

ARRESTED IN ANOTHER COUNTRY?

This leaflet covers:

- Do's and Don'ts after arrest
- How to get local legal advice?
- How to get the best out of your lawyer?
- How to get support from other sources?

This booklet is also available in French, German and Spanish.
It 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).

Fair Trials International is a registered charity (No 1134586) and is registered with limited liability in

England and Wales (No 7135273). We are a non-governmental organisation; as such, we are a wholly separate and independent organisation from the Foreign and Commonwealth Office.

If you require this leaflet in large print, please contact us at the address on the back cover.

ABOUT THE BOOKLET

Fair Trials International is a charity that seeks to assist people facing charges outside their own country to defend their right to a fair trial.

This document draws on Fair Trials International's long experience of working on these cases. It offers straightforward practical answers to some of the questions we are most frequently asked by people arrested abroad and by their friends and relatives at home. However, you should note that the information and advice contained in this document is not intended as legal advice – it is only generic information that may be helpful to you. You should always seek legal advice from a lawyer that is qualified to practice in the country or jurisdiction you are in.

It provides general guidance on:

- Do's and Don'ts after arrest;
- How to get local legal advice and how to get the best out of your lawyer; and
- How to get support from other sources.

Every country has its own laws and procedures. The legal system in the country where you are charged may be very different from the one at home. Because every case is different and legal systems around the world vary so much, we cannot guarantee that the information provided in the leaflet is applicable to your own case.

Getting good local legal advice as quickly as possible is extremely important.

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DO's AND DON'TS AFTER ARREST

Q1. I have been arrested abroad. What should I do?

1.1 Know your rights

Your rights upon arrest will depend on the laws and practices of the country you have been arrested in. Your first step after arrest must be to get information about these rights:

- Ask arresting officers to explain your rights to you in a language you understand.
- Ask for a written statement of your rights in your own language. This may not always be available as not every country provides written information on rights.
- When necessary, ask questions to clarify your rights with the arresting officer, or your lawyer when you speak to him/her. For example, you should ask:
 - Do I have a right to a lawyer? Will the state provide me with a lawyer and pay for this?
 - When can I see my lawyer?
 - Do I have a right to remain silent during police interrogation? Could my silence be used against me in the criminal proceedings, for example, referred to at my trial?
 - Do I have a right to a state-funded interpreter and to a translation of all (or some) written documents from the time of my arrest?

- What right do I have to consular assistance?
- Do I have a right to contact my family?
- How long can I be held by the police before I will be taken before a judge?

Your consulate or embassy should be notified of your arrest. You should clarify the following with arresting officers:

- Has your embassy been notified of your arrest?
- If not, when and how will your embassy be notified of your arrest?
- Can you contact your embassy?
- Will they be allowed to visit you?

1.2 Share important details of your arrest with friends and/or family

If you can contact your family make sure you tell them anything important, including:

- Date and place of arrest;
- Where you are being detained (include your prisoner number if possible);
- The names of arresting officers (if possible);
- The reason for your arrest and charges against you;
- Important dates and time-limits in your case (see below);

- The name and contact details of your lawyer (if you have one) and of your consular representative.

(Please Note: In some countries you may not be able to share this information with family members. If this is the case pass these details on to someone you can trust to forward to your family (this may sometimes include your prison social worker, your consular representative or your lawyer).

Decide which family member will be in charge of your case and will be the main point of contact for your lawyer or others that may be helping you. You should also agree what decisions you are happy for them to take on your behalf. This may be particularly relevant where it is difficult for your lawyer to keep in regular contact with you and where your lawyer can be contacted more regularly by your family.

1.3 Instruct a lawyer

The single most crucial thing to do after arrest is to obtain legal advice from a competent local lawyer. However, do not be rushed into appointing a specific lawyer on the advice of anyone with a vested interest in the case. Please refer to the section on questions 10-24 for further guidance. You may wish to ask your family and friends to help you find a good lawyer. Your embassy may also be able to help by, for example, providing you with a list of local lawyers who speak your language.

1.4 Make the most of the time with your lawyer

- Take full advantage of your first meeting with your lawyer and ask him/her all relevant questions (refer to questions 1 and 21-24) as soon as you have an opportunity to speak to him/her. Do not wait until

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your next meeting with a lawyer as in some countries your lawyer may be unable to visit you soon, even if s/he says s/he will. It can be helpful to write down the questions beforehand and make notes of the answers during your meeting. Check with your lawyer if these notes could be taken by police or prison officials and used against you.

