



ROTE HILFE E.V.

# What to do when shit gets rough?

Legal tips for

- ★ Demonstrations
- ★ Cases of assault
- ★ Arrests
- ★ Your behaviour at the police station

# WHAT TO DO WHEN SHIT GETS ROUGH? STAY CALM!

*This is the basic rule of every emergency plan and therefore also our basic rule to assure that your arrest or the criminal investigation against you does not end in a catastrophe.*

With laws that are constantly being “reformed”, even the few liberties the capitalist state has to offer – namely freedom of thought, freedom of association, freedom of assembly – are constantly being further restricted.

Every politically active person will face repression, such as arrests at demonstrations, confiscation of flyers or house raids, sooner or later.

This is supposed to intimidate us and to stop us from continuing our fight.

To prevent this tactic from working, two things are important:

► On the one hand: Knowledge.

Knowledge about how to handle these repressive measures, about the rules to take into account and about the rights granted us by the laws. This booklet is here to give a first overview.

► On the other hand: Solidarity.

Only by working together and supporting each other can we continue to be politically active even when facing repression. Solidarity can mean doing media work in connection with a trial, it can mean organizing solidarity parties to raise funds or providing emotional support.

Solidarity creates trust, trust in your comrades, who will support you when you are in trouble and who will keep their mouths shut when confronted with the police or prosecutor, just as you do!

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*This legal-aid information is based on the legal situation of the Federal Republic of Germany and only valid up to a certain extent in other states.*

Solidarity is our most important weapon and a basic principle of leftwing movements. The “Rote Hilfe” (Red Aid) is an expression of this principle.

## **1 DEMONSTRATIONS**

### **Demonstrations 101**

In this article, we will first consider some basic principles which are especially important for demonstrations, but can also apply to other forms of political action. Before every demonstration or other action, be aware that unexpected things can always happen and that even the smallest leftist action can result in police measures. On the other hand, don't let yourself be intimidated.

#### **① On the way to the demonstration**

If possible, never go to any demonstration or any other action on your own. Not only is it more fun to be with other people that you know and trust, but it is also safer. It is advisable to form affinity groups, which go to the demonstration together, stay together during the action and also leave together. It is important for the members of the affinity group to discuss beforehand how you will react to specific situations. This discussion needs to leave room for every single member to express their fears and uncertainties.

Take care to wear adequate clothing and comfortable shoes in which you can run if necessary. Take a pen and a piece of paper to write down important details (more on this in the chapter on the “fact finding committee”). Take some coins with you – if you are arrested, the police is obligated to allow you two free phone calls even if you do not have any money, but still, you never know. Bring a sufficient amount of any medication that you have

to take regularly. Glasses are better than contact lenses. Also leave make-up or fat-based skin creams at home as they reinforce the effect of pepper spray. Leave personal notes, especially lists of addresses, at home. Consider carefully what you really need at the demonstration and leave everything else at home as it can be used by the police if they arrest you. Drugs of any kind (including alcohol) should not be consumed before or taken to the demonstration. You need to be able to keep a clear head and make decisions in any situation. You also do not need a camera as a demonstration is not the right place for souvenir snapshots. Leave the documentation of the demonstration and of the police behavior to journalists and observers who are experienced in such things and clearly labeled. If you get arrested, your pictures would anyway only help the opposing party!

Generally, we also advise you to leave your telephone at home. Be aware of the high risk attendant with taking cell phones! Radio cell tracking reveals very detailed information about the persons you call or text and about your location within a certain radius. Smartphones especially continuously send out data – data which has led to and has been used in criminal investigations. In addition, it is more than just annoying if private data such as telephone directories, text conversations or photos fall into the hands of the investigative authorities. In the worst case, such data can severely damage your comrades and left-wing groups. If you feel that you need to take your phone to a demonstration or action, get a “clean” telephone, i.e. a telephone which cannot be tracked to your name. You should save the number of the “fact finding committee (EA)” and the number of your lawyer. Be aware that from 01 July 2017 on, you need an ID card to buy a SIM card in Germany. Different rules apply in other countries.

