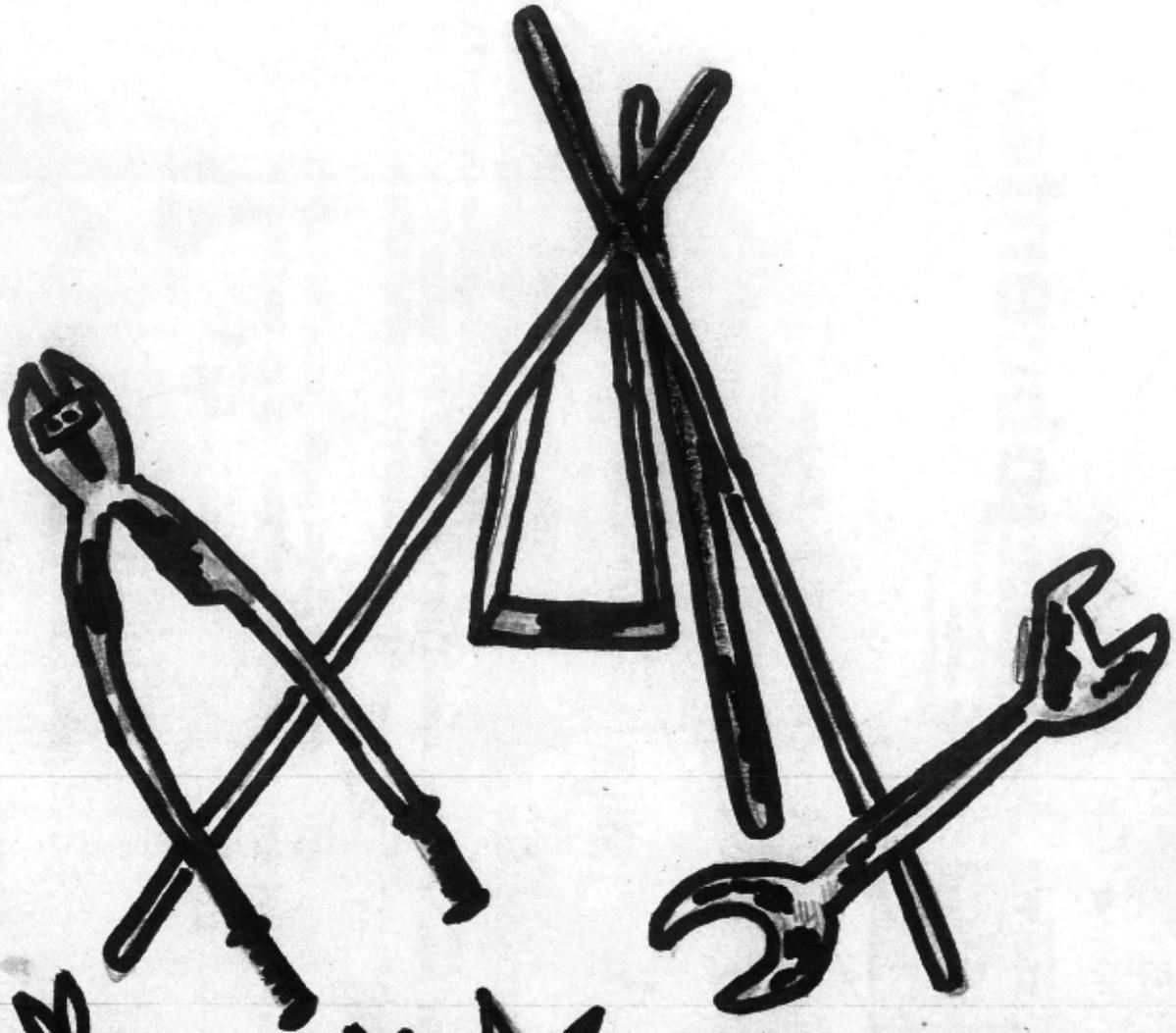


Legal manual

for direct action in Hessen



RESISTANCE
REPRESSION

Legal Advise for Direct Action in Hessen

September 30, 2020

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I Introduction

This is the attempt of a legal aid reader in Hessen, it refers to Hessen, it refers to Hessen, since it often concerns the police law (HSOG) of Hessen, which are federal state things, some do not apply to all federal countries of Germany. However, everything that does not refer to the HSOG is applicable throughout Germany. The brochure is based on the legal aid brochure for the Rhineland, but everything is related to the Hessian police law, and some other things have been added or changed. This brochure offers legal advice from activists for activists, especially it was written by people from the EA/legal team of Danni, for feedback/ questions: ea_danni@riseup.net (key can be found on the blog waldstattasphalt.blackblogs.org) Pdf also under: <https://waldstattasphalt.blackblogs.org/medien/rechtshilfebroschuere/>

Repression happens on different levels: starting with the pressure some relatives might put on you, up to the police and the court taking action against you. Anti-repression work is meant to support the resistance against the existing conditions. It makes sense to deal with possible repression beforehand, no matter what kind of action, whether state or civil law applies, to get to know the laws applying to the specific situation. We see repression as a means to apply political pressure, a means we need to resist together. We want to offer all the support and knowledge we can give you, but we also depend on you working with us and want you to pay attention as well. We cannot promise that all our answers to any kind of question will be “waterproof“, since repression isn’t always predictable and depends on the tactics and strategies of the repressing forces. But one thing is for sure - repression seeks to isolate and intimidate us, so we want to emphasize: **We act in solidarity! No one is left alone!** First and foremost, we want to offer legal support and not have people facing repression stay in isolation. To do that, we are working together with various people from different contexts. In every individual case, we want to work on options to act together with the people who are affected by repression, in order for them to be able to decide what they want to do - based on a wide array of different options and views. We want to enable informed and responsible decisions for action. In our opinion that includes that the people affected are willing to dive into matters just as deeply as we do to consider their options. We also want the anti repression work to be supported by the movement, and have the whole movement stand united behind the people actually affected by repression. Dealing with repression is part of the resistance against the status quo and is a load that cannot be carried by a few alone. Over the last years we noticed that oftentimes a few individuals are pursued much more severely than others. Only some are affected by repression, but it’s all of us they had in mind. In these cases solidarity is the strongest antidote we have.

I.1 What does a legal team do?

The legal team is anti-repression groups that we have set up for us. For an agreed period of time the EA can be reached by phone and keeps an overview/administration during actions (e.g. eviction) information about activists (custody? arrested? released?...), above all the EA wants to make sure that nobody is forgotten at the police station.

The EA can give people legal advice in risky situations, or if they have been taken into custody and call from the police station. The EA can serve as an interface between people in e.g. custody and (legal) support structures from outside (legal aid persons, lawyer...). Therefore, the EA is in contact with the “GeSa” support, which waits for people in front of the **GeSa**, supports... and is also available for other people who want information.

Before actions the EA can offer workshops and advice and afterwards the EA can be contacted and advise or mediate, if there are legal consequences of the action, he can also collect and evaluate experiences with legal consequences.

Calling the legal team The legal team will be available by phone 24/7 during the action. The number is published before the action (z.B. at a camp, in Dannenröder Forst or on the internet) Please call the legal team if you witness someone being arrested or e.g. if the police acted violently. If you

get arrested yourself, please call the legal team from the police station! When in custody, you have the right to make a phone call - please use it to contact the legal team. If they do not let you make a call yourself, demand they inform us of your arrest in your presence. As soon as your situation changes you should demand to call us again, e.g. we need to know if police want to present you to a judge so that we can arrange for a lawyer to support you (you have the right to get legal support).

These are the questions the EA will ask you when you call from GeSa and similar things the EA wants to know when you observe arrests. (It is not a problem if you cannot answer all questions, the more information the EA has, the more it makes the support work easier. But there are also other ways for the EA to get information):

- What is your number/ pseudonym? In case you don't refuse to give your ID to the police, tell the legal team your complete name, nationality, date of birth
- What number does the police give you? e.g. UP3
- Where are you being held? (Did you perhaps see a place-name sign, street names?)
- At what time did your detention begin? (Custody begins when the police doesn't let you move freely, prisoner transport...)
- What do the police accuse you of (don't give testimony!)
- What do the police say about what they are planning to do with you? What have the police already done (such as ED treatment)?
- How are you?
- Do you need important medication?
- Are there other people who were taken into custody along with you? (**no names**)
- Do you have any questions?

Things you should NOT TELL us:

- What have you done / not done? **no testimonies! Police is probably listening**
- What is your name? (if you do not (yet) want to reveal your identity)
- Who else was involved and was not taken into custody?

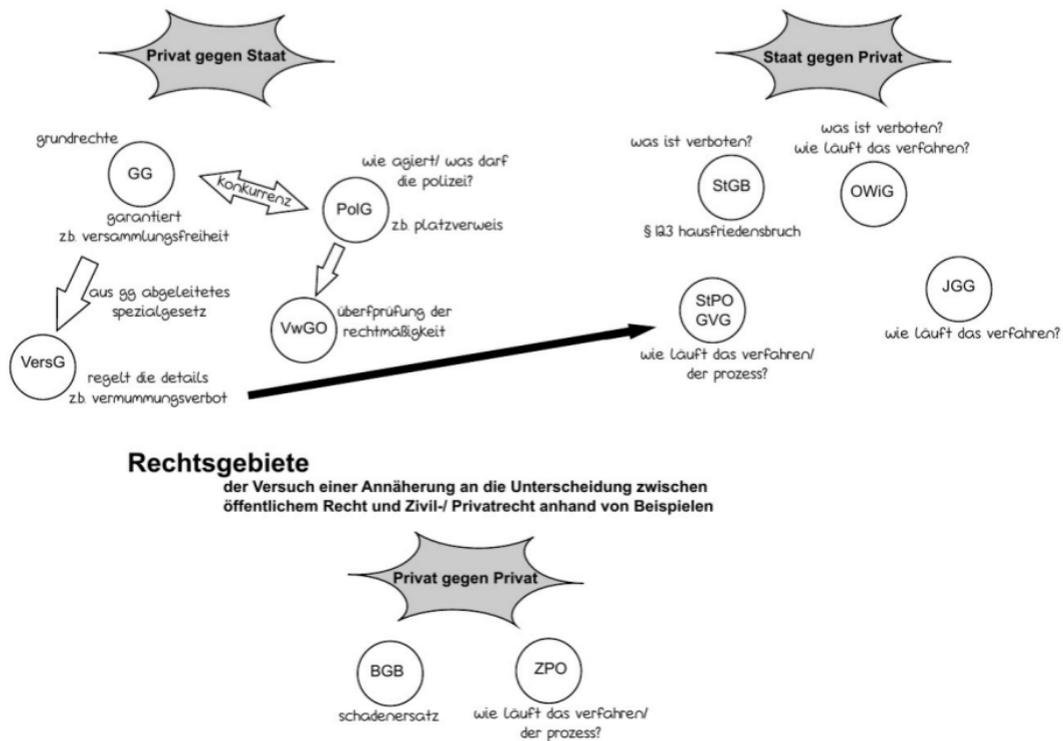
2 Overview of legal fields and legal system

2.0.1 Fields of law: important law books

First of all, in this state there is a paragraph in a code of law for almost everything, here now only some of the most important in an activist context.

Private vs. state and state vs. private are in the area of public law, private vs. private in (private) civil law.

GG = Grundgesetz (constitutional law), PolG = police law (federal law), VwGO = Verwaltungsgerichtsordnung (Code of Administrative Court), VersG = Versammlungsgesetz (law of assembly, federal law), StGB = Strafgesetzbuch (criminal law), OwiG = Ordnungswidrigkeitengesetz (administrative offences), StPO = Strafprozessordnung (code of criminal procedure), GVG = Gerichtsverfahrensgesetz (Court Procedure Act), JGG = Jugendgerichtsgesetz (Juvenile Courts Act), BGB = Bürgerliches Gesetzbuch (civil law), ZPO = Zivilprozessordnung (Code of Civil Procedure)



2.1 Legal system/ relationship between laws

i.e. the relationship between the law books (hierarchy of norms)

Laws have hierarchies among each other, always the higher breaks the lower. If a case is regulated in two norms, the higher is valid.

(simplified)

- I. GG Grundgesetz
- II. StGB, StPO, JGG, OwiG, VersG, BGB, ZPO
- III. PolG, StVO
- IV. judicial law: arises from judgements, since the BVerG is the highest court, its judgements are often treated like laws.

relationship between VersG (assembly law) and PolG (police law) The police law stands in the hierarchy under the VersG (generally police laws only apply if nothing else applies). This means that the police cannot act according to police law at an assembly (assemblies are “police resistant”). For example, if the police wants to give an area ban according to §31 HSO, they can only do so if they exclude the person concerned from the meeting, or dissolve the whole meeting (reasons when police may do this can be found in the VersG).

Relationship between PolG and StPO The StPO (Code of Criminal Procedure) starts when you have started a crime = repressive

The police laws use to prevent criminal offences or administrative offences = preventive

Example: You get caught with a spray can. According to § 127 of the Code of Criminal Procedure, you can be temporarily arrested because you have just started a crime (of course, sufficient evidence is needed) and are suspected of having escaped or your identity cannot be established immediately. However, you could also be taken into (preventive) custody according to § 32 HSOG in order to prevent the continuation or commission of crimes.

In practice, however, the difference is usually not apparent to the person concerned.

Relationship between public law and civil law For example, if people block a power plant, they can commit criminal offences, but also cause financial damage. This can then lead to criminal proceedings, according to StPO and additionally to civil proceedings, according to ZPO. This is independent of each other for the time being, even though the verdict from a criminal case can influence the civil case.

3 Forms of action and legal basis

3.1 Common accusations and hints

3.1.1 Resistance against enforcement officers (§ 113 StGB)

“Resist with force or threat of force when police is performing an act of duty” Common accusation with chains (e.g. with Lock-On) With this accusation people are often scared by the COPS to force them to act or not to act.