- Give your lawyer all the information you think will help with your defence and ask him/her what other information will make your case stronger.
- Make your lawyer aware of any evidence that may need to be preserved before it is lost (for example CCTV evidence, flight records or hotel records). You should also tell your lawyer if there are any witnesses who can support your defence as soon as possible so that if they are non-resident, s/he can contact them before they leave the country.
- Please refer to questions 18-23 for further guidance.

1.5 Use an Interpreter

Do not rely on your knowledge of the foreign language unless you are completely fluent. Tell the arresting officers and your lawyer that you need an interpreter.

- Some countries provide state-funded interpreters for arrested persons. You should ask your lawyer, or the arresting officers, if the state will provide you with an interpreter. When an interpreter is not provided for you by the state you should instruct a privately-funded interpreter (your consulate may be able to provide you with a list of interpreters).

- Ask family and friends to assist you with this immediately. You must ensure the interpreter is independent and, ideally, professionally qualified.
- Be wary of people who are not professional and independent interpreters when they offer to interpret for you.
- Do not take legal advice from interpreters or let them influence the way your case progresses. You should base all your decisions on advice from your lawyer, even if you have to wait for this advice.

1.6 Be wary of fellow prisoners

Fellow prisoners can be a great source of comfort. However, in some countries, other prisoners may lie to you or, even with the best intentions, give you incorrect information they have received from an unreliable source. They may also pass sensitive information on to the police in exchange for a reduction in their sentence. As a general rule, do not share information about your case with fellow prisoners or rely on any legal advice they give you.

Q2. What information should I share with the police?

- Be very careful about any information you share with police officers. In many countries, everything you say may be used against you during criminal proceedings arising out of your arrest, so think before you speak.

- Wherever possible, make sure you understand the reason for your arrest before you say anything to the police.
- Please be aware that in some countries the police are not allowed to answer your questions. They may also be permitted to say things which have not been confirmed or may not be entirely correct in order to coax you into revealing incriminating information. Always confirm what arresting officers tell you with your lawyer.
- If you have a right to remain silent and your silence cannot be used against you in court, you should wait until you have seen or spoken to a lawyer before saying anything to the police.

Q3. I have been asked to sign documents in a language I do not understand – should I sign?

- Never sign blank pages.
- Never sign a document written in a language you do not fully understand.
- Ask for a translation of all documents you are requested to sign. Ideally you should get a written translation and you should only sign the translated document.
- However, many countries do not grant foreign detainees a right to receive documents in a language that they understand. If you are in a country which does not provide translated copies of all legal papers and you have no alternative but to

sign a document in a foreign language then you should:

- a) Ensure there is a professional and independent interpreter you trust who can translate a document verbally before you sign it;
 - b) Make sure you write next to the signature that you did not understand the content of the document;
 - c) If you are unhappy with the translation of your alleged evidence, then make sure any signature makes clear that you feel this is not an accurate transcript of the interview or your comments.
- Be aware that arresting officers may intimidate and misinform suspects in order to make them sign documents in a foreign language which may even be a confession.

Q4. How will I know what I am accused of?

In many countries the police will inform you of the allegations against you when you are arrested. If you are unsure of the reason for your arrest you should:

- Ask the police what the allegations are against you and ask for them to be given to you in writing, in a language you understand. Keep in mind that not all countries provide you with a written notice of charges. In some countries you will only be informed of the allegations against you after a certain period of time.
- If the police have not decided to formally charge you, make sure you ask how long the police are

allowed to hold you while they decide whether to continue the case.

Q5. What information should I seek from arresting officers if I have not seen a lawyer?

You may wish to ask:

- When you can see a lawyer and whether the state will provide one;
- When you are first scheduled to go to court;
- Whether you will be held by the police before you go to court;
- How long you can legally be held by the police before-
 - (a) they formally tell you what the allegations are against you, and
 - (b) your trial begins.

If the officers intend to hold you may wish to ask:

- When you can apply for bail;
- How regularly you will appear in court for a judge to review the police decision to keep you in custody;
- Whether the investigation against you is complete and, if not, when it will be completed;
- Your rights (See question 1 for further guidance).