## ② The Fact Finding Committee (in German: Ermittlungsausschuss or (“EA”))

During many demonstrations and actions, activists will have installed a “Fact Finding Committee” (in German: Ermittlungsausschuss, often simply referred to by its acronym “EA”), whose phone number will be announced via loudspeaker or spread by way of leaflets. The “EA” takes care of all people who are arrested at the demonstration and organizes lawyers for them.

If you are arrested or observe an arrest, you should **immediately inform the “EA”**. The most important information to pass on is the name and place of residence of the arrested person. However, do not make any comments about what the arrested person or other persons had been up to. In addition, there is no need to identify yourself to the “EA”. Be aware that the “EA” phone line is often a target of state surveillance. When you get released, inform the “EA” immediately and then draw up a “protocol from memory” of the events that took place.

## ③ The “protocol from memory”

Such a protocol drawn from your memory of what happened can prove very useful if criminal proceedings are instituted later, especially if the arrested person opts for a political defense. Such a protocol should be drawn up not only by arrested persons, but also by witnesses of arrests and of police assaults and violations. It should in any case contain the following information: place, time, type of violation (arrest, beating, people being carried off), name of the victim, witnesses as well as the number, appearance and unit of the police thugs. Every detail can prove helpful later on. Please be aware that a protocol from memory is a highly sensible document. You should store it safely and remember that it is only for the eyes of your lawyer or a trusted an-

ti-repression organization. Storing it safely means, if it is in paper form, keeping it in a locked cupboard, or even better, storing it electronically on an encrypted drive.

#### **4 Police controls**

Often, there are police controls on the way to demonstrations. Bags and persons are spot-checked. The police is prohibited from searching you simply because of your presumed belonging to a specific political scene or to simply take down everyone's personal details. You are only obliged to make the following statements regarding your personal information:

- ▶ First and Last Name
- ▶ Address
- ▶ Profession (e.g. student, employed)
- ▶ Date and Place of Birth
- ▶ Marital status (e.g. single)
- ▶ Citizenship

If you consistently refuse to give these details, this will usually result in a record being drawn up for the “police records department” (in German this is called “erkennungsdienstliche Behandlung” or “ED-Behandlung” for short). Pictures will be taken from different angles. Fingerprints, body characteristics as eye color, hair color, tattoos, scars etc. as well as size and weight will be measured. Additionally, you can potentially be held for up to twelve hours and a fine might be imposed.

**Important: if the police conduct an “ED-Behandlung”, it is advisable to file an objection and make sure that it is noted in the record. However, do not sign anything yourself!**

## 5 In Case of Violations

Do not panic, take a deep breath, stay where you are and tell others to do the same. If this has not been done before, now is the time to link up in chains, and if there is no other option, to back up slowly while staying together. Often, violations by “officer friendly” can be fended off simply by staying together linked in chains, thus preventing the demo from being split, preventing arrests and making sure that any injured persons are not left alone.

## 6 Injuries

Take care of any injured persons and protect them from being carried away by police seizure squads. Talk to the demo-paramedics or organize the evacuation and medical care yourself, working together with comrades. If you need to visit a hospital, choose one that will not be connected to the event or the action. At the hospital, it is important not to talk about the events at the demonstration. Oftentimes hospitals work together with the police and pass on data. You will have to give your correct personal information for medical insurance reasons, **but nothing else!**

## 7 In case of arrests

Draw others' attention to yourself, shout out your first and last name and your place of residence so that others can file your arrest with the “EA”.

If you realize that you cannot escape anymore, try to calm yourself. **From this moment on, do not say anything anymore!** The only, really the **only exception to this rule** is claiming your fundamental rights. After your release, contact the “EA” immediately. As soon as you get home, prepare a protocol from memory. In the time after the arrest, contact the “EA”, the “Rote

Hilfe” or another anti-repression group to inform yourself on your options for proceeding further.

### ⑧ During transport

On the way to the detention center or the police station, it may be a good idea to talk to others who have also been arrested and inform each other about your rights. However, make sure to **not say a word** about your actions. It would not be the first time for the police to have planted a snitch or a plainclothes cop within the group, this may be the case even if you have a good feeling about everybody. Take care of others and take responsibility for those who are less capable of dealing with the situation. This will also have a calming effect on yourself. Keep reminding yourself that it makes sense to keep your mouth shut from now on.