- Actions that go beyond the mere presence of people, for example by chaining, hooking or active resistance to being carried away, can possibly be called coercion with the use of force
- Chaining can be interpreted as a means of violence “technical resistance”
- Only punishable if the police acts lawfully!!, i.e. if police do not act lawfully, you may resist → document police mistakes and violations
- When two people are locked together, sometimes the punishment is more severe → joint committing
- If people carry weapons, they could be punished harder → armed resistance
- “running away” is not resistance, “pushing against the direction of movement” “pulling the arm away” could be interpreted as resistance

3.1.2 Assault on enforcement officers (§114 StGB)

Is constructed sometimes, especially if the police acts brutally. The accusation was newly created in 2017, or taken out of the legal text of §113 and regulated with its own (significantly higher) minimum penalty of three months.

- the physical attack on enforcement officers, i.e. any supposedly violent movement towards the other body, e.g. a pushing, beating or kicking. There does not have to be any pain or injury to fulfill the requirements of the crime.
- As with resistance only punishable if the police act lawfully
- higher penalty for joint or armed commission
- Experiences from the Rhineland: on the accusation, investigatory detention was imposed more frequently, especially for people living abroad. If the accusation was considered as proven, suspended sentences were usually imposed

3.1.3 Breach of the peace (§112 StGB)

Breach of the peace is the legal term for something like “riot”, etc. To be able to hold this charge in court, they must be able to prove that you have acted violently within a group against people or things, or that you have supported such actions of the crowd. It is a typical “black block” Accusation, also for assemblies.

Good to know Resistance, assault and in some cases breach of the peace are theoretically exempt from punishment if the police act illegally. Therefore, it is good to make a note of all mistakes and violations of the law by the police. However, don't rely too much on it, because even lying police are believed in court - you almost never, if your complaints are processed at all. This is especially important in connection with meetings, because attacks by the police on demonstrations or their participants are almost always illegal. To avoid charges you can tell the officers that in case of a court case you will ask them about their behavior and the background - and you don't want to talk to them before! For all three accusations, there are also “particularly serious cases”, each of which is separately identified in the law, and which are punished much harder, even with a minimum sentence of six months (→§ 113 Abs. 2 StGB). The following are particularly relevant here: “The joint committal”: As soon as you are involved in the offence in twos (e.g. pushing in twos), this can be interpreted as joint committal. The “carrying weapons or dangerous objects”: If you only have weapons or other dangerous items with you when you (allegedly) commit the offense. A dangerous object can be just about anything that can cause injury: Shoes, pencils, bread knives... What's new is that since the tightening of the law in May 2017, it's now a punishable offence to simply carry the object with you, whereas before, the punishability was limited to the intention to use the object - so they had to prove that you wanted to use the object as a weapon, but not anymore. We therefore recommend that you think very carefully about what you are taking with you on an action, and always check your luggage again before taking it.

The §113/ §114 StGB is used by the police to avoid prosecution in case of police violence. It is common practice that you will be charged with resistance if you report a police officer. Since the accusation of resistance in such cases is based solely on the statements made by the police, this gives them a great deal of pressure. It is also not uncommon for several police witnesses to deny their testimony and thus protect each other. At the same time, almost all proceedings against police officers are dropped. This means that you unfortunately have very little legal recourse against beating policemen. We are not saying this to scare you off or discourage you from taking action. But we want you not to trust in a constitutional state that will let you down in this situation.

For a later defense against a criminal case, it is helpful if you can present your own photo or video material, which you can use to present your version of what happened in court and also to prove against the statements of police officers. Therefore it can be helpful if there are people on a demonstration or action who show solidarity and film carefully and in the knowledge that their equipment and recordings can be confiscated by the police as evidence. So talk to each other about when and by whom they are being filmed. But ask the people who filmed for an arrest or the like for the footage to be used for your defense.

3.1.4 coercion (§ 240 StGB)

“Who forces a human being to act, tolerate or refrain from acting, tolerating or stopping” by force or by threat of a sensitive good Common accusation in case of blockade of vehicles, passages...

- If coercion is considered “reprehensible” it is a criminal offence
- Reprehensible: If the measure and the effects on third parties and their basic rights are evaluated as “socially intolerable ”
- “socially intolerable”: If the action is incompatible with the principles of an orderly cohabitation

- needs a means of violence (e.g. physical barricade, weapon...)
- “second row” cannot coerce! (1 BvR 388/05)

3.1.5 Damage to property (§ 303 StGB)

- Whoever damages or destroys a foreign object... “violation of substance”
- Also who unauthorizedly changes the appearance of a foreign thing not only insignificantly and not only temporarily
- The attempt is punishable by law.
- Chalk painting is in no case a damage to property. Stickers sometimes are, sometimes not... There are usually no more than small fines for a little color. You may, however, be liable for damages under civil law (→ section 6.2.4 Civil Procedure)

3.1.6 Violations of the Assembly Act (§§ 21-29 VersG)

- Disturbing or blowing up assemblies (especially the cops like to do this)
- Resistance against the assembly leadership
- Invitation to participate in prohibited assemblies
- Ordnernis with weapons or similar at assemblies (management is liable to prosecution if they know this)
- Substantially different conduct of the assembly than stated in the announcement (management is liable to prosecution)
- Carrying weapons (also “passive armament”) Among them are also all protective weapons, i.e. things that are supposed to ward off enforcement measures of the police: Masking, straw bags as padding against batons, glasses against tear gas,... but ONLY if they should be used for that purpose (masking because of Corona is no protective armament)
- after the dissolution of an assembly, continue to stay, attend forbidden assemblies, do not move away irretrievably after exclusion from the assembly

3.1.7 Insult (§185 StGB)

If something negative is to be said about another person or group, it is better to say it indirectly, e.g. as “My grandma would probably say:...”. Large groups are not insultable, i.e. you can rant about the police, the army, the state, etc. as you like. But you should not say this directly to the face of a concrete individual from this group, otherwise it is again assignable and thus punishable. But it can be difficult to differentiate and the courts are not on your side.

3.1.8 Bodily injury (§223 StGB)

The accusation of bodily injury can be added if there are arguments with the police “in the heat of the moment”, it sometimes appears additionally in a list of accusations, but since the introduction of the physical assault it is rather unimportant in smaller skirmishes with policemen, more relevant perhaps in arguments with Nazis.

3.1.9 Arson (§306)

- Arson is punished with imprisonment and not optionally with a fine, but this does not mean that you have to do time, because the punishment can also be suspended on probation.
- Make sure not to leave any traces behind (fingerprints, DNA, foot or tire prints, cell phone locations, good escape route planning (What do police dogs actually smell...?), make sure that arson really does go off).
- Arson is part of the catalog of offences for terrorist groups. In recent years, no one from the left-wing scene has been convicted on the basis of this provision (§ 129a StGB). However, it is used by the authorities to authorize far-reaching investigations such as digital total surveillance and observations.

3.1.10 Public provocation to commit crimes (§111 StGB)

Tip: if you call “Now throw colour bombs” it is a call to commit a crime (if colour bomb damages things). If you call “Whoever throws colour bombs now commits a crime”, it is theoretically not a call to commit a crime.

3.1.11 Dangerous impact in road traffic (§315b StGB)

“(1) Who impairs the safety of road traffic by

- destroying, damaging or removing equipment or vehicles destroyed
- causing obstacles or
- performing a similar equally dangerous procedure

and thereby endangers the life or limb of another person or property of significant value, shall be punished by imprisonment for up to five years or by a fine. (2) The attempt is punishable. (3) If the perpetrator acts under the conditions of section 315, paragraph 3 (one of the elements of the offence from paragraph 3 is that a person acts with the intention of enabling another offence), the penalty shall be imprisonment from one year to ten years, in less serious cases imprisonment from six months to five years.”

One of the elements of paragraph 3 is that a person acts with the intention of enabling another offence. It must always be kept in mind that prison sentences are often suspended on probation.

3.2 Assembly/ Demo I×I

3.2.1 What is an assembly?

Anything in which two or more people express an opinion (with political content or similar) to the outside world in any way, through various forms of action (vigil, demonstration, music, theater, etc.). The fulfilment of these criteria is an assembly, regardless of whether the police see it differently. Everything applies regardless of whether the assembly has been announced before or not.

3.2.2 Restriction of assemblies

Restrictions or bans on assemblies may only be justified by legal interests of equal or higher rank (dangers to safety, life, order, danger of criminal offences, protection against infection, etc.)

3.2.3 Key points: announcement

- **urgent and normal assembly:** Must be announced 72 or 48 hours in advance. There are then conditions, cooperation talks, which are likely to try to induce you to self-restraint. They love that because you have no means of redress when the restrictions come from their side. Other things apply to spontaneous meetings
- **Location** Is selected by the person announcing it. All public areas can be used, private ones with permission of the owners. Limitations possible.
- **Time:** Specified by the person announcing it, restrictions possible. Period can be extended or shortened before or during the assembly.
- **size, design:** Matter of the people announcing it.
- **Organization:** It is up to the applicant to guarantee a safe procedure. Due to the corona, but also for larger meetings in general, a hygiene concept, concept that people keep distance to each other, Ordneris (for procedure) must be considered.

3.2.4 Using the right of assembly

- Police law does not apply to assemblies. Evictions, personal identity checks and detention are prohibited.
- The same applies to the road traffic regulations. People do not have to obey traffic rules. A demonstration, for example on the highway, is therefore not illegal because the StVO is no longer valid.
- Likewise, all municipal statutes, regulations, etc. are no longer valid.
- Illegal attacks by the police against the assembly lead to the fact that the criminal offence of resistance against enforcement officers no longer applies. This can impress the police, if you announce it e.g. by loudspeaker.

Yet legal interests and laws are applicable which are of equal or higher priority than the right of assembly. These include the penal laws, the law on the protection against infection, the basic rights of others, etc. (Consider current Corona regulations) Furthermore, legal interests and laws are applicable which are of equal or higher priority than the right of assembly. These include the penal laws, the law on the protection against infection, the basic rights of others, etc. (Consider current Corona regulations)

3.2.5 Disadvantages of right of assembly and possible countermeasures

The Assembly Act contains regulations that now only apply to them.

- **Prohibition of disguising:** The face must not be disguised to make it unrecognizable. However, the prohibition can be overridden, for example, by corona-based protective measures. Further possibilities are: dust, air pollution, presence of a Nazi photographer
- **Passive-arms ban:** You may not carry any devices that mitigate, hinder or prevent police assaults.
- **The general ban on weapons is 100%.** If you have weapon-like items, it would be helpful to create a place outside the assembly (Orga tent, boxes, etc.).
- **Registered assemblies must have a leadership, which in turn must create an internal enforcement structure (Ordneris).** The leadership is bound by official instructions and may even be liable to prosecution if it fails to comply with the requirements, instructions, etc. These disadvantages spontaneous assemblies do not have.

3.2.6 Spontaneous assembly

Unlike normal and rush assemblies, there are no hierarchies in spontaneous meetings. The criterion here is that they arise immediately. The event leads to two or more people expressing their opinions to the outside world without (much) delay. Since there must not have been a preparation phase, no leadership could be determined.

3.2.7 Final info

The enumerations in the previous points are not complete and do not show all the tricks to creatively circumvent existing restraints, regulations, etc. Don't forget that creative action independent of the right of assembly is also the first choice on demos. Don't let what you want be affected by law as much as possible.

3.3 Forms of Action

3.3.1 Sitting blockades

- A demonstration sitting on the ground first enjoys the protection of freedom of assembly and is legal (for further information read 1×1 section 3.2)
- If there is "collective impeacefulness" this protection ends
- By cancellation of the police, the assembly is officially ended
- If people remain seated, they commit an administrative offence and the police are allowed to forcibly remove everyone involved, for that you can get a fine of up to 500 Euro but often much less
- If a person actively resists being carried away, he/she/it can be accused of resisting law enforcement officers and he/she makes him/herself liable to prosecution.
- sometimes people are accused for coercion: A pure blockade with the own body (e.g. sitting blockade) is not coercion. However, legal experts have considered that in the case of a blockade, for example, the first vehicle is not forced to stop, but the second instead (because then not only the blocking people themselves, but also another, even theoretically impassable). The second row of a sitting blockade can also not commit coercion (theoretically)

3.3.2 Breaking through police ranks

When breaking through police chains, the following accusations are often made:

- Landfriedensbruch ("breach of the peace") §125 StGB
- Widerstand gegen Vollstreckungsbeamte ("Resistance against enforcement officers") § 113 StGB
- Tätlicher Angriff auf Vollstreckungsbeamte ("Assault on enforcement officers") §114 StGB

The offences mentioned are frequently used accusations, which the police like to use to excuse own violence as a necessary reaction, regardless of whether the victims actually fought back or not. With the law tightening to the §113 StGB and §114 StGB, which were introduced at the end of May 2017, the effects of these accusations have unfortunately worsened. Often the people in front get violence in the form of batons and pepper spray, on the other hand the policemen can be hopelessly overwhelmed, push you back but realize that they are too few.

3.3.3 Blockades with technical tools

If the blockage is to last longer, technical aids such as tripods (three-legged frames on which people can climb) or chaining devices, so-called lock-ons, can be used to help. In these cases, eviction takes much longer, but often there is more repression. One possible accusation is coercion, e.g. when harvesters or cherrypickers have to stop because of you.

Lock-on actions are also often prosecuted as resistance to enforcement officers (because the eviction is foreseeable). Since the tightening of Section 113 of the StGB (criminal law) in 2017, joint resistance (i.e. when more than one person is locked on) or resistance with dangerous tools such as knives or screwdrivers (somewhere in a backpack should be enough) is prosecuted with a minimum penalty of 6 months. Up to now this was always suspended on probation. Pretrial imprisonment, especially in combination with denial of personal data has already occurred, but by far not in all cases.

4 ID check and ID refusal

4.1 ID check

According to § 163b of the German Code of Criminal Procedure (StPO), a requirement for the determination of identity is that the person is accused of a criminal offence or an administrative offence (or if your identity is important for the clarification of a criminal offence, e.g. you are a witness), or for averting danger (according to § 163b of the German Code of Criminal Procedure (StPO)). § 18 Police Law Hesse, HSOG), if the police think you want to do something (even if you are in a place where the police assume that crimes are planned/prepared/perpetrated; people without the necessary residence permit are meeting, criminals and offenders hide there;... there are a few more reasons, you can simply read the §128 HSOG). So first of all you can ask for the legal basis for the check of your personal data.