Make sure you pass this information on accurately to your lawyer, your family and anyone else who is assisting you. Please be aware that in some countries the police officers are not allowed to answer your questions. It is also possible they may say something which is not entirely accurate. You should always confirm what arresting officers tell you with your lawyer.

Q6. A representative from my consulate is coming to visit me. What should I do?

- Ask your prison officer or your consulate to arrange a private visit with your consular representative so that no member of the police is present. This may not always be possible but it is worth asking.
- If your first meeting is not held in private and you want to discuss matters of a sensitive nature, ask your consular official to arrange a private visit in the future or ask your family to request a private visit for you. In some countries a private visit may not be permitted.
- Make sure you inform the visiting consular officer of any mistreatment.
- If you have been mistreated, ask your consular officer to arrange for you to visit a doctor in private to document your injuries. If this is not possible, make sure you show your injuries to the consular official.
- Give your consular official the name and contact details of your family members and your lawyer and ask the official how often they will visit and what other assistance they can provide to you. For data

protection reasons the official may need a specifically named family member/friend to whom they can pass information about you. Ensure that you make it clear to the official that you would like them to exchange information about you with your nominated family member, even if the official does not ask.

- Inform the consular officials of any other welfare issues and in particular inform them of any medical conditions or medicines you need.
- Ask your consular official to provide you with information about all the organisations that can help you. In particular, ask them to provide you with a Fair Trials International Questionnaire and ask them to ensure the completed form is sent to us. You should also ask them to contact an organisation which can provide welfare support to prisoners detained abroad (for example if you are a British national you should ask your consular official to contact Prisoners Abroad).

Q7. What should I do if I have been tortured or mistreated by the police?

- Keep as much evidence of your torture or mistreatment as possible (for example photographs, medical records etc).
- Ask to see a prison doctor and show him/her any injuries resulting from the mistreatment and ask him/her to make a record of them.

- Tell your consular official and show him/her any evidence you possess of mistreatment. Ask him/her to keep a record of this information.
- Tell your family when you speak to them and ask them to keep a record.
- Tell your lawyer and ask him/her to make a record.

Q8. I have health issues or need medical assistance. What should I do?

- Inform the prison officials and ask to visit a doctor or a hospital.
- Ask your consular representative to help you arrange a visit to a doctor or a hospital. Write a letter to your consulate if no one comes to visit you.
- Ask your family to inform your consulate and give them details of the medical assistance you need.
- Tell your lawyer and ask him/her to arrange a medical visit.

Q9. What should I do next?

- It is vital that you start preparing your defence as soon as possible after arrest. Do not rely on the police to correct misunderstandings themselves or to conduct a thorough investigation. You should use everything at your disposal to prepare your defence as soon as possible.

- Take measures to preserve any evidence which may be lost. If you are in custody, ask your lawyer or your family members to do this.
- Discuss next steps with your lawyer.
- Please refer to questions 18-23 for further guidance.
- Consider what other kinds of support you might need, such as: assistance from a charitable organisation involved in fair trial rights or prisoner welfare, or help from your political representative (Please refer to questions 25-34 for further guidance).

HOW TO INSTRUCT A LAWYER AND PREPARE A DEFENCE

Q10. Do I need a lawyer?

It is crucial that you obtain advice from a local lawyer if you are facing charges or are arrested abroad. Only a local lawyer will have the expertise to explain and advise on the legal system and to prepare your defence.

Q11. How do I find and instruct a lawyer?

In some countries a state-appointed lawyer will automatically be assigned to you. If this is not the case you should ideally only instruct a lawyer if s/he has been recommended by a trustworthy source. Be wary of privately-funded lawyers who come to find you after your arrest.

If you do not know a lawyer in the country where you have been charged, you can obtain information from:

- Your native country's embassy or consulate in the country where you have been charged;
- The local law society or bar association (ask for a specialist in criminal law, if possible);
- Fair Trials International.

Once you have found a lawyer you must contact him/her and ask what s/he needs in order to formally accept your case (this may require you to sign a 'Power of Attorney').

Q12. What really matters when instructing a lawyer?

