

7 FAM 430 TRIAL

(TL:CON-11; 10-30-84)

7 FAM 431 ATTENDANCE

Each post should determine, on the basis of local judicial procedures, and other pertinent factors, whether it is necessary or desirable for an officer to attend the trial of a U.S. citizen prisoner. The main purpose of such attendance is to insure that there is no discrimination against the U.S. citizen on the basis of U.S. nationality, either in procedure or sentence. Whenever a post believes that such discrimination might occur, it is essential that a consular officer attend the trial.

7 FAM 431.1 Attendance by Local Employee

While it may be helpful in some cases to have a Foreign Service national employee attend the trial along with the consular officer to translate or to explain local procedure, the national employee's attendance cannot substitute for that of the consular officer.

7 FAM 431.2 Discrimination Protests

Whenever it is determined that a U.S. citizen has been a victim of discrimination, the details should be brought to the immediate attention of the highest levels of the Mission and reported promptly to the Department, indicating what action is proposed or has been taken to protest the discrimination.

7 FAM 431.3 Requests by Defendant or Family

Even when the post determines that discrimination is unlikely, every reasonable effort should be made to comply with requests by defendants or their families for trial attendance by an officer.

7 FAM 432 REPORTING

The post should promptly report to the Department the sentence received by a convicted U.S. citizen. If incarceration after sentencing will be in a different institution, the change should also be reported. If in this or any other circumstance a prisoner is moved to a different consular district, the post's file should be transferred to the U.S. consular office in that district and the Department (CA/OCS/EMR) notified.

7 FAM 433 APPEALS

Whenever a convicted U.S. citizen has an appeal pending before the courts, the consular officer should continue to be available to perform liaison services with the prisoner's lawyer and judicial authorities. Officers must scrupulously avoid offering advice to a convicted prisoner on whether the prisoner should file an appeal.

7 FAM 434 GIVING TESTIMONY

A consular officer may not give testimony in a foreign court without the express authorization of the Department of State. In the Department the Office of Legal Advisor (L) is responsible for granting or refusing such authorization, and any messages related to requests for testimony by a consular officer should be addressed to that office, with information copy to CA/OCS/EMR.

7 FAM 435 THROUGH 439 UNASSIGNED