Within a demonstration, the police are not allowed to record any personal data according to the police law. According to the law you would have to give: first name, surname or maiden name, place and day of birth, place of residence and nationality. Most of this information is on the identity card you want to see. If you don't have it with you, you can also give the information verbally. This can then be checked with the residents' registration office, or with past actions where you have given personal details. You don't have to give more information.

For German citizens there is no obligation to carry the identity card, for foreign people unfortunately there is.

If you and others decide to give their personal details, you can also do this, for example, by first collecting all the ID cards and handing them over to the police as a bundle or throwing them on the floor in a mess. This makes it more difficult to match you up individually, so it's sand in the repression gear and you can have fun while the police try to match you up.

4.2 Refusal of giving personal data - what is the police allowed to do?

To verify identity, a person may be (thoroughly) searched, taken into custody and taken to the police station. The maximum period for this varies from federal country to federal country. In Hessen, it is only 12 hours for the sole purpose of establishing identity. See 5.3.1.

In the meantime, the police may also take further measures to establish the identity, mostly the so-called identification treatment (ED treatment according to §19 HSOG or §81b StPO). In most cases this means taking photos and taking fingerprints. Sometimes they are violent. In individual, rare cases, further denial of personal data has already resulted in DNA-taking, although this is not allowed without a court order and special requirements. See also section 5.2.1.

4.3 Advantages and disadvantages of not giving personal data

Advantages

- Less opportunities for injunctions or criminal proceedings after the action. However, this only applies as long as there is no link between fingerprints and photos and your name (e.g. from previous checks) and the police are unable to find out your identity otherwise.
- Prevents rapid processing by the police and creates considerably more work
- the more people refuse, the less effort they often make and it is easier for people to come out unidentified
- solidarity with people without papers or residence permits, with foreign passports and with open arrest warrants
- it is possible to give personal data at any time, even during the arrest check
- theoretically they must let you out of custody after 12 hours if identity verification was the only reason, no matter whether they have your identity or not

Disadvantages

- Hard to talk about the action in public e.g. to the press
- insult, humiliation, when things get bad physical assaults on police station can occur more often, firstly because they know that you do not want to complain about it afterwards, because you would have to give your personal details, but certainly also because of other reasons (provoked by uncooperative behaviour, criticism of authority, ...)
- higher risk of investigatory detention
- Complicated solidarity work (e.g. when people do not come to trial for fear of being recognized)
- If the identity is nevertheless established or suspected (e.g. by photo comparison, found insurance card, recognition by other policemen or similar), an additional fine for denial of identity may be imposed. (→ § 111 Ordnungswidrigkeitengesetz) which is often not prosecuted.
- should the identity still be established, the police may have done so already/or are doing so and then they will have linked your fingerprints, pictures, etc. to your identity. On the other hand, if you give your identity directly before they take you away, you might escape ED treatment

Other risks After experiences of the last years it is possible that the police takes photos and e.g. during the journey they make "vehicle checks" to get personal data. If you have refused to provide your personal data and they have taken fingerprints of you, it is possible that older procedures will be resumed if they succeed in matching the data later, e.g. by comparing the photo or similar, and thus possibly obtain a combination of name and fingerprint. Of course it is also possible that the police will take fingerprints of you (or lock you up), even if you have revealed your identity.

In general, it should be noted that police attention and efforts after a small group action can be much more intensive than after most large group actions, if only because far fewer cases need to be "worked on".

5 Police action

5.1 On the road/on the way

5.1.1 Area bans

Area bans are one of the cops favorite magic tricks, because they get rid of people without much effort and if a person doesn't obey, there is even a reason to take the person into custody. In legal circles it is said that 99 % of the area bans are illegal, but the sad thing is that if we want to check the legality afterwards, it is not even processed or the police lies and invents reasons afterwards. The fact that it is illegal in the situation is also of no use to us, because we can only check it afterwards.

§ 31 HSOG

- The police must explain the duration and exact location when issuing an area ban
- The area ban can be issued verbally or in writing. Over 24 hours always in writing - insist on it.
- Without a court order it may last a maximum of 14 days
- If the police assume that a person wants to commit a crime in a place, they can forbid him to enter the place for a certain period of time. The duration of this prohibition may not exceed the duration of the expected crime and may last a maximum of 3 months. The regulations of the right of assembly remain unaffected.
- to enforce an area ban, the police can take a person into custody (up to a maximum of ten days with a court order) - on the other hand, an area ban is also a milder means compared to a preventive custody → so you can argue)

Coping strategies

- The best remedy against area ban can be a spontaneous assembly against the area ban, because at an assembly no area ban can be given, you must first find a reason to dissolve the assembly. The dispute over the right of assembly can also be an entertaining spectacle for spectators, e.g. if you read out some paragraphs on your cell phone, as the police often don't know what to do with it and get upset very quickly

5.1.2 Search

Often the police do not only want to have your personal data, but want to look in your pockets. Again, this is possible due to §102 StPO for anyone suspected of being a participant or perpetrator of a crime or due to § 18 HSOG for the purpose of establishing your identity if you do not state your identity "the police authorities can detain the person, search him and the things he is carrying for objects that serve to establish his identity, and bring the person to the police station." Or in further cases according to §36 HSOG for danger prevention.

According to police law (§ 36 HSOG) The police may search people, or things carried along after §37 HSOG:

- for identity verification
- if it is suspected that the person is carrying items that may be seized
- if the person is recognizably in a state that excludes free will determination or otherwise in a helpless position.

- if the person may be detained according to HSOG
- the person is in a place where it is suspected that
 - criminals hide there
 - crimes are arranged, planned or carried out there
 - there are undocumented people

People may only be searched by police of the same sex, this also applies to doctors and people may always attend the search.

If you are in a “**danger area**”, i.e. in Hessen in a place that is described as a dangerous place for the general public, the police can also control **without suspect**. This happens when many activists come together in one place (e.g. in the Hambi or in Hamburg at G20).

Coping strategies

- is theatrical emptying of the bags etc. as a kind of fashion show “What do we have here?..let’s smell it...” That could make it possible to make things disappear you do not want to show
- take something small, play scared and throw it into the bushes, police jumps after it and you have time to make something else disappear
- remember that police law must not be applied on the way to and from assemblies as long as they do not exclude you

5.1.3 Seizure and confiscation

The police can seize things after **§40 HSOG**

- to ward off current danger
- to protect against damage or loss of an item
- of persons in custody, if the thing is likely to cause injury to persons or property
 - injure, harm, kill
 - to help escape
- if there is a presumption that an item is to be used to commit a crime or administrative offense

They can also seize stuff following **§94 StPO**:

- possible evidence
- driver’s licenses subject to confiscation
- If the person does not want to hand over the things voluntarily, confiscation by direct coercion follows

According to §98 StPO things may only be confiscated by court order, except in case of imminent danger.

How long?

- According to §42 HSOG seizure or confiscation of items up to 1 year.
- According to §98 StPO confiscation of property only after judicial decision, then either as long as the investigations continue or until the proceedings are completed

5.1.4 Car/bus search

There are several ways in which the police can stop and control you. The first one is the general traffic control, which the police are always allowed to do. The other is the control of persons, for which the police need a reason (see the previous chapters).

To keep in mind during general traffic control

- Only driver must give the personal data and show the driving license, the other persons must not be checked without concrete reasons.
- The police may require you to show vehicle documents, warning triangle, warning vests, first-aid kit (→ for this you just have to open your window deep enough so that things fit through it!
- The fitness of the person driving may be checked. You can refuse to take a urine or blood test. The court can order a blood test if there is a concrete suspicion of alcohol or drug consumption and have it carried out by medical staff against your will (if you want to avoid a drug test, you can try to have an empty beer bottle in the car and, if it comes to that, give an indication of alcohol consumption)
- A search warrant is required for a thorough search of the trunk or car (§102 StPO). Or the police can plead imminent danger (§105 StPO). In any case, make sure you get a detailed explanation of why they think it is necessary to search your car or your bags and what they are looking for. Insisting on reasons can sometimes discourage them.

5.1.5 In police kettle

The kettle is a common police measure in Germany. Here the police surround a group of people in order to hold them in one place. This can only be temporary and serves to enforce further police measures, e.g. personal identity checks, or to process the trapped persons individually. Legally, this is either a detention (if it is done preventively to prevent or continue actions) or an arrest (criminal prosecution)

Options for action

- Organize yourself in the kettle: try to figure out what should happen to you (without telling what you did/ didn't do) and secretly call the legal team. Discuss options for action.
- If you are to be taken out individually, you may consider whether and how you can make it more difficult for the police to deal with them easily (e.g. to prevent the police from locking people up somewhere else). This could be done by insisting that you all get first, by pushing each other in front or alternatively by hiding the person behind you that the police want to have at the moment or by sitting down or lying down when the police want to lead you away.
- It can make sense not to respond to the demands of the police, e.g. all people with identity cards should come first, but to make as much confusion as possible

5.2 At the police

The police can take you for different reasons (see chapter 5.3). For political actions the most common reasons are:

- to ascertain your identity (see chapter 4),

- to take you into preventative detention (if they think you are going to do something that is forbidden, or if you did not comply with a ban from the premises) or
- to prosecute you (if they accuse you of a specific crime. It is then called arrest, not custody). Depending on the scenario police is allowed different things. So, ask them why they are taking you and what specifically they are accusing you of. (chapter 5.3).

Based on the specific reason, the police may do different things! So it may be worth asking why they take you and what they accuse you of (which, by the way, is your right that they actually tell you that themselves) (Kapitel 5.3).

5.2.1 Establishing your identity (ED treatment)

There is a repressive ED treatment on the basis of §81b StPO for criminal prosecution and a preventive ED treatment, as a “danger defense” measure. The difference is hardly distinguishable for you in practice, and the police often don’t know what they are doing and why. The ED treatment is usually carried out at police stations or in detention centers (GeSa), but it can also be, especially in mass actions, that they do a slimmed down version of the ED treatment on site (e.g. directly where you are detained). Then they often only take photos, searches and fingerprints with a mobile fingerprint scanner.

§19/ §18 HSOG ED treatment can be ordered to...

- ...determine your identity, but only if the identity could not be determined otherwise or only with great difficulty. I.e. if you give your personal data, they are theoretically no longer allowed to do that, anyways they often do so still.
- ...prevent crimes, because you are suspected of having committed a crime and there is a risk of repetition because of the way you have done it.

Prints of fingers or other body parts may be taken, photos may be taken, external physical characteristics may be determined and measured. They are **not allowed to take your DNA** without order by judge!

§81b/ §163 StPO

- “Insofar as it is necessary for the purpose of conducting criminal proceedings or for the purposes of the identification service, photographs and fingerprints of the accused may also be taken against his will and measurements and similar measures may be taken on him.”

DNA extraction is permitted for crimes of considerable importance, crimes against sexual self-determination, or e.g. §315a StGB endangerment of rail, ship and air traffic or similar. But only with a **judicial decision**, unless you would agree yourselves. (“Open your mouth” and you open your mouth could be considered a consent in retrospect). Also demand to see the warrant.

Possible behaviors and tips for ED treatment

- According to German constitutional law you don’t have to help with investigations against you! Even if the police frighten you, it is no resistance if you let yourself be carried, do grimaces,... the police is then however authorized to use direct force, i.e. they may force you to do so (also by means of hurting you, whereby always the mildest means must be chosen, but that does not matter to them, they always use painful holds excessively). But a photo with a distorted look and two hands in the face is worse than a photo without two hands in the face. Also your weight/size can be difficult to measure if you resist.

- You have to sign NOTHING.
- Against fingerprint scanners superglue (reflected), glitter, or cutting the upper skin layer has proven itself, even better in combination with slight wobbling on the scanner, they can do almost nothing against it, except to cause pain. Sometimes they then reach for an ink pad. Against tattoos or the like has proven to be persistent glue, which is sometimes painfully removed, but if many people have glue on them, even if there are no tattoos underneath, they sometimes stop annoyed. Same with fingerprints. The ED treatment is often the most painful and psychologically stressful part for people, so it is important to check you are feeling to decide, which behavior fits best.
- Often there are accusations of resistance during ED treatment. Either they try to force you to cooperate by frightening you, or you have actually resisted, for example by pulling your hand away when they put it on the scanner. But this does not mean that it will be prosecuted every time and that it will come to trial.
- You don't have to help them tape recordings or to imitate any kind of movement, e.g. a throwing movement with the right arm, pulse and breath samples, storage of social behavioral structures is also not allowed. On the other hand, they may change your outward appearance by putting on a wig or removing make-up, but any kind glue a doctor would have to remove .
- Legal defense: In case §81b StPO "for the purpose of the execution of the criminal procedure" you have as legal means the complaint ("Beschwerde") after StPO, here also the data must be deleted after the end of the procedure. In case of §81b StPO ("for the purposes of the identification determination"), a measure with a preventive character, you have the right of legal caveat ("Widerspruch"), because it is an administrative act, then a court order would be necessary and the police must give exact reasons why exactly which implemented measures should help in the individual case. In practice this does not work at all, since often neither police nor you know on which basis you are moving straight. Of course, you can always disagree. Just as on the basis of the police laws, the usual legal remedies for administrative acts are available to you (legal caveat ("Widerspruch"), action for annulment ("Anfechtungsklage"), action for continuation ("Fortsetzungsfeststellungsklage"). However, none of this has a delaying effect.

5.2.2 Interrogation? refusing to make a statement

If they are taking you in because you are being accused of something specific, they can try to interrogate you right away (§163 StPO). **You definitely can – and should! - refuse to make a statement in that case.**

Keep in mind

- The police is always looking for information, such as the schedule of the specification or the general structure of a political movement. Big police departments have their own section for politically driven crime at their disposal.
- Even exonerating testimony (presenting evidence for your innocence) is dangerous, eg. for other people they are suspicious of. If at some point you want to say something on the matter, it's better to take your time to think about what you want to say and to discuss it with others, not to do so at the station right away (even if police is saying something else).
- If you want to make a statement of any kind, you should always take a few days to think about it and get legal consultation before talking to the police about anything specific.