- Is this lawyer competent for the job you need him/her to do? How long has s/he been qualified? Is s/he experienced in your type of case?
- Does s/he have a good reputation? Is the lawyer truly independent of all other parties involved?
- Is the lawyer a member of the local bar association and registered?
- Consider in what language you will communicate. Does the lawyer speak your language? If not, will an interpreter be present when you meet?

Q13. I'm not happy with my lawyer: What should I do?

- Many people feel that their lawyer is not good enough for the job. Remember that working practices will vary between cultures and your lawyer may be good even if they do not act in the same way as a lawyer from your home country.
- Before appointing a new lawyer, you should try to solve the problem by letting him/her know exactly what you are unhappy about and looking for ways to improve his/her services.
- If that does not work, you should consider appointing a new lawyer. Be aware that a new lawyer will usually not take on your case until you have paid your fees to your former lawyer. Your former lawyer needs to be informed that you have changed lawyer so that s/he can forward your file to your new lawyer.

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This note is intended to be for information purposes only and does not constitute legal advice. Take local legal advice on your specific situation.

- It may not be possible to change a court appointed or state-funded lawyer. If this is the case and you are not happy with your lawyer, you should consider whether you can afford to appoint a privately-funded lawyer.

Q14. Why do I need a local lawyer if I have a lawyer in my home country?

- You need a lawyer who knows the law of the country of arrest as the applicable law is the law of that country and not the law of your home country.
- You need a lawyer who is authorised to represent you in the country of your arrest.
- Similarly, your lawyer needs to be familiar with the way proceedings are conducted in the country of arrest as you will face trial in the country of arrest rather than in your home country.
- If you face extradition to a different country, whether for prosecution or to serve a prison sentence, you will normally need two lawyers: one in the country seeking your extradition and one in the country of arrest.

Q15. Can one lawyer represent me and other people arrested with me?

- It is important that your lawyer's focus is on your best interests. This may not be possible if s/he represents you and someone who has different interests.

- A conflict of interests can arise when you are arrested with someone else in relation to the same offence (if their story is different from yours, or if they want to claim you are solely responsible for the offence). It is possible that your co-defendant or other parties may try to use information that you provide to their advantage, or otherwise adversely affect your defence.
- To guard against these risks, it is in your interests to have a separate lawyer representing you.

Q16. How will my lawyer be paid?

- You will generally be responsible for paying for your lawyer, although you may be able to ask friends and family for financial support. In some cases legal aid may be available to pay for your lawyer, but it is usually very limited (please refer to question 17 for further guidance). You may also be unable to instruct a lawyer of your choice if your lawyer is funded by the state.
- Legal fees should be discussed and agreed during your first contact with your lawyer. The lawyer should be able to tell you at this stage how much you are likely to have to pay and how costs will be calculated. S/he will have to take into consideration the time s/he spends working on your case, usually charged by the hour, and any additional legal costs such as court fees. You should ask your lawyer to explain any likely additional costs.
- Your lawyer may agree to a fixed spending limit, or you could arrange to pay your legal fees on a monthly basis. In any event, it is advisable to reach

an agreement to pay the fees in instalments rather than paying them all upfront.

- You / your family should ask for written invoices for fees, and not feel threatened into sending money after just a phone call.

Q17. What if I cannot afford to pay legal fees? What is legal aid and when is it available?

- Not every country provides free legal aid. You need to ask your lawyer or your consulate for details on whether it exists and how to apply. When it exists, you may have to prove that you have a low income to be eligible. You should discuss your eligibility for legal aid with your lawyer.
- Make sure you clearly understand how often you have a right to meet your lawyer and how much communication s/he is allowed to have with you at the state's expense. You should discuss this with your lawyer when you meet.
- You may not be able to instruct a lawyer of your own choice if you are receiving legal aid and sometimes you may only meet him/her when you are due in court.
- Legal aid may not cover the additional services of an interpreter, which may limit the communication possible with your lawyer.
- Be aware that the quality of the work done by legal aid lawyers varies greatly from one lawyer to another and from country to country.

Q18. How do I get the best from my lawyer?

- The more organised you are in preparing for your meeting with your lawyer, the more productive the meeting will be. Remember that in some countries lawyers cannot visit their clients regularly, so get as much as you can from any meeting you do have.
- Prepare your questions in advance, and in writing (please refer to questions 21-24 for further guidance).
- Prepare a written statement setting out the background of your case.
- Take notes - it can be very difficult to remember lots of information and you do not want to forget important advice.
- Ensure any written documentation will not be confiscated by the police before writing anything on paper. It may be useful to mark all written documentation as 'Privileged Post' (though this is not guaranteed to prevent police in some countries from confiscating or reading your notes or communications).

