

Faslane 365

Legal Briefing for Internationals

This briefing contains additional information for non-UK nationals and residents who might be risking arrest as part of a Faslane 365 blockading group. You should also read the general legal briefing (in the Resource Pack and on www.faslane365.org/legal) — this briefing only covers what is different or extra for internationals.

Who Is An International?

In our experience, the authorities in Scotland treat anyone *resident* outside the UK as an international, even if they are British citizens. Our experience in the past has been that foreign nationals legally resident in the UK would normally be treated the same as any other UK resident and that deportation is not an issue. However, there has been a fuss recently in the media about “foreign criminals” and the government has said they will be looking at increased use of deportation should foreign nationals be convicted of crimes in the UK. We do not believe that this would apply at this minor a level of offence but we don't know for certain as it has not yet been implemented. Check www.faslane365.org/legal for updates.

How Are Internationals Treated Differently?

In the past, Internationals have often been treated exactly the same as UK residents. On occasion however, there have been differences. One is that sometimes Internationals are more likely to be held for court and released on bail rather than just released from the police office. On occasion they have asked all internationals to sign undertakings, and held those that refused for court the next day.

Should I Carry My Passport?

There is no requirement to carry ID in the UK, even for internationals (although you will need a passport to get in, even from other EU countries). If you don't want to carry your passport on the action then we recommend you make sure someone who is not planning to risk arrest has your passport and that your legal support team know who that is. While it has not been necessary recently, there have been occasions in the past when the police have claimed that they are unable to verify foreign addresses and require proof of ID before releasing internationals.

What If I Don't Understand the Police Officers or Court?

You have a right to an interpreter, either in the Police Office or in Court. This applies even if your English is good enough for everyday use — there is a specific language to legal proceedings and often some strong accents amongst police officers so don't be afraid to ask for an interpreter at any stage — you have the right to one, so keep asking if necessary. However, it's a good idea to ask as early as possible so that proceedings aren't delayed while they find one.

Will My Embassy Be Informed if I'm Arrested?

You have the right to have your Embassy or Consulate informed that you have been arrested. For some countries, the police will inform them anyway, even if you don't ask while for others they only inform them if you request it. If you need an interpreter, that may be arranged through the Embassy, so they may find out then.

Will I be Arrested/Extradited From Home if I Miss a Court Hearing?

Not for simple blockading — it's not serious enough to make international arrests an option. However, you will end up with a warrant out for you in the UK and so you may be picked up at the port coming back into the UK in the future. If you missed a court hearing then the warrant may eventually be dropped. If you have been convicted and not paid the fine then the warrant may last much longer.

Do I Need a UK "Bail Address"?

Often people with addresses outside the UK will just be released like everyone else. There was a previous blockade where they wanted all Internationals to sign Undertakings, and many chose to give a UK address on arrest so as to avoid this. If it comes to holding people for court and putting them on bail then the Helensburgh court has accepted foreign addresses but the courts sometimes refuse to bail people to a non-UK address.

If you live abroad, it would be a good idea to have a UK address you can use if you need to. It's your decision whether to give it on arrest or to make the point that you've come from abroad by giving your foreign address and hold the UK address in reserve in case you need it for bail.

If you give an address on arrest then they will try to verify it. One way they sometimes do this, with UK addresses, is to ask the local police to go round and ask if you live there, or to telephone the address if you give them a phone number. If you give a UK address, therefore, you need to check with the people who live there to make sure it's OK and that everyone who lives there knows that you live there. Any citations, etc. will get sent to that address so you need to make sure you have a system for getting them sent on to you, if you move.