- Also what you tell the police during a “small talk” at the police station can be a testimony, chats with other detained people/ also with the legal team

What is a testimony? A testimony is every detail about you, somebody else or any other facts. If they ask you, if you were there that night, “no” is a testimony, because you tell them something about you. The reply might be right or wrong but it is testimony. Referring to the aforementioned question, the following reply would not be a testimony: ““Do we have a love affair or why do you want to know where I’ve been last night?”” This requires a lot of practice. It is easier to not say anything, to sing a song, recite poems, act a certain drama role or ask the police how expensive such a nice uniform is (think of the clown’s army– you can act like that just as well when in a police car or at the station!). It is advisable to try and practice role-playing before. Pay attention to accidental testimonies during such exercises. You do not have to sign anything (even if they say you have to) No mandatory signature, even if they try to force you at the police station. **Do NOT SIGN ANYTHING!** If they do not stop nagging you, you could also write something like “abolish police” instead of your name (it better not be an insult). An interrogation does not have to take place in a formal setting like an interrogation room, but could also be more informal, like on a car ride on the way to the station. **So, always consider what you say, and don’t let them provoke you.**

5.2.3 Confiscation of objects

Police may only confiscate stuff under certain conditions, eg. if objects have been used to commit a crime. They are not allowed to keep your personal belongings (money etc.) (→ §§ 94 and 98 StPO).

Keep in mind

- You can insist on being shown a detailed list of what police took from you. This works well relatively often, especially if they want to keep your things for longer than just the time of your custody. The paper should also contain the legal reason for why they took your stuff.
- In case they refuse to hand you back your things it is important that you have documents to show you are the owner (e.g. a receipt for an expensive camera). If you refused to give your ID in custody (see below), non-personalized receipts would be helpful since this enables others to pick up your stuff for you and your anonymity is not compromised by the need to get back your belongings
- If your things have not been confiscated officially, it might be an especially good idea to try and get them back as soon as possible. Taking care of that long after confiscation is often a much bigger hassle.
- Items that were confiscated to “avert a danger” should be given back to you once that danger is over (e.g. after the action or the cutting season ended). Items confiscated to be used in criminal prosecution are usually only handed back over after the trial.
- If you file an objection, a court has to decide whether the confiscation of your things was lawful/warranted within three days.
- You can find more tips on how to get back your stuff on the AntiRRR-homepage, compiled by the Hambi legal team

5.3 If they want to take me

5.3.1 Detention and arrest

During actions, there are always shorter and longer arrests. For the police, these are popular means of intimidating people and building up pressure. In official circles there are also stupid proverbs

like "detention creates legal force", with which the forbidden goal is expressed of extracting a confession of the detained person by means of detention (after which the person would then be released). Because an arrest and the associated feeling of being at someones mercy are fortunately not commonplace, the affected people are faced with an exceptional situation. All the more important that you know your rights and demand them. Make yourself clear: In the legal system, arrests are legally considered one of the most serious impact on basic rights. Accordingly, they may only last as long as they are absolutely necessary for the purpose stated by the authorities (the securing of proceedings!), no longer. At the same time, arrests mean a heavy effort for the authorities: the detained people must be placed in cells. In addition, the proceedings must be processed and decided on immediately - i.e. also in parallel. The more people in custody, the more work for the police and the responsible district court. Often there are not enough cells or other places of detention available, the few officers cannot keep up, the courts are minimally staffed in the province and cannot process the proceedings properly. So if you can cope with the situation to a certain extent and you all support each other, you as many can easily throw sand into this bureaucratic gear by considerably delaying the proceedings by the number of cases to be processed alone. This is helpful because it increases the chance that the authorities will give up after a few hours and more people will be released over time. It can also be useful if intentionally those arrested people who have not been registered in the past attract the attention of the police officers* with fooling around, nonsense and stupid questions and distract them from others. Because those who have already been registered in the past but not identified, might get more problems, because the police would like to identify such people with special care. The same applies to detainees with precarious residence status. Coordinate among yourselves and help each other. There are several ways to slow down the police and make it more difficult for them to process all cases, e.g. make all physical movements as slow as possible: walk slowly to the interrogation room, ask for the purpose of each paper you are asked to sign, read everything five times (and of course never sign anything anyway), ask all questions that come to your mind (without ever answering a police question yourself), do nothing without being asked and then do everything very comfortably to reluctantly, ask for food, for games, smoking, whatever. Doing so the treatment of each individual case takes longer and after some time they give up perhaps already therefore, because the officials want to make end of work, at the public prosecutor's office and court already everyone went home the action is anyway past and they do not know, what is to happen now with all nameless humans on the police station. Who did not identify itself, will have to wait possibly longer with the police. But if it goes well and nothing comes in between, the probability that something else will happen after the release is much lower. In general: Only do what works for you! Not every person is able to deliberately delay things after a long action and perhaps exhausting detention. That is also okay; do not put yourself under additional pressure. The police can search you and your things. They will do that to find clues to your identity. The police can also search you to find prohibited items on your body. Theoretically, the police can also demand that you strip naked. No doctor needs to be present for this. However, complete undressing is only permitted in exceptional cases if the police have concrete reasons to believe that you are carrying prohibited items that they cannot find otherwise (e.g. by palpation). In practice, it is more common for the police to try to enforce this measure on every person in custody. The Federal Constitutional Court has decided that this must not be done as a standard procedure, but always requires careful consideration and justification in each individual case.

Therefore, you should absolutely contradict the request to undress and try to talk to the officials around you personally and ask for support against this illegal and unworthy treatment. In any case, get a reason for what the police think they cannot find otherwise. Such humiliating investigations should actually be a rare exception; nevertheless, many people report them after their release. So prepare yourself to be put in this situation. Afterwards, this should definitely be reviewed by the courts. Like all other forms of searches (palpation etc.), undressing is only permitted in compelling exceptional cases in the presence of persons of the opposite biological sex. Also, it is possible that you will be confronted with insults or painful grips at the police station (especially during ED treatment, see Section 4.2.2).

You can be taken into custody according to police law, or temporarily detained according to the code of criminal procedure (StPO). The difference is difficult to feel in practice, because you are sitting with the same person in the same cell/ wing, the same judge is doing custody or detention tests. The distinction is important for the duration of the detention. Furthermore, you have the right to a defense attorney (i.e. not a public defender) for everything based on the StPO, but not based on the HSOG.

Concerning the duration of detention, no matter on what basis, you must be released by 24:00 the following day at the latest, unless a judge decides on the extension.

§32 HSOG police custody, reasons:

- based on §18, §19 for identity verification/ ED treatment
- Preventing the commission or continuation of a crime
- Enforcement of a relocation order, residence ban, etc.
- in care e.g. with minors
- other reasons: Accommodation e.g. in psychiatry, detention of escapees e.g. from detention

§32 HSOG police custody, duration:

- 12 hours if identity verification is the only reason
- without judicial decision: at the latest by 24:00 of the following day or until the reason for detention has ceased to exist
- **Custodial examination** this is an immediate judicial decision on the legitimacy and continuation of custody, the judge can extend custody to...
 - ... up to 6 days to prevent the commission or continuation of a crime (preventive custody)
 - ... up to 10 days for enforcing an area ban, etc.
 - ... up to 2 days everything else
 - Or declare the detention unlawful/ order milder means (e.g. area ban)

§127 StPO temporary arrest, reasons:

- caught red-handed if you are suspected of having escaped or if your identity cannot be established immediately (so called "everyman's right", i.e. Secus may also arrest you)
- in case of "imminent danger", also if conditions for an arrest warrant or preventive custody exist
- if an immediate decision in an accelerated trial according to §127 is probable/ it is to be feared that a person would elude the criminal proceedings/ stays away from the main trial

§127 StPO temporary arrest, duration:

- without judicial decision at the latest by 24:00 the following day
- **arrest check:** at the latest on the day after the arrest you must be brought before the judge, the judge can either...
 - ... decide to put you in preventive custody (see previous paragraph)
 - ... issue an arrest warrant for a trial detention
 - ... issue an arrest warrant for an investigatory detention
 - Or declare the arrest unlawful/ order milder means (e.g. area ban)

Your rights in custody/ arrest

- You must immediately be told the reason why you are being held (and theoretically what legal options you have to take action against it).
- You have the right that your legal advisor or a person of your trust is informed (many and also the cops think that this is a right to call and that's good! So don't be shy about it, because the cops might also call the legal team /EA for you).
- If you need medical treatment, the police must make sure that you get it immediately. Unfortunately, practice shows that they often don't do this or try to force statements or personal details in return (if you are dependent on medication, it is best to carry it with you, then it is likely that you will get it, if necessary, take a doctor's note with you)
- You always have the right to water and toilet facilities (accompanied by a person of your gender). You have the right to food at meal times (7 a.m. in the morning, 12 noon, 6 p.m. in the evening) and the right to get a blanket.

Apropos: In times of corona, people, except for some exceptions, are put in single cells.

5.3.2 investigatory detention (U-Haft) und pretrial detention

investigatory detention If you do not want to reveal your identity or if you are accused of more serious crimes and danger of flight, it could happen that the police and the public prosecutor's office request a (longer-term) investigatory detention, e.g. in order to find out your name after all, or to set an example.

When can investigatory detention be ordered?

- The maximum duration (of course there are exceptions) is 6 months
- Investigatory detention must be proportionate, you may only be imprisoned if a prison sentence is to be expected and above all you may not be imprisoned for longer than the expected sentence
- One must be strongly suspected of the crime and fulfill a further reason for imprisonment, **further reasons for imprisonment:**
 - **Flight risk**, i.e. to escape the criminal proceedings, that sometimes people without a fixed abode (OfW) are accused, people who have already skipped main trials in the past, people who do not give personal data, residence abroad,... **investigatory detention because of danger of flight may only be ordered if no milder means are applicable.** Milder means could be: security deposit at the court (money, securities,...), regular reports to the judge, it has also worked out that a human without official residence has spontaneously looked for a registration address without giving personal data or all communication was done by a lawyer,...
 - **danger of obscuration**, i.e. there is a danger that if you were at large, you would destroy, alter or manipulate evidence.
 - particularly serious crimes (e.g. 129a StGB formation of a terrorist group, murder,..)
 - danger of repetition with particularly serious crimes

Good to know

- police and public prosecutor's office can only apply for detention (and of course threaten with detention!). The must always(!) be made by a court.
- In the course of an investigatory detention order, you must always be heard personally by a judge in a formal procedure.
- The lower the crime charge, the more difficult it is for the authorities to obtain investigatory detention, even if you do not give your name.
- In addition, the following also applies here: The whole thing costs the police and judiciary a lot of time and effort. You have to be driven to court, the papers have to be prepared for each person individually, a place of arrest has to be organized, etc. You can decide at any time to give up your name.
- If the missing name was the only reason for the detention order (danger of escape), you must be released immediately after your name has been given and checked (§ 120 StPO) - if they cannot come up with new reasons for detention (this can happen). You can therefore wait and see how the court decides and only give your name when the court has really ordered your detention and you are still in the room. You can also give your name later if you are actually transferred to a prison after some time.
- Once you have been ordered by the court, i.e., once you have spoken to a judge, the police or prison officers in prison cannot simply release you themselves, but must wait for the court to formally lift the warrant. Therefore, in such cases, depending on the motivation of the officers, the time of day and the availability of the court, you may still have to spend a night in the cell, even if you have given your name after the hearing (e.g. on your way to the prison).
- Careful, this can be different in individual cases, namely if the police, for example because of previous criminal records, an open arrest warrant from another procedure or because of the residence abroad, despite a determination of identity, can justify one of the reasons for detention (danger of escape or obscuration) to the court!

If you give your name and you can prove that you are resident in Germany, they will usually release you afterwards. Because the authorities can then continue the following criminal proceedings by mail. With this prospect and individual legal advice and legal support (which you are always entitled to! Insist on a (renewed) call to the legal team, which will put you in touch with a lawyer as soon as you know about the detention check), it is still possible, despite threats from the police, to stay confident, be sand in the gears and possibly be released anonymously in the end. You can let the trial continue (as long as you can stand it) and thus tie up police capacity so that other people who are being held have to be released as easily as possible. It can be problematic, however, if you are not resident in Germany or have a precarious residence status or if you are accused of more serious offences such as assault or physical assault on police officers. If the investigating judge* has decided that there is a reason for imprisonment according to § 112 StPO (German Code of Criminal Procedure) (e.g. danger of escape), you will be taken to the JVA (prison) the following day at the latest. Probably a postal check will be ordered, which means that the responsible officials will read your incoming and outgoing letters. The correspondence between you and your lawyer is excluded from this control. Be sure to write bold "lawyer mail mail" on letters of this kind. By the way, not only lawyers can be defense attorneys, but also other persons can be chosen defenders according to § 138 Abs.2 StPO, but must be admitted. You should not incriminate yourself or others in front of the judge, but refuse to testify. Perhaps you already see fellow prisoners in the prisoner transport. It is also safer to not talk about the alleged crime in front of other prisoners, no matter how far-fetched the accusations may be and how much they upset you. This does not have to mean silence. Talking about quantum physics, exciting books, your rights, or anything else that has nothing

to do with your deed and motivation would also work. As a prisoner on remand you are innocent according to the law. You should not get the impression that you are being held to serve a sentence. Of course this does not correspond to reality. You can always apply for a judicial examination or appeal against the arrest warrant. If you have been remanded in custody for six months, the Higher Regional Court will independently examine whether you must remain in custody. Investigatory detention is a world where you have to apply for everything from books, medical examinations (unless your case is acute) to cleaning supplies to clean the cell. For this you will be given application forms by the prison officers, which usually have to be handed in in the morning when breakfast is served. In some prisons, a visit permit and/or appointment must be made from inside the prison, i.e. by the prisoner himself or, alternatively, by the lawyer. In other prisons, this can be done from outside by the visitors, especially if you are in prison anonymously, it is very helpful to have people outside who you trust to support you, e.g. to inform relatives of you. As a good preparation for a possible detention, the reading of this text is by no means sufficient. It would be very advantageous if you familiarize yourself beforehand with the remand prison law as well as the code of criminal procedure and the Basic Law and organize these as quickly as possible during your detention so that you can name illegal circumstances and actively counteract them (e.g. by applying for a court decision with the responsible detention judge etc.). Discuss the topic with your affinity group and your affinity people, ask those close to you how far they can support you during your imprisonment, which of them has the strength and possibility to visit you in prison. Clarify which public relations / press work you would like to have and which can realistically be done from outside. How much you deal with it in detail can of course depend on your chosen forms of action.