Q19. It is difficult to understand my lawyer: What should I do?

- Ask your lawyer to speak slowly and to use non-legal terms.
- If you do not fully understand something, tell your lawyer that you don't understand it and ask for an explanation.

- If the lawyer does not speak your language, ask to use an interpreter.

Q20. Where should I keep documents relating to my case?

- It is important to keep records of everything that happens in your case. Keep all the paperwork you are given and, if possible, keep a detailed diary of events.
- It may be a good idea to leave original documents (such as court decisions) with your lawyer and ask him/her to give you copies of them, as originals are not always safe in prison.
- Mark all communication with your lawyer or legal advisors as 'Privileged Post' and 'Confidential Legal Mail' (ask your lawyer what wording you should use and whether you should write this in the local language).

Q21. What should I agree with my lawyer when we first meet?

Ask the lawyer to confirm your instructions either orally or in a letter setting out the details of your agreement. This should cover the following issues:

- **Lawyer's fees:** as stated above, it is important that you come to an agreement on fees. Other legal costs should also be discussed (court fees etc). Keep a written record of this.

- **The extent of the legal representation:** you should make clear whether the lawyer will represent you in all legal proceedings, up to and including trial. Also ask about appeals and other post-trial proceedings (such as prison transfers, pardon application, bail applications etc.).
- **Who will do the work:** Ask your lawyer to make clear who will do the work (will s/he do it, another qualified lawyer, a paralegal?). If your lawyer is unavailable to attend a particular hearing, will s/he send a colleague to do so?
- **How will you work together:** Decide which decisions the lawyer can make alone and which require your approval. Decide how regularly the lawyer will communicate about your case. Your lawyer should keep you regularly updated on the developments in your case. You must also keep him/her updated on any significant developments in the case from your side. If you cannot communicate directly, agree on a family member or friend who will act as contact point. Bear in mind however that any time your lawyer spends dealing with you (communicating with you, reading correspondence, speaking on the phone) may be added to your legal fees, so try to be clear and organised in what you say, and avoid unnecessary repetition.
- **How will s/he accept instructions:** Ask your lawyer if s/he requires you to sign a Power of Attorney. You should also clarify with your lawyer what s/he can do without your authority and what you do not want him/her to do without your prior authorisation.

- **Sharing of Information:** Ask your lawyer to share information on your case with Fair Trials International and other specified supporters. Ask him/her if s/he will require you to sign an authorisation form before s/he can share information with others.
- **Confidentiality:** Information you share with your lawyer should be confidential. However, before you share sensitive information confirm this with your lawyer. Ask him/her whether s/he can ever be obliged to reveal all the information you give him/her to the prosecution, the court or anyone else.

Q22. What should I ask my lawyer?

There are a lot of questions that only a locally-qualified lawyer can answer. Below are some suggested questions, but please note that this list is not exhaustive. There may be questions below which are not relevant to your case and you may well have a lot more to ask.

22.1 Your rights:

- What are your rights?
- What right do you have to legal representation, legal aid, family visits/contact with family by letter or telephone?
- What right does your consulate have to visit you?
- If you don't speak the language of the court, will you have an interpreter? Will you receive a translation of the court summons / court decision / other documents in the case?

- Can they explain the prison system? What about prison transfers?

22.2 Information about the case against you:

Ask whether the investigation against you is complete and, if not, when it will be completed?

- What is the likely timetable for the trial? When is the next hearing; what is going to be discussed or decided? When will your case come to trial?
- When and how will you be given the details of the case against you?
- How serious is the case against you and how likely is a guilty verdict?
- What is the maximum sentence that the judge can hand down? What is the likely sentence?

22.3 Pre-trial detention or conditional release on bail:

- How long can you legally be held in custody by the police before:
 - (a) They formally tell you what the allegations against you are (normally referred to as the 'charges'); and
 - (b) Your trial begins?
- If the officers intend to keep you in custody, when can you apply for bail, and what would help you getting bail (e.g. a place you can stay nearby, a clean previous criminal record)?

