This is very different to a common law country where the trial is a contest between the prosecution and defence (who present their own version of events) and where the judge acts as an independent referee and plays no role in investigating the case.

## **2. ARREST AND INVESTIGATION**

### **I. What are my rights upon arrest?**

#### **(a) Right to information:**

#### **Q3. Will the police inform me of my rights? Will this be done orally or in writing?**

Yes, the police will inform you of your rights orally and in writing (in a language you can understand) at the police station.

In a nutshell, these rights are:

- You have no obligation to make a statement to the police but you can agree to do so;
- You can refuse to answer one or more questions from the police;
- You can request not to make any statement until you are taken to court;
- You can obtain a lawyer of your choice, or request a state-appointed lawyer;
- You have the right to an interpreter;

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- You have the right to inform your consulate of your arrest if you wish to do so;
- You have the right to inform your family or friends of your arrest; and
- You have the right to see a doctor.

**Q4. Do I have a right to be informed of the allegations/charges against me?**

During police custody (which can last for up to 72 hours before you are taken to court) you will know very little about the case against you. You will only be informed briefly of the nature of the offence you are suspected of having committed.

During your first court appearance, you will be informed of the allegations against you in general terms and your lawyer will be given more detailed information. S/he will be allowed to see your case file, which contains all information available about the investigation so far.

**(b) Right to inform people:**

**Q5. Do I have a right to have the consulate informed of my arrest?**

As a foreign national you have the right to have your embassy or consulate informed of your arrest. In practice, the police will ask whether you want to have your consulate informed of your arrest, but they usually do not do it upon arrest. It can take five to 10 hours, or more, in very busy police stations.

**Q6. Do I have a right to inform my family of the arrest?**

You have the right to provide the name of a person you wish to be informed about your arrest, who can be told where you are being detained. The police will then call that person. If the call needs to be made in a foreign language, the police will have to wait for the interpreter to be present.

**Q7. Do I have a right to a lawyer?**

You have the right to nominate a lawyer of your own choice and to request his/her attendance during your police interview and identity check. If you do not appoint a lawyer, then a state lawyer will be automatically nominated to assist you.

**Q8. Do I have a right to a translator/interpreter?**

Yes, an interpreter should be appointed for you free of charge, but depending on the time and place of arrest you may not be offered an interpreter automatically. If you are not offered an interpreter, you can ask for one.

Legal aid in Spain does not normally cover most communications between a court appointed lawyer and his/her client.

**Q9. What is *detención incomunicada*, when can it happen and what impact does it have on my rights?**

All suspects detained in police custody have severe restrictions on their right to communicate with the

outside world. This will last for up to 72 hours, when you will be taken to court for the first time.

In addition, if you are accused of a very serious offence (e.g. terrorism), a special regime may apply to you during the first 13 days following your arrest. This is called *detención incomunicada* and means that you will not be allowed any communication with the outside world. During this period your rights will be severely curtailed (e.g. you will not be allowed to receive visits, notify family or friend of your arrest and where you are detained). You will not be able to appoint a lawyer of your own choice and will only be given access to a state appointed lawyer; this lawyer will not be allowed to meet with you in private, to speak to you directly, to ask questions, or to give you legal advice but s/he will be present during interviews.

**Q10. Do I have to talk to the police or can I remain silent during police interrogation? Will it work against me if I am silent?**

You will be informed of the following rights before the police ask you questions about your case (i.e. upon arrest or once you arrive at the police station):

- Not to make any statement if you do not wish to;
- Not to make any statement against yourself.;
- Not to plead guilty;
- Not to answer questions; and
- To declare that you will only testify before the judge.

In principle, choosing to remain silent should not affect your case (i.e. no negative consequences should arise from the decision); however, in practice things can be different.

You should always seek advice from a lawyer before speaking to the police. During police interview, your lawyer will be present but will not be allowed to give you any advice, so you will not be able to agree on the content of the statement.

The only way to be sure that your lawyer has a chance to advise you on the content of your statement is to ask to make a statement only to the judge, not to the police.

**Q11. When will I know about the case against me?**

You can access your file via the court registrar as soon as a judge orders your detention prior to the trial, or if you are released pending trial, when you receive your summons to attend trial. Summonses are usually sent three to 12 months before the trial.