Inform and organize yourself independently as far as possible and take into account that arrest does not only happen to people who are active.

Pretrial detention Pretrial detention according to §127b is an accelerated trial. The arrest warrant is only to be issued if the main trial can take place within one week and the evidence is very clear and if it is to be feared that the person will not appear at the main trial due to certain facts. This is also mean, because you hardly have any time to prepare for the trial and can only see your friends again in the trial. But you have to keep in mind that courts often don't have the time to schedule a main trial within a week.

5.3.3 Trans*people and jail

General information

- If a person indicates their identity, the sex entered on the ID card counts for the police. If there is a change of civil status in the person, the newly registered gender applies.
- When humans take hormones, it is part of the medical care. Humans have the right to take them and can insist on it in custody (e.g. GeSa). (However, sometimes they have to be applied for first and, if necessary, it has to be medically proven that humans need them. -> it made sense to carry this proofs already with you).
- The "separation principle" is that after people registered in custody as "men" and "women" are accommodated separately (HSOG §34, paragraph 3, sentence 2).
- It is possible that a person may be put in solitary confinement, this is decided by the officials, there is no right to group/single confinement.

Physical search

- People are always examined by persons of the same sex registered on the person. (Only in Berlin is it allowed to choose who will do the search).

- As soon as a person has to undress, it may be required to do so in a room in which only the searching persons are present.
 - Humans do not have to give information about their sex!
- **this applies to ALL people (identity card, residence permit, origin does not matter!)**

Supplementary Identity Card

- Some Trans* people have a dgti supplement of the Deutsche Gesellschaft für Transidentität und Intersexualität e.V. (dgti).
- It shows which gender and which pronoun the person prefers.
- There is no legal basis on which people can refer to the supplementary card. The police structure will probably inform about the supplementary identity card, but it is questionable to what extent it will be recognized.

Detailed information under:

http://transundhaft.blogspot.de/images/Informationen_Fur_Transmenschen_inHaft2.pdf

5.4 House raids

Legal basis: § 102-108, 110 StPO oder § 38 / 39 HSOG

Suggestions for affected people

- Say nothing, sign nothing
- **search warrant** require & request a copy, (if not available, searches are almost always unauthorized, but then often come in anyway by force). You can then try to limit the search to the items and rooms mentioned in the search warrant (difficult in practice)
- There is often a form where officials check → at the “for you right place”, by signing it you could agree to confiscate things. If you want to check the box, read it carefully!
- insist on **own witnesses** (§ 105 StPO) → they must not be questioned! Help you later if you are accused of false statements!
- make them search each **room individually** (in a shared flat only yours and common rooms, so it is best to label the doors) (cops want to rush in everywhere)
- **request protocol of confiscated things** or certificate that nothing was confiscated
- You are allowed to **be there** during searches (if owner is not present, someone else may go with you, e.g: neighbor, roommate, relative)
- § 137 Code of Criminal Procedure (StPO): insist on calling in a **legal counsel** (you can try to wait until he is there → to buy time)
- you can **disagree** the search & have this recorded. A search authorized by you heals an invalid search warrant (they are usually flawed!) and endangers the later assertion of procedural errors or prohibition of the use of evidence. (In practice, however, the police and judges often don't care anyway)

- hints: Cops can be distracted by panicky hiding socks or the like, but while they are distracted, the real stuff can be “hidden” Often cops just rush in, sometimes at night = surprise effect, scaring, they love it as soon as the door opens and even without ringing the bell, they tie people up... possibly prepare for it. Nevertheless it makes sense to look through the spy/intercom system and if it is cops, wake up the others and inform everyone and not let the cops in directly. (If devices are hardware encrypted, turn everything off.) You can also get badges and note the name and function of the officers → to buy time.

Legal basis (here summary, for detailed information read more §)) There are house searches on the basis of § 38 / 39 HSOG (danger prevention) or the StPO, in § 102-108, 110 StPO (criminal prosecution). However, the regulations are similar.

Generally: House search = basic right interference after art. 13 paragraph 1 GG, **therefore a search warrant is always necessary** §105 StPO/ §39 HSOG (exception: imminent danger, then public prosecution office or its investigators can decide) Problem here: even if they did not have a search warrant, a judge usually confirms the search afterwards illegally.

Content of the search warrant: must describe the accusation, concrete evidence, in such a way that a concrete external frame for the search is defined. Crime to be solved must be described in detail (BVerfG). Proportionality, rooms to be searched. After 6 months, the order becomes time-barred.

- §102 StPO (German Code of Criminal Procedure) People may be searched in the case of persons suspected of having committed a crime (suspicion must be based on concrete facts! BVerfG), to seize them if evidence is suspected (search that only serves to investigate = inadmissible!) / §38 HSOG search: seizures in order to avert current danger, averting danger if persons are there who may be presented or taken into custody, criminal offences are committed in planned there, criminals or people without a residence permit are hiding there
- §103 With other persons: Searches for the capture of the accused, for the prosecution of traces of an offence, for the seizure of certain objects (only if there are facts that the object sought is also there) Before the search begins, the purpose must be made known.
- §104 Searches at night time only in case of persecution in the act, imminent danger, escaped prisoners (night time: April-Sept. 21:00 - 4:00 am, October - March 21:00 - 6:00 am)
- (§105 StPO if possible, community official or community member must be present)
- §106 StPO owner may attend search, in case of absence, if possible representatives, relatives, neighbors, housemates should be consulted
- §107 StPO (German Code of Criminal Procedure) the person concerned must be informed in written form upon request after termination: Reason for the search, offence, list of confiscated objects
- §108 StPO Objects which are not connected with a search ,but which indicate further criminal offences (“random finds”), must be confiscated! cars and other items belonging to the suspect can also be searched

6 After action

6.1 Criminal proceedings

6.1.1 Summons (Vorladung) by the police or the state prosecutor

If your personal data was recorded during the action or could be determined in any other way, a summons to the police is usually issued in the months following the action (however, not all the

things you were once accused of at the police station are investigated to cause fear, etc.). Sometimes this can take longer.

Before initiating a criminal trial procedure, the police will normally try to interrogate you on whatever happened. You are not obliged to actually go to the police when summoned – and there is no good reason for you to go, either. If you go and talk to the police, that's normally only useful for them. If they tried to interrogate you the day they picked you up, you might not be sent a summons. As the person accused of something, you don't have to attend whatever date police sent you – and you shouldn't. With less severe accusations, you might just be sent a form to fill out, effectively replacing the actual hearing. If your personal data on the form are correct, you are not obliged to fill it out or send it back – no matter whether or not the form itself says otherwise. If your personal data are incorrect, you should correct them, leave everything else empty, and send it back. Any statement you would make on the form or in person talking to the police would only be used against you. If you are summoned as a witness, you should read the summons more carefully. You don't have to comply with the police asking you to come by and make a statement. But if it was the prosecutor's office ordering the police to summon you, you are theoretically required to attend and make a statement (§ 163 Abs. 3 Code of Criminal Procedure (StPO)). If that is the case, your letter contains a so called advice on legal remedies (German: Rechtshilfebelehrung). Even if you are summoned by the state prosecution, refusing to make a statement is usually the best way to go (although it is not legal). The best you could do would be to tell the legal team or other legal aid structures about your summons, get together with other people affected by this and come up with a strategy together. A witness who is summoned also has the right to have legal assistance by their side (according to § 68 b StPO, that person can be a lawyer or a lay assistant, specified in § 138 Abs. 3 StPO. If police tries to question you as a witness right there and then, claiming to be ordered by the state prosecutor's office, let them know that you demand legal assistance and that they should send you a letter asking you to come another day, so that you can manage to bring your assistance. In the less common case of the prosecutor's office summoning you as a suspect: you have an obligation to go, otherwise the prosecution can order police to take you thereby force (§ 163a Abs. 3 StPO). However, at the prosecutor's office you do not have to say anything on what happened, either – you just have to give your personal details.

6.1.2 Penalty order (Strafbefehl)

Still, you might end up in criminal proceedings. But don't panic now: it takes quite awhile until you are sentenced (if you get sentenced at all). So you have a lot of time to prepare for your case. The rough course of events from the accusation of the crime to the trial/penalty order etc. looks like this: A preliminary investigation is initiated by the public prosecutor's office (StA), it is "mistress of the preliminary investigation", the police are the investigators. Either an investigation is carried out when a criminal report is filed, in which case it must be followed up, or the public prosecutor's office investigates ex officio/ obtains knowledge of a criminal offence itself. Then it is investigated (everything is regulated in the StPO), that is the period in which you may receive a summons, maybe even a house search, telephone surveillance, witnesses are questioned. The investigation ends when all necessary evidence has been secured and the owner has had the opportunity to comment on the matter. It is concluded either by filing a public suit, applying to the court for an order of summary judgment, or by suspension (there are several variants of suspensions). If the competent court, after the filing of a public suit by the StA, also affirms a sufficient suspicion, it will issue an order to open the case, otherwise it will issue a non-opening order. Then at some point you will be sent a summons with a bill of indictment for the main trial, according to the law on juveniles, a bill of indictment before that. At that point you know that your files are at the court and you can inspect them.

For less severe criminal offences and if the evidence is supposedly rather clear, German prosecutors and judges often use something called a "penalty order" (Strafbefehl, § 407 ff. StPO). A penalty order is a document stating what you are charged with and imposing at the same time a certain penalty. It is basically supposed to replace the trial. Once you have received such an order, you have

two weeks to file an objection (§ 410 StPO). If you do not react within this period of time the penalty order will be the final verdict. That means:

- You are sentenced and have to pay the fine stated in the penalty order (or choose to go to jail instead).
- You are considered to have a criminal record and the next time you will be punished harder
- If you have to pay daily rates for more than 90 days or get sentenced for the second time, this will be mentioned in your police clearance certificate. This might be of interest for job applications etc.
- Your right to refuse testimony as a suspect or a defendant does not exist anymore once your case is completed and a binding verdict is in effect. In case other people are accused of the exact same crime you might be forced to testify as a witness

Due to its enormous disadvantages, there is hardly any reason to accept a penalty order. Even if you do not fancy long proceedings and you would rather just pay and accept all disadvantages: file an objection first. You do not need to give a reason for your objection. Some weeks or months later, “ordinary” oral proceedings will follow.

The advantages of objecting are:

- Afterwards, you can calmly rethink your further strategies and discuss your options with us and others
- In the meantime you cannot be forced to testify in trials against others.
- You also have the opportunity to access the files related to your case. Checking what evidence they have against you might reveal that there is very little proof for what you supposedly did (or even none at all). Although you might have heard something else: you as an individual have the right to access your files, even without a lawyer. This is supported by § 147 section 7 StPO (Code of Criminal Procedure). (Want to know more? <http://www.projektwerkstatt.de/antirepression/akteneinsicht.html>)
- Theoretically, the proceedings could be terminated after you filed an objection.
- If the pending case is to be continued, you still have the possibility to withdraw your objection. This is possible until shortly before the trial. Usually no extra fees will be charged for this.

If you do not withdraw the objection, and the proceedings are not terminated, an oral hearing will take place. You have to go to the trial, otherwise your objection will be rejected (in very few cases you could just be represented by a lawyer and not attend yourself). Often they will order you to come, even though you are represented by a lawyer. If you are older than 21 years the trial usually takes place at the local court where the alleged crime supposedly happened. If you are under 18 and they want to convict you in accordance with the statutes relating to criminal prosecution of juveniles, the trial will take place at the local court of your place of residence. Adolescents (between 18 and 21) could be subject to either one of the two versions.

6.1.3 The trial: not the end of your options for action!

Rather than sending you a penalty order, the prosecutor may also decide to initiate an ordinary criminal procedure. In that case you will receive a so called bill of indictment (Anklageschrift - which, other than the penalty order, you do not have to object to). No matter whether penalty order and objection or indictment, you should apply for access to your files, think about how you want to defend yourself and take enough time to get prepared. You can get support either from us or your

local legal aid groups. We can also try to find a lawyer for you. The main hearing still bears the chance of a successful defence. Nowhere else is one able to question one's political opponents or the prosecution's witnesses so intensely. Additionally, you can request to access additional files or file requests to gather evidence on things such as police strategy or political networks. You can refuse to testify and still file requests and ask questions. One aim could be to make the court room a platform of political action. With some parts of criminal law this almost suggests itself, for example if it's about "resistance" (§ 113 of the Criminal Code) and they want to talk about how the police behaved. For different kinds of political actions, like occupations, blockades, rallies, militant actions etc. you can make use of § 34 of the Criminal Code (Rechtfertigender Notstand/justificatory emergency). It allows you to actually commit an offense if some kind of danger (even an abstract one!) could otherwise not be prevented. This could actually help you to use the court room as yet another stage to publicly fight for what you believe in. If for example you are accused of resisting or assaulting enforcement officers (§ 113 and § 114 StGB, Criminal Code) it is a pretty obvious idea to criticize the police behaviour at court. Another aim could be to reduce the charges or simply prove your innocence. What exactly you are going after has an effect on your court strategy. Good to keep in mind: what you do should feel right to you, it should not incriminate anyone else, and if possible should be useful for the movement. The antirepression structures will support you when deciding what you want to do at court. But we also encourage you to consult your affinity group and/or your friends, and develop and propose strategies together. A trial needs to be prepared and also rehearsed. Trainings on defence in court could be helpful. It is not always necessary to have legal assistance or a lawyer. If you feel confident enough you can also defend yourself. Apart from help by a lawyer, we are also allowed to help one another. § 138 (2) of the Code on Criminal Procedure makes it possible for lay people with a certain prior knowledge to defend others if the court agrees. Once again: no one is left alone. You can rely on solidarity structures to support you.