- Tell your lawyer if there is a place where you could stay on your own, with family or friends in the country of arrest, as this may help you avoid pre-trial detention.
- How regularly will you appear in court for the judge to review the police decision to keep you in custody?

Q23. How can I help my lawyer to prepare my defence?

23.1 Contacting witnesses and preserving evidence:

- You need to understand who will be doing what and how you can help your lawyer to prepare your defence. Ask him/her:
 - Who is responsible for putting your case together, contacting witnesses and preserving evidence?
 - Will you and your lawyer get access to the court file, be allowed to take copies of documents, or otherwise see the evidence against you?
 - Will you be asked to testify or produce other evidence for trial?
 - What is the deadline for submitting evidence to the court for your defence, or providing names and addresses of witnesses, or their witness statements, or expert reports? Can that deadline for producing evidence be extended?

- Give your lawyer all the information you think will help with your defence and ask him/her what other information will make your case stronger. You should ensure your lawyer is aware of any evidence that may need to be preserved before it is lost (for example CCTV evidence, flight records or hotel records).
- You should also tell your lawyer if there are any witnesses who can support your defence as soon as possible so that if they are non-resident, s/he can contact them before they leave the country.

23.2 Deciding your plea:

- You should discuss whether you should plead guilty or not guilty with your lawyer at your first meeting. You must first discuss with your lawyer whether you have a defence in law to counter the charges against you. If you have a good defence, your lawyer will probably advise you to plead not guilty.
- Sometimes what you consider to be a defence (for example, a lack of knowledge of the law or a particular fact) is not a legal defence against the charges in the country of your arrest; your lawyer may then advise you to plead guilty.
- Make sure to find out if any benefit be offered for taking responsibility (pleading guilty) at an early stage, or for providing evidence to the prosecution for use in other cases.

23.3 Reducing your sentence:

- Ask your lawyer whether there is any information that you can provide to the court which will assist in reducing your sentence (this may include

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information about any medical conditions that you suffer from; your age, your family circumstances; your prior criminal record - or lack thereof - or information about the circumstances in which you committed the offence).

- Ask your lawyer what documents you should provide to the court for the purposes of sentencing (in particular ask whether the documents need to be legalised and translated). You will need your family to assist you with preparing these documents.

Q24. What evidence can I present to the court?

- Documents that are admissible as evidence will vary from one country to another, so you need to ask your local lawyer for this information.
- Make sure every document you want to present to the court is presented in a legally admissible form. This will also vary from one country to another so you need to discuss it with your lawyer (in many countries you will need to translate the document into the official language of the country and legalise it).

GETTING SUPPORT FOR YOUR CASE

This section explains how to get people involved in your fight for justice and gives guidance on getting the best kind of support for your case.

Q25. What kind of support can I get?

The kind of support you seek will depend on your circumstances and what specific problems you are facing. You or your family may be able to get support from:

- Your national consulate or embassy in the country of arrest
- Political representatives such as members of your Parliament on a local and national level
- Fair Trials International
- Other charities
- Friends, family and local community
- Media coverage to raise the profile of your case (this is a risky area, so great care is needed – please refer to questions 33 and 34 for further guidance).

Q26. How can my consulate or embassy help?

The help will depend on your country of nationality and, sometimes, the country you are arrested in, but consulates can usually offer the following:

- Visits in prison, including one visit to you shortly after arrest, if you are in pre-trial detention. Discuss this with a representative from your embassy as the regularity of consular visits to prisons varies depending on your nationality, the country you are in and your personal circumstances.
- A list of local lawyers who specialise in criminal defence (and sometimes, what languages they speak).
- A list of legal interpreters or translators.
- Help contacting your family.
- (In some cases) attendance at your legal hearings or trial.

Q27. How can political representatives help?

- They may be able to give you non-legal advice about your case and who else might support you;
- Speak to a government minister, diplomatic official or a foreign counterpart about your case;
- Write letters on your behalf to government officials, foreign government departments or judges;
- Raise the issues involved in your case for political debate, through parliamentary questions or in parliamentary committees;
- Help to highlight the issues involved in the local or national media.

If your case involves an EU member state or raises a European legal issue, your representative at the European Parliament (or MEP) might be able to help. MEPs can offer similar help to national politicians, but at the European level. They can approach the MEP for the country of arrest, or raise issues with the European Commission about EU law.