However, for some serious offences, secret legal proceedings take place in Spain (known as *secreto de sumario*). These proceedings severely restrict the ability of your lawyer to access information about your case, including the nature of the charges against you and the evidence held against you.

This secrecy must be lifted at least 10 days before the closing of the investigations. The trial is likely to take place within six months after the closure of the investigations.

**Q12. How long can I be kept in prison before my trial starts?**

You can be detained for a maximum of 72 hours under police custody and then you have to be brought before a judge who will decide whether or not to order your detention until your trial.

If the judge decides to order your pre-trial detention, this may last up to two years, with a possible extension of another two years for serious offences. In practice, if you are charged with a terrorism related offence, then it is highly likely that your detention will be automatically extended to four years.

The Spanish legal system has often been criticised for the length of time people serve in pre-trial detention.

**3. LEGAL REPRESENTATION**

For general information on how to appoint a lawyer, please refer to FTI's "Arrested in Another Country" leaflet.

**Q13. How can I find a lawyer?**

If you do not have a lawyer at the time of your arrest, a state lawyer will be appointed for you. You will then be able to change lawyer and appoint a private lawyer. Spanish lawyers are members of the Spanish Bar Association (ICA). See FTI's useful links attached to this note for contact details.

Fair Trials International and your consulate may also be able to provide you with names of criminal lawyers.

**Q14. What is the role of my lawyer? Will s/he investigate the case?**

In Spain, defence lawyers do not investigate. Your lawyer will provide you with legal advice and will, if needed, represent your case in court. S/he has no power to conduct investigations of his/her own, but can ask the judge to order specific investigations, such as arranging to search given premises or asking a witness to attend court.

**Q15. I cannot afford to pay for a private lawyer, what should I do?**

If you cannot afford a lawyer, then a lawyer will be assigned to you by the state (note that you will be asked to provide evidence of your income and will only be eligible for legal aid if you earn less than a given amount (at the end of 2012 this was approximately 532 Euros a month, so approximately \$688 or £428)). You will not be eligible for legal aid if your combined family income is more than 1,064 Euros per month.

Lawyers are appointed from a list of legal aid lawyers and in general, you do not get to choose your own court appointed lawyer.

**Q16. I am unhappy with my lawyer, how can I change lawyer? How can I complain about my lawyer?**

A good first step is to speak to your lawyer about your concerns. If that does not resolve the issue, you can

complain about your lawyer and seek to have another lawyer appointed.

You have a general right to instruct a lawyer of your choice. As a result, if you have appointed your lawyer privately (i.e. you pay fees) then you have a right to change lawyer.

However, if the state provides a lawyer for you and you do not pay for his/her services, it is more difficult to change lawyer. You will have to give good reasons to the court (e.g. there is a clear conflict, your lawyer does not follow your instructions or he does not represent your best interests). The decision to appoint a different legal aid lawyer is at the discretion of the court.

If you decide to complain against your lawyer, you can address your complaint to the president of the bar association of which your lawyer is a member (see our useful links section for the contact details).

## **4. PRE-TRIAL MATTERS**

### **4.1 Pre-trial Matters: Detention**

The information given below is specific to Spain. For general information and tips about how to obtain your release prior to your trial, please refer to note on “Release pending trial”.



**Q17. Will I have to stay in prison until my trial starts?**

You may have to stay in prison until your trial starts. Although there is a presumption that people should be given bail (i.e. should be released pending your trial) in many cases defendants, particularly when they are foreign nationals, are kept in custody.

Reasons for keeping people in custody in Spain are to prevent them from:

- (1) Failing to attend their trial (i.e. absconding);
- (2) Tampering evidence or interfering with witnesses;
- (3) Committing another offence; or
- (4) Being a danger to themselves or others.

The judge who considers whether or not to order your detention prior to your trial will also assess whether there is a reasonable suspicion that you have committed the offence.

**Q18. Are there alternatives to detention pending trial?**

Yes, there are alternatives to detention prior to your trial. Detention at this stage should in principle be the exception, not the rule.

You can be released pending your trial with or without conditions. Conditions that may be imposed include:

- An order that you do not go to certain places;

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- A requirement to report at specified times to specific authorities (usually the police station);
- An obligation to avoid contact with specific persons;
- An obligation not to drive a vehicle;
- An obligation to pay a financial surety, or security (i.e. a sum of money that will be returned to you if you do not abscond); or
- An obligation to undergo treatment for addiction (to drugs or alcohol).