6.1.4 Possible penalties and how to deal with them

In case of a verdict of "guilty", the ensuing penalties are defined by the section in the Criminal Code corresponding with the crime. There is always a minimum and a maximum penalty and the judge has to stay within these limits (§ 46 StGB)

Fines (Geldstrafen) If in the course of the action you gave the police your personal data, or your identity could be established otherwise, usually you will be summoned by the police in the months following the action. Sometimes it takes a little longer (usually within a year or two after the action). You can make use of that time: get in contact with others and discuss your strategies. You can contact the legal team if you received a letter from the police or a law firm, no matter whether it is a summons, a penalty order, a court date, a discontinuation or a declaration to cease and desist (if they failed to note that you do not understand German and did not translate the document, the German words that could top your letter would be Vorladung, Strafbefehl, Anklageschrift, Prozesstermin, Einstellung or Unterlassungserklärung). Also you can contact us if the proceedings have been terminated in your case. We will in any case help you to get in contact with other people affected by repression. We can also give you tips on further strategies and support you in solidarity in your preparation. Knowing about all ongoing proceedings also helps us to stay on top of things, gather information and experiences, and use these to develop strategies for actions to come. Therefore contacting us is also about increasing knowledge in the movement and to widen all our skills in countering repression.

- Soliparties, create anti-repression pots together with people, organize the money together with the people with whom you did the action
- In general, you can also apply to the court for payment in rates (§ 42 StGB)

- You can also apply to do community service instead of paying daily rates. One daily rate is then usually equivalent to 6 hours of work. For example, if you are sentenced to 30 daily rates, you would have to work 180 hours instead
- If the fine cannot be collected, or if you decide so yourself, then you spend an equivalent number of days in prison instead (→§ 43 StGB). One day of imprisonment then equals one daily rate of the imposed fine. Such a thing costs the state much money and can be used for public work. It is also possible to pay a part of it and to sit the rest.
- Die Rote Hilfe, a Germany-wide anti-repression structure, often provides assistance in paying fines in political proceedings. As a rule, it covers 50% of the costs incurred, but this is subject to conditions. To do so, you must submit an application to the nearest local group.

Imprisonment and suspended sentences If your conviction is a prison sentence of no more than 2 years, that sentence can be suspended. The court will decide whether or not to suspend your sentence according to your so called social prognosis, e.g. if you have never been convicted of a crime before, your chances of getting off with a suspended sentence are higher. A suspended sentence means that you have to stick to a number of conditions for a couple of years. If you violate these conditions you will be sent to prison. You can find a little bit of information about time on the inside in the chapter on investigative detention 4.3.2.

6.1.5 Fines (Bußgelder)

If you are only accused of administrative offences, fines are usually imposed. Against it (as with penalty orders) objections can be raised - then it comes to the court process. These kind of fines do not appear in criminal records. If you don't pay, enforcement arrest can be ordered to make you pay.

6.2 Civil law

The opponents of those active in the climate movement are often not limited to the state but also include large corporations. They profit a great deal from the destruction of the environment. That's why those intervening in this field often have to deal with repression through civil law. This section provides basic information on the subject of civil law and demonstrates options for action. Civil law deals with legal relationships between private legal entities. These entities can be individuals (people) or legal bodies (companies, clubs, organisations, etc.). Civil law is mainly concerned with who owes what to whom. Thus, if you are faced with demands from your opponents according to civil law, this may be very burdensome as there is (sometimes a lot of) money at stake. But none of this is going to go on your record as a previous conviction. So, for the most part you are not dealing with state authorities (except perhaps for a civil court) but rather with a corporation and its lawyers.

6.2.1 Declarations to cease and desist

In the last years the climate movement had quite some experiences with civil claims both in the Rhineland and in Lusatia. RWE (the legally recognized "owner" of the Rhineland coal mines) has been prompting activists who have allegedly trespassed on or otherwise violated the property of RWE to sign so-called declarations to cease and desist (similar to injunctions, but not the same). Vattenfall has done so as well. By signing such a declaration you pledge to refrain from doing whatever is specified in the declaration in the future. Not every action will be responded to with declarations to cease and desist – this is a decision at the corporation's discretion. But RWE has become quite fond of this kind of repression. Participants in small group actions have also already been asked to sign such a declaration. If you stayed anonymous during the action, it may well be that you won't hear back at all. But if you revealed your identity or the police found out who you are anyway, you

may at some point receive a letter containing a declaration to cease and desist and demanding that you sign it within a short period of time.

What are the basic (theoretical-legal) requirements for a cease and desist declaration? A person may be asked to sign a declaration to cease and desist if there was a first act of trespass, a first violation or a documented threat of first trespass. So this holds when an individual can be accused of having trespassed/violated corporate property or when an immediate violation of property is to be expected (eg. because the person publicly declared that they will participate in such acts). Declarations to cease and desist can be posted via the mail or can be distributed on location by people authorized by the owner (eg. RWE, Vattenfall or LEAG). It is more common that activists receive a letter afterwards – presupposing, of course, that the owner knows your identity. The declaration can also be directed at an “unknown person” if the individual cannot be identified by the police. A declaration to cease and desist is only acceptable if there is a “danger of repetition” (meaning that the individual in question could perform the act in question again). It has to be clearly defined which act is to be discontinued and where. The injunction has to bear a sufficiently close relation to the impending violation, and corporations can only claim their own rights. Thus, it cannot demand that activists “will desist from entering any coal mine in Germany” as this would include mines not run by the same company.

Which options do you have when asked to sign a declaration to cease and desist? You can visit local anti-repression groups or lawyers of your choice and discuss your actions with those involved and read the following section.

- **Sign declaration of discontinuance:** By doing so, you accept all the conditions formulated in it.
- **change declaration of discontinuance:** Since a cease and desist declaration is a private contract, you can change it and send it back to the company. An obligation to pay the opposing party’s legal fees, which is sometimes contained in such declarations, may also be waived. Lawyers often exaggerate with the injunction. It can be useful to discuss changes with experienced people. The change would at least have to be made in such a way that the possibility exists that the opposing party can still agree and the “firstness” of the declaration is not in doubt. If the company does not want to accept the change, it can apply to the court for a temporary injunction, at least if your change makes it clear that there is no chance of an agreement with you.
- **do not sign declaration of discontinuance:** This may result in the company suing you for injunctive relief, which may result in costs for you if you lose the lawsuit. This can also be done in a so-called summary proceeding, i.e. a faster procedure in which the court only examines the facts very roughly.

As a result, in the last two cases, the court can issue a restraining order against you and order you to refrain from certain conduct in the future. The restraining order is a temporary and urgent order of the court to maintain a certain state of affairs. For example, the prohibition to enter a certain open-cast mine can be issued. But the applicant (the company) must be able to prove that haste is required and that the normal legal process would take too long. If you violate a restraining order, you are threatened with an administrative fine.

6.2.2 The injunction

Whoever does not sign a cease-and-desist declaration therefore runs the risk that the other party will sue for injunction, which can result in court and legal fees. If the company files a lawsuit against you, this statement of claim will be sent to you by post to the address printed on your identity card -

in which case there are certain deadlines to be met. Depending on the so-called amount in dispute, either the regional court or the local court is responsible. Before the regional court you have to be represented by a lawyer. You may also represent yourself at the local court. You can still decide to sign the cease and desist declaration - but this will not work for free anymore. The special thing about civil law is that the costs of a procedure are calculated according to the amount in dispute: The higher the amount in dispute, the higher are automatically the costs of your own and the opposing attorney. Also the court costs rise with the height of the controversial value. With an amount in dispute of 50,000 Euro, which is often used here, 8,000 Euro can be incurred for the first instance, if one loses the proceedings completely. The amount in dispute is determined rather arbitrarily by the group and is based on the damage that is said to have been caused without the group having to prove this in detail - i.e. it is not equal to a claim for damages. The court can follow this amount in dispute or change it - you can also sue against it, which can lead to it being lower. Another special feature of civil law is precisely how the costs are ultimately divided among the opponents: If one side loses completely, it pays all costs inclusive the lawyer costs of the opposite side. If, however, the court decides that of a total of five disputed points, three are considered won by one side, the costs are also divided accordingly between the parties: 3/5 of the costs would then be paid by one side and 2/5 by the other. Against the decisions before the land or district court one can also appeal and go into the next higher instance - thus also the cost risk rises then. Both sides are allowed to lodge these appeals.

Which actual experience with civil law suits has been gained so far? First of all: Experiences here taken from the reader of the Rhineland, i.e. other experiences are made elsewhere.

Over the past years, a couple of times RWE actually did file lawsuits against people who decided not to sign a declaration to cease and desist. Suits were also filed against people who signed a modified version of the declaration to cease and desist and did not comply with RWE's subsequent insistence to please sign the entire declaration. RWE has never filed suits against everyone they could have taken action against, butal ways against select individuals. Small group actions were more frequently affected than mass actions. The wording of the declarations to cease and desist RWE wants people to sign has changed drastically over the last years. When they first started using them, they at least still adhered to the rule that the acts prohibited by the declaration need to be clearly defined. Nowadays, a typical declaration to cease and desist will ask the addressee to refrain from entering any and all of RWE's premises. Our legal interpretation reads this practice as making claims that are too extensive, thus at least warranting modifications of the declaration before signing it. Hence, one should be able to alter the declaration to cease and desist so that it e.g. only prohibits future entering of specific areas one is actually being accused of having stepped foot on in the past. But so far, many people who modified their declarations to cease and desist in that way have also had to face RWE's lawsuits. Just once has our understanding of the situation been confirmed by a decision made in a court of law. Still, it is worth looking into every single case individually to see what kind of action could maybe be taken against the claims - usually no two cases are exactly alike, so the courts' decisions might differ. No matter the accusation, the amount in dispute used in these civil lawsuits has always been established at 50.000 euros, which means that the court responsible for handling these cases is automatically the district court. But in many cases, objecting the amount in dispute has been successful. This could result in the amounts generally being reduced in the future, which would in turn make the entire proceedings less expensive.

6.2.3 Contract penalties

Usually breaching the contract the declaration to cease and desist constitutes will result in a fine one has to pay. The contract penalty could either be to pay a certain amount of money or to serve a sentence in prison. The amount/severity can either be specified beforehand or it can be decided by either RWE or the court for every individual case. The penalty is usually more in the range of a couple of thousand euros than a few hundred (but far from the maximum contract penalty of 250.000

stated in the declaration). Until now, there has been no case of imprisonment on behalf of a contract infringement. In one case we could see that the contract penalty can very well be “negotiable”. After a violation of a signed declaration to cease and desist RWE will send you a letter stating the level of the penalty. You could either pay the money, or say that although you consider yourself innocent you would be willing to pay a smaller amount of money to avoid any more strenuous proceedings. RWE can accept the smaller amount (as happened in the one case we draw our experience from) or sue you for the rest. That it worked once does not mean it will necessarily work again and again. RWE could also sue you right away. The amount in dispute would then only be the amount of the contract penalty – hence, the financial risk should be much lower. One important thing to keep in mind is that contract penalties will increase with time. Meaning: a first-time violation of a signed declaration to cease and desist will result in a lesser fine to pay as a contract penalty than the second- or third-time violation will.

6.2.4 Compensation claims

According to §823 of the German civil law code (BGB), an individual or legal body is entitled to compensation if harmed by an unlawful action on someone else’s part. This means, for example, that if anything in an open cast pit is damaged in such a way that one or more power plants have to shut down and the owners thus suffer significant financial loss, they can file a lawsuit and request an “appropriate” sum for compensation. Vattenfall did this in the case of a Greenpeace coal train blockade in 2013, but the county court of Cottbus decided that the activists did not have to pay. Filing a compensation claim comes with quite some risks for the corporation and is usually perceived very negatively by the general public - which can be useful when developing a campaign to support people affected by compensation claims. The amount of compensation claims that have been filed by RWE over the last few years has been very limited. For its claim to be successful, the corporation is required to prove that it actually has suffered financial damage of this proportion through the action of the defendant – this is not quite so easy. It also helps the movement to gain some insight into the operations the corporation is running. Damage claims can be filed in addition to a declaration to cease and desist: after all, compensation is about something you (allegedly) did in the past; while a declaration to cease and desist relates to things you are supposed to refrain from in the future.