Q28. Who is my political representative and how do I contact them?

- UK residents or nationals can find out who their MP is by calling the House of Commons Information Office on 020 7219 4272 or you can visit www.theyworkforyou.com . You may ask a family member to do this for you if you do not have internet access. You can contact your MP's Westminster office through the Parliament switchboard on 020 7219 3000 and you can also write to your MP at: House of Commons, London SW1A 0AA.
- Information about local and national political representation is available on the internet in most countries, along with contact details. For example, if you are a citizen of an EU member state, you can find out about your representative in the European Parliament at www.europarl.org. This information is also held in many local libraries and your family can acquire it for you.
- Politicians often have their own websites, giving contact information and details of how to arrange meetings with them.

Q29. How can I get help from my political representative?

- You (or a trusted friend or relative) should begin by writing to the political representative. Enclose a clear written outline of all the important information about your case. Keep it brief, factual and accurate. Say what kind of help you want, and what you are aiming to achieve.
- After sending this letter, a friend or family member at home should try to arrange a meeting. In the UK, MPs hold regular meetings called ‘surgeries’ in their constituencies. These are an opportunity for local people to meet individually with them and appointments can be made to attend these. Before the meeting, make sure all the court documents and other official papers are organised in date order and bring them to the meeting with a clear written summary.

Q30. What can Fair Trials International do for me and how do I contact them to ask for help?

30.1 What can Fair Trials International do for me?

- Fair Trials International is a registered charity that exists to help defend the fair trial rights of people arrested outside of their own country.
- We aim to provide information, advice and referrals to every person that contacts us for help and do not charge for any of the assistance that we provide. We may be able to help you in the following ways:

- Helping you to identify a local criminal defence lawyer
 - Providing basic, practical guidance about a criminal trial outside your own country, for example, how to appoint a local lawyer
 - Provide you and your local lawyer with advice on fair trials guarantees under international law
 - Share our concerns about your case with Consular Services
 - Help you to identify other sources of support
 - Advise you on generating political or media interest in your case
 - Identify patterns of poor practice and seek to address these by wider campaigning and lobbying
- The assistance we can provide is, however, limited. We cannot:
- Provide financial assistance with your case
 - Act as your lawyer (whether in the UK or overseas) or provide legal advice
 - Commit to liaise with lawyers, your family or consular services
 - Guarantee the quality of the service you will receive from lawyers we help you identify or negotiate lawyers' fees

- Track hearing or appeal dates
- Assist with the non-criminal law aspect of cases
- Provide translation services
- Hold or receive original legal documents or evidence
- Tackle welfare problems on prisoners' behalf (for this you should contact your local Consul or specialist prisoner-welfare agencies).

30.2 How can I contact Fair Trials International to ask for help?

- In order for us to decide how we can help, we need you to answer a few questions about your case. To request our help, please the following four steps.

STEP 1: OBTAIN OUR QUESTIONNAIRE

You can do this by:

- Ask your consular official to give you a copy when they visit you
- Ask friends, family or lawyer to download a copy from our website www.fairtrials.net and ask them to post it to you
- Contact us:

Email: casework@fairtrials.net
 Telephone: +44 (0)20 7822 2370

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Fax: +44 (0)20 7822 2371

Write to us: 3/7 Temple
Chambers, Temple Avenue,
London EC4Y 0HP, United
Kingdom

STEP 2: COMPLETE THE QUESTIONNAIRE

Please answer as many questions as you can and provide as much information as possible. If you do not have enough room in the boxes provided, please continue on a separate sheet of paper and write clearly the number of the question you are answering.

STEP 3: SIGN THE QUESTIONNAIRE

If the form is not signed, we will not be able to gather information we need about your case from other people, like your lawyer or your Consulate. We accept scanned signatures.

STEP 4: RETURN THE QUESTIONNAIRE

Send it to us in any of the following ways:

Email: casework@fairtrials.net

Tel: +44 (0)20 7822 2370

Fax: +44 (0)20 7822 2371

Write to us: 3/7 Temple Chambers,
Temple Avenue, London EC4Y 0HP,
United Kingdom

30.3 How quickly will you respond?

- We aim to respond to all requests within four weeks of receipt of a signed questionnaire.