Alternatively, you can also be placed under house arrest (*prisión atenuada*) (i.e. detention at your home address or at the address of someone else, if accepted by the court). This is usually granted to people who are in poor health and who would not receive adequate care in prison.

**Q19. How and when can I apply for release while waiting for trial?**

You may apply for release pending your trial at any time. The application needs to be submitted by your lawyer to the court which is in charge of your case.

**Q20. Can I go back to my home country while on bail?**

There is no general prohibition on going back to your country but often the conditions imposed on you when you are released pending trial will make it impossible (e.g. you have surrendered your passport, you need to

sign in at police station every day, or you have to stay in a given Spanish town, etc.).

**Q21. What will happen if I breach my bail conditions?**

You will be arrested and sent to prison.

**Q22. Do I need a lawyer to apply for release pending trial?**

In Spain, all detainees have a lawyer prior to their trial. It is the role of their lawyer to prepare their application for release pending trial. If your lawyer refuses to help you with this application and does not seem to have good reasons to refuse, then you would have a good reason to change lawyer.

**4.2 Pre-trial matters: Timing**

**Q23. How long before my case goes to trial?**

It is almost impossible to give an indication in this respect since the duration of the investigation depends on the facts and circumstances of the case, as well as on the backlog (if any) of the court. In practice, it often takes several years before a case goes to trial.

If you have been charged with a minor offence (*falta*), you may be subject to fast track proceedings (*juicio rápido*), in which case, your hearing may take place within several days of your arrest.

**Q24. How often will the decision to keep me in custody be reviewed?**

The judge is able to change the decision on bail at any point in the case when there is a change of circumstances. Such a decision can be appealed within 30 days.

**Q25. There are always delays with my case, does that mean my lawyer is doing a bad job?**

No, delays are usually due to the complexity of the case, or backlogs of the court. Sometimes your lawyer may even ask for more time, in order to better prepare your defence.

**4.3 Pre-trial matters: pleading guilty**

**Q26. Can I plead guilty? What are the consequences of pleading guilty?**

You can plead guilty, but you should always seek advice from your lawyer before making any confession or admission of guilt to the police, prosecutor or judge.

Your lawyer may be able to reach an agreement with the Public Prosecutor as a result of which the sentence handed down could be lighter. In such cases, you appear at court to ratify your plea and the sentence.

**5. THE TRIAL**

**Q27. What happens at the trial?**

When the trial begins, the judge will interrogate you (he will ask for your name, etc). Then, the victim (who can

play a role in criminal proceedings, as explained below) may talk. Afterwards, the public prosecutor will present his/her case and finally you (and/or your lawyer) will be given the opportunity to rebut the allegations of the victim(s) and/or of the public prosecutor.

At this stage, your lawyer can call witnesses. There is no limit to the number of witnesses s/he can call, but s/he must have informed the judge in advance. Your lawyer will be required to prove that the statements of his/her witnesses are relevant to your case. S/he can also cross-examine prosecution witnesses and the victim.

Depending on the nature of the offence, the trial may be by jury (for serious offences), by a court composed of a panel of three judges or, if an offence carries a sentence of less than five years, by a single judge.

**Q28. Do I have to be present?**

Yes, in principle, you have to be present. However, Spanish criminal law allows for circumstances in which this is not required.

**Q29. Can I ask for the trial to take place in my home country?**

No.

**Q30. Is there a jury?**

Jury trial is recent in Spain and is not used very often. In practice, it is mainly used for violent cases such as murder, manslaughter etc. Drug offences and sexual offences are not tried by a jury.

Even when there is a jury, the decision reached by the jury can be overturned by the judge.

You should ask your lawyer whether your case is likely to be tried by jury.

**Q31. I don't speak the language of the court, do I have a right to an interpreter? Is it free?**

Yes, you have the right to an interpreter, free of charge, who should be present at all hearings. Sadly, in practice this right is often violated. If you need an interpreter and there is none present at your hearing, you can ask your lawyer to request one, or to ask for the postponement of the case until an interpreter is appointed.

**Q32. Will the written evidence be translated for me?**

You do not have a right to have any evidence translated into your mother tongue. The only document that will be translated for you is the summons to appear to court; nothing else (i.e. not even the court decision).

It is, however, possible to have as many documents as you wish translated into your mother tongue if you can arrange this translation directly. You will have to pay for it.