Not paying? All civil law claims are about getting your money. Whenever you do not pay your court fees, the opponent’s lawyer or the compensation claims they are demanding, RWE or the state can try to get your money anyway: by means of confiscating money from your bank account or through a judicial officer claiming your belongings. If you live of very little money anyway, you could consider providing information on your financial status (also known as an “oath of disclosure”) to avoid payment and leave it to RWE to deal with it. This would, however, result in some restrictions for you and your daily life – which are manageable nonetheless. More info on that in a booklet you can find online <http://vonunskriegtihnix.blogspot.eu/> (for information in English, contact the legal team). Same goes for not paying a contract penalty, unless it has been ordered to be carried out as a prison sentence (which hasn’t ever happened until now, but could happen). In that case you will either have to pay or spend time in prison as demanded

6.3 Disciplinary proceedings in the public service

Opening of criminal proceedings can also cause you trouble at work if you are employed in the German public service as a civil servant (eg. as a teacher or a student teacher). According to § 49 Beamtenstatusgesetz (Law concerning the status of civil servants), courts and state prosecution have to inform your department of any proceedings against you. If you are then sentenced to serve at least one year in prison (also applicable if it is only a suspended sentence), your status as a civil servant will automatically end for life once the verdict is in effect (according to § 24 section I Law concerning the status of civil servants). But: a penalty of that severity is not to be expected as the result of

actions of civil disobedience. Still, also lesser verdicts (eg. a fine) or a closing of proceedings can constitute a disciplinary offence according to § 77 section 1 Bundesbeamtenengesetz (Law on Federal public servants). It can result in disciplinary punishments at your workplace according to the specific regulations of your federal state, such as lower payment, relocation or a reprimand. After completion of the criminal proceedings, separate disciplinary proceedings will follow. 5 After the action Civil servant candidates (like student teachers) are even more at risk, since they can be dismissed at any time according to § 23 section 4 of the Law concerning the status of civil servants. They should still be given the chance to complete their second state examination (but do not have to be given that chance). Theoretically, even benign penalties can be problematic in these cases. It very much depends on you superiors and their will to sanction you. If you are a salaried employee working in the public service you have to be prepared for labour law sanctions corresponding with the general collective bargaining and labour laws. Dismissal is possible in cases ending in very severe sentences, meaning prison sentences of at least a year, even if the sentence is suspended. Salaried employees are not required to show especially good conduct outside of their work duties anymore. You should also pay a lot of attention to this issue if you are not employed in the public sector (or as a doctor or lawyer) yet, but are aspiring to be. Certain court decisions (like the revocation of a firearms license or a business license, placement in a psychiatric hospital ordered by court, or a legally approved lack of criminal responsibility) can appear in the specific “certificate of good conduct to be presented to authorities” that people need to become lawyers or doctors. These would not appear in a regular certificate of good conduct that usually only contains convictions of more than 90 daily rates or from the second conviction onwards. Convictions of less than 90 daily rates can also appear in the certificate of good conduct to be presented to authorities, if for example you need the certificate to acquire a business license and the conviction had to do with an economic enterprise. Furthermore, the process of getting your license to practise as a doctor or a lawyer can be inhibited or at least slowed down. People who would like to prove that they are fit to work with minors have to present a so called “extended certificate of good conduct”. On top of any convictions the regular certificate of good conduct contains, any kind of incident/conviction that could pertain to this kind of work will appear in the extended certificate – this mostly applies to sex crimes and thus should not be relevant in the context of the actions planned. (More specifically: all convictions according to §§ 171, 174-184g, 225, 232 bis 233 a, 234, 235 oder 236 StGB/Criminal Code will appear in the extended certificate of good conduct). Please do some research before the action and consider all these risks (as well as other possible consequences) in your decision on the kind of action you would like to be part of. Try to take a decision that meets your plans. Don't let others pressure you into any direction

7 Information on right of residency

In the following, we will present some points that people who want to participate in actions without having a German passport or a place of residence in Germany should consider. There are differences between those who live in Germany and may want to stay here in the long term and those who will only be here for the action. Moreover, there are differences between persons from other EU countries, non-EU citizens and people who live without any papers. In general you will be charged regardless your nationality, the penalties are the same as well. A big difference are the consequences a conviction can have on the right of residence of people without a German passport. We need to point out that German authorities are just as racist as many other structures in society. Therefore, if people choose not to be identified, but the authorities classify you as a “non-german” due to your outer appearance etc., they could try to attest you to beat “risk of flight” - an accelerated procedure or remand custody among other things could be the result. We are sometimes faced with the question of whether or not a conviction in Germany may lead to trouble when seeking a job in other countries. We cannot give reliable information on this as it mainly depends on the legal situation (eg. regarding police clearance certificates) and of course on the practices and attitudes among employers in the country in question. But we do know that German authorities convey information

about convictions for criminal offences to other EU countries. Therefore, you should assume that authorities in your (EU) home country will be informed about your conviction. Upon request from authorities in non-EU countries, German authorities may provide information on convictions on the basis of the same conditions and restrictions as when dealing with other German authorities (unless there is a bilateral agreement that says otherwise)

7.1 Travelling to the action

You are action-bound and stopped at the German border:

- According to Article 5 of the Schengen Agreement, a person can be denied entry if they pose a danger to public safety and order, e.g. if they are expected to commit criminal offenses in Germany. The border police has to give specific reasons, which are not easy to find – especially if big demonstrations everyone is allowed to attend are taking place.
- Only in the case of very big mobilizations is there a possibility of systematic border controls. Random traffic controls (your bus/car is stopped, you are checked on the train) can happen. Some officers have already asserted both in public and at court that the police is selecting people and vehicles based on racist prejudice.
- During these controls, police may check your identity and look for matches in various databases, including the European database SIS (Schengen Information System) and in the criminal records of the Federal and State Criminal Police Offices (BKA/LKA). They might also contact the police in your country of origin.

What can I do?

- You may think about whether you are sufficiently well-known among the authorities in your home country and in Germany to be listed in the SIS (Schengen Information System database). You could also check in advance whether you are listed, using the inquiry system SIRENE. Depending on which country you are from, such inquiries might take a while.
- If you believe you may be listed in the SIS or another database, you could try to enter Germany in a more inconspicuous manner, e.g. in a small group on a train like a normal tourist, and not on a bus that is known to travel straight to the action.
- If you are stopped at the border, a lawyer could try to take action against your travel ban.
- If you want this, you could contact the legal team in this case. The possibility of border controls within the Schengen area is specified in the Schengen Agreement.

Regarding databases, see next section.

7.2 People with a passport from the EU

You are an EU citizen (living in Germany or abroad) and are considering not revealing your identity to the police during an action:

- In this case, police will try to get your fingerprints. If they succeed in doing so (cf. chapter 3 on ID refusal!), they could match them with various databases.
- Police have access to various German and European fingerprint databases and will try to identify you this way.

- These databases include in particular the European database SIS (Schengen Information System) and the criminal records of the Federal and State Criminal Police Offices (BKA/LKA). The Federal Criminal Police Office runs a centralized fingerprint database (AFIS) to collect fingerprints from all these sources.
- Police can also direct specific requests to law enforcement agencies in other countries.
- If you have previously entered the Schengen area from abroad, the Eurodac database (European Dactyloscopy) is also relevant. The police could use the stored fingerprint data to identify you even though you refuse to state your personal data.

7.3 People with a passport from a non-EU-country

You have a passport from a country that is not part of the EU – how about (not)revealing your identity?

- You will need valid ID documents to enter the Schengen area. If you are found without these in Germany, you may be deported and may have difficulties to receive a visa ever again.
- When you apply for a visa, authorities now take your fingerprints and will store these.
- Refusing to reveal your identity (name, age, and country of citizenship) in this case is a criminal offence. (→§ 95 section 1 No. 5 AufenthG /Residence Law)

What can I do?

- Illegal entry and ID refusal upon arrest during an action are a somewhat daring feat and will leave you in a difficult situation. Consider whether or not you feel up to the task before bringing yourself into this situation.
- As long as the police are unable to find out your identity it should be possible for you to claim you are living in a Schengen country. But we have no practical experience with this tactic yet.

The establishment of a person's identity (regarding non-citizens) is regulated in article 49 of the Residence Act (Aufenthaltsgesetz). Regarding the taking of fingerprints during the visa application process, the Federal Foreign Office provides official information: www.auswaertiges-amt.de

7.4 People without papers/without a residence permit/with travel restrictions

People who are staying in Germany illegalised are affected by repression especially hard. We call it "illegalised" because to us it is clear that all borders need to be abolished and everyone should be able to choose where they want to live! We understand if people are hesitant to come to our consultation hours. We just want to say: we are on your side – we will not ask you any questions that are not connected to your ideas of action or the specific accusations you are facing. We will not forward any information to anyone – not to anyone else organising the actions and especially not to state authorities. You know much better than us what to do in everyday life to fly under the radar if you came to Germany without a visa, do not have a residence permit (anymore) or have a travel restriction. We think that passing unnoticed is especially important in the context of a political action when there is a lot of police around. While people who live in the European Union or people who have a visa can simply participate in a demonstration, the same is really dangerous for you, because although police is not allowed to do identity checks at an assembly or on the way to the demonstration, they might try it anyway.

7.5 Naturalization procedure, permanent stay

If you are not a German citizen but are seeking naturalization or permanent residence (or a visa) in Germany, please consider the following:

- In this case, a minor conviction for participation in an action may suffice to thwart your plans. What is meant by “minor”? Depending on the legal basis upon which you are planning to stay in Germany, even a sentence of 50 daily fines may suffice (all convictions are added up here). If charges are pressed against you, police or prosecution will communicate this to the foreigners’ registration office (Ausländerbehörde).
- We can only recommend that you do not risk prosecution. We know this will be very frustrating to read, but that’s the way it is. Nevertheless, you can contribute a lot to the success of our action by participating in legal ways! Feel free to ask the “Legal team for all” or other organizing structures whether they might need your support.

If you live in Germany and are planning to stay here for a longer period of time, eg. for your studies, job training or work, please consider:

- In this case, conviction to a prison sentence, eg. for resisting a police officer (see chapter “common accusations” for information on different crimes), may in the worst case lead to your expulsion. For something like trespassing we consider this to be very unlikely, but can’t rate it out for sure.
- The decision to deport you will be based on a balancing of the case for your expulsion and the case for your continued stay in Germany. The more severe the charges for which you receive a conviction and the weaker your residence status, the easier it is to expell you.
- The risk of expulsion increases if you are sentenced to a longer prison term (1 or 2 years).
- The legal basis for expulsions is to be found in § 53, § 54, and § 55 of the Residence Act (Aufenthaltsgesetz).

7.6 Specific characteristics of custody

You are not a German citizen and have been taken into custody:

- If taken in custody or arrested, the police has to inform the consulate/embassy of your country. They are not required to allow you to talk to the consulate.
- When in custody you are not legally entitled to translation (that can of course also affect you if you are German); during criminal procedures you are. You should not expect the police to speak English or other languages well. You should still try to get an interpreter.
- You should by no means sign any paper you don’t understand. You are not required to sign anything! This is true for everyone, but it’s especially important if you don’t understand what you are signing.
- Depending on your country of origin your relatives may be able to contact the consulate/embassy to find out if and where you were arrested.

You have no place of residence or do not reside in Germany

- If you are taken into custody and charged with criminal offences, there is an increased risk of an accelerated procedure. This means that you will remain in custody and will be put on trial very quickly, perhaps even on the following day

- You are more likely to be held in detention awaiting trial. But usually the charges to be expected following a mass action of civil disobedience are not severe enough to make this scenario very likely if you do state your personal data..

In each instance, the reason is that the risk of flight is assumed to be heightened in your case, even if you state your name.

8 Minors

If you are less than 18 years of age, the German legal system considers you a minor. In this text we will often refer to a minor's parents, but if your legal guardian is someone other than your parents, the same information holds for them.

8.1 Before going to an action

It makes sense to plan ahead: if you want to avoid being brought back to wherever your parents are because police picked you up and considers you unaccompanied, someone else might need to be available to pick you up either at the police station or the facilities of the youth welfare office. Normally, police would want to reunite you with your parents, because legally, it is a parents right to determine their underage child's whereabouts. If the police assumes that you are out and about without your parents' knowledge, they can detain you to bring you to either the youth welfare office or your parents (so called "custodial care", according to §32 Section 2 HSOG). Most likely they will try it at your parents' first. You can avoid a stay at the police station for this reason if you have a written permission from your parents to participate in the protests. If you are on good terms with your parents, ask them to write and sign a letter like this The letter must be signed by all legal guardians.

I hereby allow my child (NAME) to participate in the protests in Dannenröder Forst. In case my child is being detained (GERMAN: Ingewahrsamnahme/Freiheitsentzug) I allow for my child to go back or be brought back to the camp. Authorisation (German: Vollmacht) I/we hereby authorise Mrs/Mr/person:..... Address: to receive my/our child: Name, address, date of birth from the authorities and take care of the child in case my/our child is being detained or arrested in the time between XX/XX/20XX and XX/XX/20XX. signature(s)

In the power of attorney, it is best to specify a person who is of age and does not directly participate in the action. If your parents are cooperative and you do not know any such person directly, you can also bring a signed blank form with you and then enter the name of the person before the action. Ask the legal team or the camp info point for people who can imagine this. This precaution only works, of course, if you don't enter the action anonymously or if you give your personal details at some point.

8.2 In custody

Children (up to 13 years) and adolescents (14 to under 18 years) may be taken into custody if they have withdrawn from the custody of the persons having custody (§32 Abs.2), in order to take them to the persons having custody or to the youth welfare office. But in practice, most of the times police will just take you with them anyway – and then at some point later they will ask whether there are any minors in the room. If you give personal data, the police must try to call your parent or guardian to come and pick you up. Whether you give them the phone number and whether you insist that they actually be notified (which the police often do not) is of course your decision. Also as a minor you have a right to a phone call - so you can also call the legal team and tell them where you are. Then, if you have left power of attorney (see previous section) from your parents, the authorized person with this slip can also pick you up from the police station. If you refuse to give personal data and the police believe you are a minor, there is a high probability that they will take you to a youth facility. From there you can just leave as soon as the police are gone. In practice, there have been

very different experiences of how it was to simply go away: Sometimes it was easy, but sometimes personal belongings were locked away or you could not leave until the next morning. Try to call the legal team from the youth center or the police station with the address or at least the city of the center, so they know where you can be collected. It is best to have cash with you in case of an emergency, so that you can get back to the camp by public transportation. Whether you are trying to pass as a minor or an adult is a strategic decision that you must make yourself. It depends on whether you prefer to be in Gesa with many others or whether you believe that it is better to run away from a youth facility, which you often have to do alone, but also means less bad conditions. If you need help in making a decision, talk to your affinity group and the legal team; it can happen that the police accuse you of a crime. This also means that the police may want to interrogate you. They must inform you that you may refuse to testify (which you should do). Since the police often do not follow the rules, do not rely on them to instruct you. If you are questioned, your parents have the right to be present during police interrogations. So if you want to, you can insist on being allowed to talk to them on the phone beforehand. Young people under the age of 14 may not be interrogated. Also adolescents if they are accused of serious offences and are in danger of fleeing, they can be taken into custody and end up in juvenile prison. This is not possible for children (lack of criminal responsibility of children §20StPO) (if you are younger than 14 years) for this you can read §126a StPO (temporary accommodations).

