



U.S. EMBASSY KUALA LUMPUR, MALAYSIA Consular Section, American Citizen Services Unit

Guide for U.S. Citizens Arrested in Malaysia

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Initial Arrest Information

If a U.S. citizen is arrested in Malaysia, he or she should ask the local authorities to immediately notify the U.S. Embassy in Kuala Lumpur. The Malaysian authorities usually notify the U.S. Embassy in writing; the notification can take two-three business days or longer to reach us. Friends, relatives, or the arresting office may inform the U.S. Embassy more quickly. Once the U.S. Embassy receives notification of the arrest, we will apply for permission to visit you as soon as possible. It may take two-three days for permission to be approved. A U.S. consular officer is not allowed to visit an arrested U.S. citizen after business hours, on weekends, or on Malaysian public holidays, pursuant to Malaysian regulations.

After you are arrested, the arresting authority, typically either the Royal Malaysia Police or Malaysian Immigration Department, must produce you before a Magistrate within 24 hours to apply for a remand period, or on the next business day following a public holiday. You will remain in police custody until the police bring you before a Magistrate. The remand period gives the police more time to complete their investigation and determine whether there is sufficient evidence to charge you with an offense. The police must satisfy the Magistrate that the remand is necessary. The police must show that their investigation cannot be completed unless remand is granted and there are reasons for believing that the accusation or information against you is well-founded. A remand period may not exceed 14 days, including the day of arrest. Within the remand period, you must be charged with an offense or released. In serious cases, including offenses with mandatory death penalty, the remand period can be extended as required while the investigation is carried out.



The U.S. Embassy's Role

The U.S. Embassy will make every effort to ensure that U.S. citizens are treated in accordance with Malaysian laws and regulations. To that end, in the event that a U.S. citizen is arrested, the U.S. Embassy may provide the following services:

- With your written consent, we may contact your family and/or friends to deliver messages;
- Help facilitate family and friends in sending you money if they are unable to send you money directly;
- We can provide a list of local lawyers;
- During your imprisonment, a consular officer will conduct occasional visits to monitor your welfare and circumstances. This helps to ensure that officials are providing you appropriate medical care;
- If you are unable to obtain necessary medical care, we may be able to request and help you obtain treatment;
- If you have been mistreated or abused, we can contact the appropriate authorities to investigate the allegations.

How to Obtain Legal Representation in Malaysia

While the U.S. Embassy cannot recommend a particular lawyer or law firm, we can provide you with a list of local lawyers who have shown interest in representing U.S. citizens. The U.S. Embassy does not vouch for the integrity, competence, or ability of the people on the list. The U.S. Embassy cannot provide you with legal advice or represent you in court, serve as your official interpreters or translators, or pay your legal fees.

When you hire a legal representative, it is recommended that you obtain a written contract specifying the exact amount that the lawyer expects to receive for his/her services. Once you have legal representation, we ask that you provide us with the contact information so we monitor your case.



Life in a prison in Malaysia

Malaysian prisons do not have all the services available in U.S. prisons. Prisons in Malaysia are overpopulated and often you will likely share a cell. Normally you will be with the general population of the prison block. However, when you return from court or from hospital, you will be placed in quarantine block for up to 14 days. During this period, you will have limited access to prison facilities and you will not be allowed visitors, except from the U.S. Embassy. When the quarantine period ends, you will return to your usual block.

You will be provided three meals a day, and if you have money in your prison account, you can purchase extra food. If you are sick, inform the prison guards and they will arrange for the prison medical officer to examine you. The prison medical officer will determine if you should receive further treatment or prescribe additional medication. In some cases, the prison will send you to a government hospital for further treatment. In prison, you can purchase a telephone card and register up to five contact telephone numbers on your prison record. You can then request to contact any of the five registered telephone numbers. It is advisable to put the U.S. Embassy as one of the registered telephone numbers.

CONTACT INFORMATION FOR THE U.S. EMBASSY KUALA LUMPUR

American Citizen Services (ACS) Unit
Consular Section
U.S. Embassy
376 Jalan Tun Razak
50400 Kuala Lumpur

Tel: +603 2168 5000
Email: KLACS@state.gov