**Q33. Will the interpreter also help me if I need to talk to my lawyer?**

Not necessarily as it is not part of his/her duties but, in practice, interpreters usually agree to help out if you want to have a quick conversation with your lawyer during the hearing. You should, in theory, also have an

interpreter present when your lawyer visits you in prison, but this is not always the case in reality.

**Q34. Why is the victim taking part in the trial?**

Victims are often called as witnesses.

In Spain victims can appoint lawyers to act as private prosecutors (*acusación particular*), i.e. they can bring an action against the suspect on their behalf, and in practice, this happens very often. In addition, if the alleged offence has caused damages to the victim, the criminal court can order damages to be paid to the victim without the need for a separate legal case on the civil courts.

Victims often decide to take an active part in the trial, but they have no obligation to do so.

**Q35. Will I be informed of the decision of the court on the day of the trial?**

Not necessarily. The judgment is supposed to be handed down within five days following the completion of the trial. However, in practice, the decision often takes weeks to be made available because it is in writing.

The situation is different if you are tried by a jury, as their verdict will be given to you as soon as they reach a decision.

**Q36. Can I receive a copy of the judgment in my mother tongue?**

Although this is a right in theory, it often does not happen in practice. Your lawyer should however fight for your right to be respected and s/he should help you obtain such a translation.

**Q37. I was tried in my absence and was not informed of this, what can I do?**

In general, this cannot occur and the trial will be suspended if you have not received the notification to attend, or do not attend the trial.

If it is a trial with several co-defendants however, then the trial could continue in your absence and a decision will be made against you, which you will be able to appeal.

**6. APPEALS**

**Q38. I am not happy with the decision, can I appeal against it?**

Yes, you can appeal against your conviction and sentence. Time frames vary (from five to 15 days) but are always very short.

It is very important that you inform your lawyer as soon as possible of your intention to appeal, and that you seek his/her advice, as deadlines are easily missed.



**Q39. How can I appeal?**

Your lawyer must lodge the statement of appeal with the court that issued the decision.

You need to explain the grounds on which your appeal is based (e.g. breaches of rules and procedural safeguards, error in the assessment of the evidence or violation of rules legal system, etc.)

**Q40. Do I need to pay my lawyer more money if there is an appeal?**

Yes, an appeal will usually cost you more money, unless you initially agreed with your lawyer that his/her fees will cover an appeal.

If you have a state appointed lawyer, s/he will be able to assist you with your appeal.

**Q41. What is the time frame for the appeal to take place?**

It depends on both the complexity of the case and the workload of the court. An appeal can take any time between three and 12 months.

**Q42. Could things get worse during the appeal?**

Things cannot get worse if you are the only one to appeal. If the state prosecutor or the victim (who is also called private prosecutor) also appeals, then you can be given a longer sentence.

**Q43. If I am acquitted, can the prosecution appeal?**

Yes. If you were acquitted and the prosecutor appeals against your acquittal, then you remain free until the appeal court makes its decision.

Non-nationals are free to leave the country during this period.

**7. PRISON CONDITIONS**

**Q44. What are the prison conditions like?**

Condition varies between prisons. Your lawyer or your consulate should be able to provide you with information on prison conditions. You can also refer to local organisations listed in our useful links section.

**Q45. Do I have rights as a prisoner? Where can I find out about my rights?**

Yes, prisoners have rights and you should be given a document outlining your rights when you are first taken to prison. If you are not given your own copy, you should at least be able to consult a copy in prison.

**Q46. What can I do if my rights are violated?**

You can complain to the governing body of the prison or, if the violation is severe, initiate urgent court proceedings to obtain a judgment ordering that the violation ceases. It is advisable that you inform your

lawyer and your consulate of any violations of your rights.

**Q47. Where can I get assistance regarding my welfare issues? Regarding abuse and mistreatment?**

You can approach the ombudsman. You may also receive free assistance from the local bar association (ask the prison staff when you can meet them, as they usually visit prisons on a regular basis).

**8. POST-TRIAL MATTERS**

**Q48. Can I get my sentence reduced?**

This can be achieved through normal appeals discussed above. Once your sentence is final you may be eligible for early release (see below).

**Q49. What would help me get an early release?**

It is sometimes possible, in cases of good behaviour or community work.