30.4 How do you use the information that I provide?

- The information you provide will help us decide what assistance we can give you.
- It will also help us to make a difference for other people in similar situations by informing our policy and strategic litigation work. Human stories and statistics about recurrent fair trial abuses are the best tools to achieve long term changes in the law.
- Your name will not be made public unless you expressly authorise us to do so.

Q31. What other charities might help?

Which other organisations can assist you and how will depend on the issues you are facing and where the case is based. The following charities may be able to assist:

Prisoners Abroad provides welfare support for **British Citizens** in prison overseas.

Email: info@prisonersabroad.org.uk, Tel: 0808 172 0098 (UK), +44 20 75 61 68 20 (abroad)

Reprieve represents prisoners facing the death penalty or in illegal detention around the world.

Email: info@reprieve.org.uk, Tel: +44 (0)20 7553 8140

Redress provides support for torture victims.

Email: info@redress.org, Tel: +44 (0)20 7793 1777

Amnesty International campaigns to help political prisoners.

Email: sct@amnesty.org.uk, Tel: +44 (0) 20 7413 5500

AIRE Centre provides information and advice throughout Europe on human rights law.

Email: info@airecentre.org, Tel: +44 (0) 20 7831 3850

The Innocence Project provides legal assistance to overturn alleged cases of wrongful conviction (dependant on meeting their eligibility criteria)

US Project - Email: info@innocenceproject.org, Tel: +1 212 364 5340

UK Project - Website: www.innocencenetwork.org.uk,
Address: Innocence Network UK (INUK), School of Law,
University of Bristol, Wills Memorial Building, Queens
Road, Bristol BS8 1RJ

These charities might also be able to refer you to a more appropriate organisation if they cannot help you directly. Your lawyer or consulate might know about similar organisations in the country of your arrest. Ask them.

Q32. What kind of help can my local community give?

- If money is needed to fight your case, you could organise fund-raising events, but only do this if you are happy with the public knowing about your situation. Events might include sponsored challenges, auctions of tickets or other items, holding quizzes or concerts or having stands at community events where you can hand out leaflets seeking donations.
- Some people choose to publish information themselves, for example through their own dedicated websites or in blogs about their case. A trusted friend or relative, or people from your local community, might be able to help with this.
- There may be other people or groups facing similar issues to you, or who have been through the same experiences and have helpful information to share. They may have websites or blogs where you can contact them. They may be willing to work with you in organising events or publicity. The best way to find out is by internet searching, or by speaking to people in your community or to charitable organisations who work in similar cases.

Q33. Should I seek media coverage for my case?

- Media coverage can be a dangerous way of seeking support for your case. It can damage your defence - and your reputation - in ways that are hard to predict or control. Before taking this step, speak to your lawyer and any charity that is helping you.
- It is important to understand the risks of media coverage. We have included some examples below:
 - The local law might treat speaking to journalists as a 'contempt of court', which can attract fines or even prison sentences.
 - You could damage your defence by angering local prosecutors or judges by 'going public' with your complaints. You may also inadvertently weaken your own case by publicising details about your defence, as the investigation authorities could take advantage by re-tailoring the prosecution case against you.
 - Media coverage could put pressure on your family and friends.
 - Journalists are interested in getting a good story. That might coincide with wanting to expose injustice or ill-treatment, but not necessarily. Your interests might be secondary to theirs.
 - Once you have given information to a journalist, s/he can investigate and report on the case without your input and publish information without your consent or

involvement. Once this process has started, it can be hard to control.

- You may get sympathetic coverage in your country of origin. However, media coverage in your country of arrest may not be sympathetic. This may impact the way you are treated in custody.

Q34. The press are asking questions. What should I do?

- The safest thing to do is to say 'no comment'. This may seem rude or strange if a journalist seems sympathetic; however it is important to remember that journalists are simply after a story and you have no obligation toward them, nor they toward you.
- Ask your lawyer's opinion before you speak to any journalist. If a charity is supporting you, ask them. Discuss whether s/he believes that media coverage will be helpful or harmful to your case, and how s/he intends to respond to any media queries that arise. If you prefer that your lawyer not make any comments to media, make that clear to him/her
- Do not be pushed into making any comments before seeking your lawyer's advice; until you have your lawyer's consent you should say 'no comment'.
- Make sure your family and friends also respond to the media with 'no comment'.

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If you think that an important question is not covered in this factsheet, 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

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