8.3 After the action (juvenile criminal law, court cases)

8.3.1 Being summoned by the police

If a minor is summoned to be questioned by the police, the summons will also be sent to the minor's parents. Parents have a right to be present during police interrogations, which is why they will be informed of any such appointments. During court proceedings they also have the right to file motions (§ 67 JGG), so they can have a hand in influencing your strategy. For many people that turns out to be a bit difficult, because many parents tend to cooperate with the police to "solve" everything. In most cases that behaviour is a rather bad idea, since many parents do not have a lot of experience with political court cases. It might be hard, but it makes sense to talk to your parents or guardian about your trial and political motivation. They need to understand why it makes sense to refuse to give a statement, and also what it is that you are trying to achieve with the strategy you chose for your political criminal court case. Don't let them pressure you to do something you don't want! If you need help, come talk to us or other political anti-repression structures. If necessary, we will sit down with you and your parents and talk things through.

8.3.2 Court cases

There are some special features for criminal proceedings for juveniles (under 18 years) and adolescents (18-21 years). If you are between 18 and 21 years old, the court has to decide according to § 105 JGG whether it proceeds according to juvenile or adult criminal law. Theoretically, this depends on how "mature" the court considers you and whether the court considers the accused offence to be "typical for young people". On the one hand, juvenile law means that the proceedings are conducted at your place of residence and not at the scene of the crime. On the other hand, in the case of juveniles, the proceedings are usually not conducted in public. With adolescents, the trial is usually public, but the public can be excluded. The court also has an "educational mandate", which means that in addition to moralizing, other punishments can also be imposed, such as writing an essay, not to visit certain places anymore, doing community service, attending an anti-violence training or similar. Juveniles are of criminal age and convictable as of 14, but they are legally not fully competent. You cannot conclude contracts yourself. Therefore, the commissioning of a lawyer is done by your legal guardian. Try not to get a lawyer through your parents, who have no experience with political proceedings or push you to distance yourself.

8.3.3 Legal protection of minors

The division of legal protection of minors (Jugendgerichtshilfe) is another feature the “educational mission” yields: as soon as the documents for a trial against a minor are in the hands of the state prosecution, the division will know about it and try to get in touch with the minor. It is supposed to support the court and help it to judge which punishment would be appropriate for you. The division of legal protection of minors will inform the court about all conversations with you. You don’t have to talk to them and in our opinion it is better not to do so. Also here applies that it makes sense to refuse any statement!

A Translation of technical law terms

Übersetzungen juristischer Begriffe

English	French	German	Greek	Italian	Russian	Spanish
offences rioting / breaching the public peace	infractions des troubles (violents) de l'ordre public	Straftat / Delikt Landfriedensbruch	Αξιόποινη πράξη Διατάραξη κοινής ειρήνης	infrazione Sommosa	правонарушение массовые беспорядки	infracción disturbios
property damage	la dégradation de biens	Sachbeschädigung	Φθορά ξένης ιδιοκτησίας	Danni a la proprietà	Нанесение ущерба собственности	Daño, deterioro
resistance of police	la rébellion	Widerstand gegen vollstreckungsbeamte	Αντίσταση κατά της αρχής	La rébellion	неповиновение законным требованиям представителей власти	Violencia / amenaza en contra de un funcionario
civil disorder	opposition aux actes de l'autorité	Widerstand gegen Vollstreckungsbeamte	Παράνομη βία	Opposizione agli atti dell'autorità		Oposición a los actos de la autoridad
aussault / constraint / duress	l'emploi de la contrainte	Nötigung		costringgere	принуждение / сдерживание силой	la coacción / la coerción / la extorsión
identity checks	contrôle d'identité	Personenkontrolle	Έλεγχος προσώπων	Identificazione	Установление личности	Identificación
to be caught red-handed	flagrant délit	auf frischer Tat	Επ' αυτοφώρω	Flagranza	Быть пойманным споличным	En flagrante delito / en flagrante
warrant of arrest	le mandat d'arrêt	Haftbefehl	Ένταλμα σύλληψης	mandato di cattura	Постановление об аресте	Orden de arrestación
custody	garde à vue	Gewahrsam	Αστυνομική κράτηση	Fermo di polizia	заклчение под стражу	Orden de arrestación
search	la fouille	Durchsuchung	Έρευνα	Perchisizione personale	досмотр/обыск	Cacheo / registro
preventative detention	détention préventive	Unterbindungsgewahrsam	Προληπτική κράτηση		Превентивное задержание	
infringement	contravention	Rechtswidrigkeit	Παράβαση	contravvenzione	нарушение \ посягательство	contravención
fine	l'amende	Bußgeld	Πρόστιμο	multa	Взыскание/штраф	multa
detention	détention	Ingewahrsamnahme	Σύλληψη	arresto	задержание	detención
imprisonment	emprisonnement	Haft	Φυλάκιση	prigione	лишение свободы	encarcelamiento
crime	le crime	Verbrechen		crimine		crimen
suspicion	la suspicion	Verdacht		sospetto		sospecha
bat / baton	la matraque / le tonfa	Schlagstock / Tonfa		sfollagente		la macana / la porra
accusation	l'acte d'accusation	Anklage		accusa		la acusación
penalty order	ordonnance pénale	Strafbefehl				orden penal
trespass	la violation de propriété privée	Hausfriedensbruch		violazione di domicilio		violación de domicilio
	l'opposition (à une ammende, etc.)	Widerspruch				
police law	la loi des droits et devoirs de la police	Polizeigesetz				ley de la policia

English	French	German	Greek	Italian	Russian	Spanish
lawyer	l'avocat	Rechtsanwalt	Δικηγόρος	avvocato	юрист	abogado
interrogation	interrogatoire	Befragung	Ανάκριση	interrogazione	допрос	interrogación
right to keep silent	droit de se taire	Aussageverweigerungsrecht	Δικαίωμα άρνησης κατάθεσης	Diritto di tacere	Право хранить молчание	Derecho de no hablar
centre for victims of violence	centre de consultation LAVI	Opferhilfestelle	Μονάδα παροχής βοήθεια σε θύματα βίας	Centro di consultazione delle vittime	Консультативные центры для жертв насилия	Centro de consulta de víctimas de violencia
suspicious fact	motif de suspicion	Verdachtsmoment	Ενδείξεις ενοχής	Prove / charge	Подозрительные факты	Pruebas / cargas
complaint against police	plainte contre la police	Dienstaufsichtsbeschwerde	Αντιρρήσεις κατά της αστυνομίας	Denuncia contra la polizia	Жалоба на действия полиции	Denuncia en contra de la policia
legal aid	assistance juridique	Rechtsbeistand	Παροχή δωρεάν νομικής βοήθειας	Assistenza giudiziaria	Правовая помощь / право на защитника	Asistencia jurídica
abuse	abus	Missbrauch	Κατάχρηση	abuso	злоупотребление \ оскорбление	abuso
abuse of power	abus d'autorité	Amtsmissbrauch	Κατάχρηση εξουσίας	Abuso di autorità	Превышение должностных полномочий	Abuso de autoridad
bodily harm	lésions corporelles	Körperverletzung	Σωματική βλάβη	Lesione corporale	телесное повреждение	Lesión / perjuicio
assault	voies de fait / coups et blessures	Tätlichkeit	Βιαιοπραγία	Vie di fatto	нападение	Vías de hecho / lesiones
arrest	arrestation	Verhaftung	Σύλληψη	arresto	арест	arrestación
police detention	interpellation	vorläufige Festnahme	Προσαγωγή	Fermo di polizia	Задержание полицией	Interpelación
minutes	le procès-verbal	Protokoll	Πρακτικά	Verbale	протокол	Boletín / notificación de denuncia
to sign	signer	unterzeichnen	Υπογράφω	firmare	подписывать	firmar
repression	répression	Repression	Καταστολή	repressione	Давление/репрессии	represión
witness statement	témoignage	Zeugenaussage	Μαρτυρική κατάθεση	testimonianza	Свидетельские показания	testimonio
nationality	nationalité	Nationalität	Εθνικότητα	nazionalità	национальн-ость	nacionalidad
to be released from detention	la libération	Freilassung / Entlassung	Αφήνομαι ελεύθερος	liberazione	Освобождение из-под стражи / после задержания	liberación
demand / calling / order	la sommation	Aufforderung				el apercibimiento / la intimidación
enforcement	le fait d'imposer, mettre en euvre une mesure	Durchsetzung				imposición
use force / enforcement	l'usage de la force	Gewaltanwendung				uso de fuerza / empleo de violencia
	l'interdiction de séjour	Aufenthaltsverbot				
banning order / ban	l'interdiction de présence sur une zone donnée	Platzverweis				orden de alejamento
eviction	l'expulsion	Räumung				la desocupación
annulment of demonstration	la dissolution de manifestation	Versammlungsauflösung				desintegración de una asamblea

English	French	German	Greek	Italian	Russian	Spanish
entry ban (entry refusal at the border)	interdiction d'entrer sur le territoire	Einreisesperre	Απαγόρευση εισόδου στη χώρα	Divieto di ingresso (?)	Запрет на въезд (при пересечении границы)	Interdicción de entrar sobre el territorio
examining magistrate	juge d'instruction	Untersuchungsrichter	Ανακριτής	Giudice istruttore	судебное расследование	Juez de instrucción
defender	le défenseur (procès)	Verteidiger				
Judge	le juge	Richter				el juez
police unit	l'unité de police	Polizeiinheit				unidad de policía
prosecutor	le procureur	Staatsanwalt				el fiscal
witness / attestor	le témoin	Zeuge		testimone		el testigo
force / pressure	désigne le moyen de contrainte	Zwangsmittel		mezzo di coercizione		instrumento coercitivo / medio coercitivo / medio coactivo
hand cuffs / zip ties	les menottes / colsons	Fesseln / Kabelbinder		manette / fascetta serracavi		esposar a alguien / aprisionar a alguien
bail	caution	Kaution		cauzione		la fianza
tear gas	la bombe au poivre / gazeuse	Pfefferspray		spray al pepe		gas lacrimógeno
water cannon	le canon à eau	Wasserwerfer		autopompa		lanzador de agua
accusation	le reproche juridique / l'accusation / le motif d'inculpation	Strafvorwurf / Vorwurf		accusa		acusación
complaint	la plainte	(Verwaltungs)Klage		querela		la querela
misdemeanour / minor breach of the law / delict	une petite infraction / contravention	Ordnungswidrigkeit				infracción de reglamentos
arrest	l'arrestation (démarche pénale)	Festnahme				captura
danger defense / danger prevention	prévention des dangers	Gefahrenabwehr				proteccion contra riesgo publico
preventive detention	la garde à vue pour empêcher un délit/crime/infraction (préventif)	Unterbindungsgewahrsam				detención preventiva
official hearing	l'audition (par un magistrat ou la police)	Anhörung				audiencia oficial
interrogation	l'interrogatoire	Verhör				el interrogatorio
statement / testimony	la déclaration	Aussage				la deposición
to refuse to give a statement	refus de faire une déclaration	Aussageverweigerung				denegación de hacer una deposición
refuse signature	le refus de signer	Unterschrift verweigern				denegar / rehusar de firmar
police records department treatment	le fichage signalétique	ED-Behandlung (erkennungsdienstliche Behandlung)				
identity verification	le contrôle et la vérification identité	Identitätsfeststellung				control de identidad

B Abkürzungen u. Fachwörter

BVerfG	Bundesverfassungsgericht
ED-Behandlung	erkennungsdienstliche Behandlung
FfK	Fortsetzungsfeststellungsklage (so heißt das Verfahren um im Nachhinein die Rechtmäßigkeit von polizeilichen Maßnahmen zu überprüfen, es ist ein Verwaltungsverfahren vor dem Verwaltungsgericht)
GeSa	Gefangenensammelstelle
GiV	Gefahr im Verzug "Gefahr entsteht bei Verzögerung der Handlung" Unterfall der Eilzuständigkeit (im deutschen Verfahrensrecht): Sie liegt vor, wenn ein Zuwarten auf die Entscheidung der zuständigen Behörde oder des zuständigen Gerichts in Anbetracht der Dringlichkeit einer Sachlage nicht oder nicht rechtzeitig möglich ist. GiV beinhaltet also eine Prognoseentscheidung in Fällen der Dringlichkeit. Beispiel: Hausdurchsuchung ohne Richterlichen Beschluss, da Gefahr in Verzug liegt, z.B. würden Polizeibeamte vermuten, dass wichtige Beweismittel vernichtet werden, wenn sie auf den Durchsuchungsbeschluss warten würden. Dann darf sogar auf Anordnung der Polizei Durchsucht werden.
HSOG	Hessische Gesetz für Sicherheit und Ordnung (Polizeigesetz von Hessen)
OfW	ohne festen Wohnsitz
Owi, OwiG	Ordnungswidrigkeit, Ordnungswidrigkeitengesetz (Ordnungswidrigkeiten sind leichte Rechtsverstöße worauf nicht mit dem Mittel der Strafe reagiert wird, sondern "nur" mit Geldbußen)
PolG	Polizeigesetz(-e) (Ländersache, d.h. jedes Bundesland hat ein eigenes Polizeigesetz)
HSOG	hessisches Polizeigesetz
StA	Staatsanwaltschaft
StGB	Strafgesetzbuch (da steht drin, was verboten ist und wie hoch es bestraft werden darf oder soll)
StPO	Strafprozessordnung (da steht drin wie mit euch umgegangen wird, wenn ihr Straftaten begangen habt. Z.B. wie das Gerichtsverfahren ablaufen wird, welche Daten die Polizei von euch erheben darf,...)
UZ	unmittelbarer Zwang
VG	Verwaltungsgericht
VGH	Verwaltungsgerichtshof
ZPO	Zivilprozessordnung (In etwa das Pendant zur Strafprozessordnung für Zivilverfahren, anstatt für Strafverfahren)