Detention conditions ease over time, and you may progressively be offered some leave from prison, and then be placed in an open prison before being eventually granted parole.

**Q50. I have been sentenced to pay a fine, what will happen if I don't pay it?**

You will be subject to "subsidiary personal liability" (i.e. you will be required to serve time in prison in lieu of the fine – *prison substitutoria*).

**Q51. Can I ask for a transfer to my home country?**

Yes you can apply for a transfer. Transfers are at the discretion of the two governments involved and are usually only possible if Spain and your home country are bound by a treaty dealing with this matter.

For more information on prisoner transfers, please request FTI's note on prisoner transfers.

**Q52. I have exhausted all legal remedies, is it still possible to get my case reviewed?**

Yes, in certain circumstances you can request a review of your case, but this is extremely rare. This may be possible if new evidence is found in relation to your case, or if the European Court of Human Rights has declared that your rights were violated by Spain during the initial proceedings.

**Q53. I have exhausted all legal remedies; can I apply for a pardon?**

Yes, you can apply for a pardon from the King. You need to address your letter to the Minister of Justice. Pardons are discretionary and in practice very rare.

Pardons can either be complete or partial (in such case, you get a reduction of your sentence).

You do not need a lawyer to apply for a pardon.

**Q54. Can I be expelled instead of serving my sentence?**

Usually, you cannot. However, this is something that you should discuss with your lawyer as there are exceptions to this rule.

**Q55. Is there a risk that I will be deported after serving my sentence?**

Yes, this is something you should discuss with your local lawyer as it will depend on your nationality, the offence you have committed etc.

## USEFUL LINKS

ORGANISATION	MANDATE	CONTACT DETAILS
<b>LAW GOVERNING BODIES</b>		
<b>National Bar Association</b>	<p><u>Mandate:</u></p> <p>The National Bar Association is the Approved Regulator of the Bars of Spain. It represents the profession at a national level. It derives its authority from statute. However, the local bar associations hold most of the regulatory powers. The CGAE is the body responsible for ordering the professional practice of lawyers and safeguarding the prestige of the profession.</p> <p><u>Criteria to receive assistance:</u></p> <p>National Bar : None</p> <p><u>Languages:</u></p> <p>Website is in Spanish.</p>	<p><u>Website:</u></p> <p><a href="http://www.cgae.es">www.cgae.es</a></p> <p>T: +34 91 5232593</p> <p>F: +34 91 5327836</p> <p>E: <a href="mailto:informacion@cgae.es">informacion@cgae.es</a></p> <p>Paseo de Recoletos, 13 28004 Madrid</p>
<b>Local Bar Associations</b>	<p><u>Mandate:</u></p> <p>In Spain, most of the regulatory powers on the legal profession is held by local bar associations.</p> <p><u>Cost:</u></p> <p>Free</p>	<p><b>Madrid :</b></p> <p><a href="http://www.icam.es">www.icam.es</a></p> <p>T: +34 91 788 93 80</p> <p>Calle Serrano, 9-11 28001 Madrid</p> <p><b>Barcelona :</b></p> <p><a href="http://www.icab.cat">http://www.icab.cat</a></p> <p>T : +34 934 96 18 80</p> <p>Carrer de Mallorca,</p>

ORGANISATION	MANDATE	CONTACT DETAILS
		<p>283 Barcelona</p> <p><b>Alicante :</b></p> <p><a href="http://www.icali.es">www.icali.es</a></p> <p>T: +34 965 14 51 80</p> <p>Alberola 36, Bajo 03007 Alicante</p> <p><b>Malaga:</b></p> <p><a href="http://www.icamalaga.es">www.icamalaga.es</a></p> <p>T: +34 951 01 79 00</p> <p>Paseo de la Farola, 13 29016 Malaga</p> <p><b>Gran Canaria:</b></p> <p><a href="http://www.colegiodeabogad&lt;br/&gt;osdelaspalmas.com">www.colegiodeabogad osdelaspalmas.com</a></p> <p>T: +34 928 31 02 00</p> <p>Plaza de San Agustín 3, 35001 Las Palmas de Gran Canaria</p> <p><b>Balearic Islands :</b></p> <p><a href="http://www.icaib.org">www.icaib.org</a></p> <p>T : +34 971 88 37 04</p> <p>Carrer de Pius XII, 7, 07300 Inca, Illes Balears</p>

ORGANISATION	MANDATE	CONTACT DETAILS
<p><b>Inmate Legal Assistance (Madrid Local Bar)</b></p>	<p><u>Mandate:</u></p> <p>The Inmate Legal Assistance Board, situated in Madrid is the focus point for all matters dealing with arrest, imprisonment and the review of complaints concerning inmates.</p> <p><u>Criteria to receive assistance:</u></p> <p>None.</p> <p><u>Cost:</u></p> <p>Free but a fee is payable in certain circumstances – see website for further details.</p> <p><u>Additional information:</u></p> <p>List of lawyers and links to other useful sites.</p> <p><u>Languages:</u></p> <p>Website in Spanish. No mention of other languages.</p>	<p><u>Website:</u></p> <p><a href="http://www.icam.es/web3/cache/NS_TO_cf_a1d.html">http://www.icam.es/web3/cache/NS_TO_cf_a1d.html</a></p> <p>T: +34 91 788 93 84</p> <p>F: +34 91 576 15 10</p> <p>C/. Serrano, 9-11 28001 – Madrid Espana</p> <p><u>Opening hours:</u></p> <p>Monday to Friday: 08:00 to 20:00 Saturday: 09:00 to 13:45 from 1 October to 31 May</p>



ORGANISATION	MANDATE	CONTACT DETAILS
<p><b>Legal Advice Service Board (Madrid Local Bar)</b></p>	<p><u>Mandate:</u></p> <p>The Legal Advice Services Board works in partnership with lawyers and the residents of the province in order to ensure that people receive comprehensive legal advice concerning a wide range of problems.</p> <p><u>Criteria to receive assistance:</u></p> <p>None to be identified from website.</p> <p><u>Cost:</u></p> <p>Free</p> <p><u>Additional information:</u></p> <p>For information on how to get government subsidy or free legal advice, you should visit the Directgov website: <a href="http://www.soj@icam.es">www.soj@icam.es</a></p> <p><u>Languages:</u></p> <p>Website in Spanish. No mention of other languages.</p>	<p>E: <a href="mailto:soj@icam.es">soj@icam.es</a></p> <p><u>Website:</u></p> <p><a href="http://www.icams.es">www.icams.es</a></p> <p>T: +34 91 435 78 10</p> <p>C/. Serrano, 9-11 28001-Madrid Espana</p> <p><u>Opening Hours:</u></p> <p>Monday to Friday: 08:00 to 20:00 Saturday: 09:00 to 13:45 from 1 October to 31 May</p>
<p><b>Centre for Social Responsibility of Lawyers – Carabanchel (Madrid Local Bar)</b></p>	<p><u>Mandate:</u></p> <p>There are various centres in Spain that deal with maintaining the integrity of the legal profession. All complaints should be submitted to the Centre for Social Responsibility of Lawyers. There are numerous centres, and as such, the mentioned website should be referred to in order to locate the correct centre.</p>	<p><u>Website:</u></p> <p><a href="http://www.icam.es/web3/cache/VU_SO_cfa_soj.html#ancla2">http://www.icam.es/web3/cache/VU_SO_cfa_soj.html#ancla2</a></p> <p>T: 0034 91 565 59 20 (for a private consultation)</p> <p>C/ Eduardo Rivas, 16 - Madrid</p>

ORGANISATION	MANDATE	CONTACT DETAILS
	<p><u>Cost:</u> Free</p> <p><u>Languages:</u> Website in Spanish. No mention of other languages.</p>	
<p><b>National Spanish Police Force &amp; Complaints</b></p>	<p><u>Mandate:</u> All forms of crime can be reported at the National Police Stations, and all complaints (specifically dealing with police complaints) are lodged at the same. Can be done via internet, phone or personally. All details on the webpage.</p> <p><u>Criteria to receive assistance:</u> You must have been subject to/affected by/witness of the behaviour of the police you want to complain about.</p> <p><u>Cost:</u> Free</p> <p><u>Additional information:</u> Ranging from documents, complaints, assistance, investigating and specific assistance to foreign nationals.</p> <p><u>Languages:</u> Spanish, English and French.</p>	<p><u>Website:</u> <a href="http://www.policia.es/colabora.php">http://www.policia.es/colabora.php</a></p> <p>T: +34 902 102 112</p> <p>All contact/address information for all of Spain's National Police Stations can be found on the main webpage.</p>
<p><b>The Spanish Ombudsman</b></p>	<p><u>Mandate:</u> The Defensor del Pueblo, at the</p>	<p><u>Website:</u> <a href="http://www.defensordelpueblo.es">www.defensordelpueblo</a></p>

ORGANISATION	MANDATE	CONTACT DETAILS
<p><b>(Defensor del Pueblo)</b></p>	<p>request of the complainant may investigate any alleged misconduct by public authorities, and sometimes intervene in cases where the complaint has been filed. The Defensor del Pueblo also has the responsibility of detecting problems regarding the ill-treatment in detention centres.</p> <p><u>Cost:</u> Free</p> <p><u>Languages:</u> Website available in Spanish, English, French, Catalan, Basque, Galician and Valencian</p>	<p><a href="http://o.es">o.es</a></p> <p>T: +34 91 432 7900</p> <p>Calle Zurbano 42, 28010 Madrid</p>

ORGANISATION	MANDATE	CONTACT DETAILS
<b>HUMAN RIGHTS</b>		
<b>Amnesty International (Spain)</b>	<p><u>Mandate:</u></p> <p>Amnesty International is a campaigning organisation. Its aim is to protect people wherever justice, fairness, freedom and truth are denied. All campaigns differ from country to country.</p> <p><u>Criteria to receive assistance:</u></p> <p>If you have concerns about human rights issues in any particular country, or wish to report instances of human rights abuse, you should contact the Amnesty International Secretariat which is the research and policy headquarters, based in London.</p> <p><u>Cost:</u></p> <p>Free.</p> <p><u>Additional information:</u></p> <p>For general enquiries, call the helpline.</p> <p><u>Languages:</u></p> <p>Operates in the majority of countries worldwide and has local websites which contain similar information.</p> <p>Website in English or Welsh. Publications are available in different languages, including: Arabic, Chinese, Welsh, Polish, Latvian, Lithuanian, Russian, Tamil, Punjabi, Farsi, Urdu, and Gujarati.</p>	<p><u>Website:</u></p> <p><a href="http://www.es.amnesty.org/index.php">http://www.es.amnesty.org/index.php</a></p> <p>E: <a href="mailto:info@es.amnesty.org">info@es.amnesty.org</a></p> <p>T: 0034 91 310 1277</p> <p>F: 91 319 5334</p> <p>Fernando VI, 8, 1º Izda Madrid 28004 ES</p>

ORGANISATION	MANDATE	CONTACT DETAILS
<b>BRITISH PRISONERS</b>		
<b>Prisoners Abroad</b>	<p><u>Mandate:</u></p> <p>Prisoners Abroad is a small UK-based charity dedicated to supporting British citizens imprisoned overseas. They also provide assistance to those affected by imprisonment, and help ex-prisoners start a new life free of crime after their release.</p> <p><u>Criteria to receive assistance:</u></p> <p>The person in prison must be a British Citizen – that is they hold a full British passport – and they must not hold a passport for the country in which they are detained.</p> <p><u>Cost:</u></p> <p>Free</p> <p><u>Additional information:</u></p> <p>For prisoners, PA can make grant payments for food and other essentials, depending on where they are held and what other support they receive. PA can send magazines and newspapers, information about prison and their rights, and PA may be able to help if they need medical treatment in prison.</p> <p><u>Languages:</u></p> <p>English</p>	<p><u>Website:</u></p> <p>www.prisonersabroad.org.uk/</p> <p>E:info@prisonersabroad.org.uk</p> <p>T: 020 7561 6820</p> <p>Helpline: 0808 172 0098 (this is free from all UK landlines)</p> <p>F: 020 7561 6821</p> <p>Prisoners Abroad 89-93 Fonthill Road Finsbury Park London N4 3JH</p> <p><u>Opening hours:</u></p> <p>10am-4pm, Monday to Friday</p>

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**If you think that an important question is not covered in this fact sheet, please let us know.**

# FAIR TRIALS INTERNATIONAL

**Working for a world where every person's right to a  
fair trial is respected, whatever their nationality,  
wherever they are accused**

## THANK YOU

Fair Trials International would like to thank the law firms and individual practitioners, both in the UK and abroad, who have generously given their time and expertise to help produce these legal guidance notes.

Fair Trials is grateful to all of its funders, including:



Co-funded by the European Union

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