### ⑨ At the station

**The basic rule: do not make any statements, do not sign anything, but object to all measures!** After the arrest, you have the right to make two successful telephone calls. The best thing is to call the „EA“ or a lawyer. If the police deny you the phone call, bug them until they let you call, if that does not work threaten them with a disciplinary complaint (in German: Dienstaufsichtsbeschwerde). Minors do not only have the right to talk to a lawyer, but also to their relatives. Police officers will often act as intermediaries, first checking whether the person you are calling is in fact a lawyer or relative and only then passing the phone on to you. Especially in the case of minors, this is used as an additional means of harassing you by shocking your parents. In case of injuries, insist on seeing a doctor and have them draw up a doctor’s certificate of your injuries. After your release, consult another doctor and have them draw up an addi-

tional certificate. If any of your possessions have been damaged by the police, demand a written confirmation.

Your objection is especially essential if they want to take DNA samples. This is often proposed by the police even in very trivial cases. In addition, it is also possible that the police search your home whilst you are sitting in the cell. You can find information on house searches in the corresponding sections of this brochure (*see page 21*) and in the “Rote Hilfe” flyers on that topic.

### **They will have to release you from custody...**

► in case of an arrest for identity checks

... after you have given your personal information; if you have your ID-card on you, this would normally be immediately. However, if it is necessary to check whether the data you have provided is correct, they can keep you for up to 12 hours.

► in case of an arrest as a suspect

... no later than midnight on the day following the arrest, thus after a maximum of 48 hours. They may only keep you longer if they bring you before an investigative judge and that judge orders your detention on remand or orders an “accelerated procedure” for the trial (*see page 20*).

## **10 During interrogation**

You should neither allow yourself to be taken in by seemingly friendly “uncle” types or “good cops” nor to be intimidated by brutal behavior and “bad cops”. Do not think that you will be able to trick the officers, they are well-trained interrogation specialists. **There is no possible statement which would improve your situation!** This applies just as well for harmless-seeming chitchat which supposedly takes place outside of the interrogation, e.g. while waiting in the corridor. Do not engage in “political discussions” with police officers – every com-

ment you make after being arrested is a statement on the charges against you. Even if the officers tell you that you'd be better off if you make a statement right now: **That is simply a lie!** All that is still possible after you had time to consult with comrades and lawyers. You should only persist in demanding your fundamental rights, such as phone calls with your lawyer or using the bathroom and object against police measures such as taking of DNA Samples.

Sometimes you will be accused of actions which you were not involved in at all or even of things that you would never do. Keep your mouth shut anyway ! Statements which may possibly exonerate you may well incriminate others, and may lead to you becoming a witness in the case against other comrades. Even information on what you have not done can also help the police to construct a general overview of what happened, which may be used against you and others.

After asking about your personal details, the officers will often ask harmless questions like: "How long have you been living in..." or "Did you arrive by car?". If they see you giving the slightest reaction to their questions, they will seize their chance and not let go of you. They will not leave you alone even if you do not want to answer any further questions.

The situation changes completely once you unambiguously tell them that you will refuse to make any statement! You simply reply to every question monotonously like a broken record: "I refuse to make a statement." "Is it raining outside?" – "I refuse to make a statement!" "Do you want a cup of coffee or a cigarette?" – "I refuse to make a statement!"

Don't fear that anyone will think you are stupid, even though your counterpart may pretend that you are. On the contrary, they will quickly realize that you are serious and will not allow yourself to be taken advantage of, and they will give up.

By consequently refusing any statement you show the officers that they will not be able to extract any information from you. Not only is this an imperative of solidarity vis-à-vis your comrades, it also makes sense regarding your own case. In addition, this is also the fastest way to get out of an interrogation.

## **2 PRELIMINARY INVESTIGATIVE PROCEEDINGS**

If you have gotten into contact with the police, so-called "preliminary investigative proceedings" may be initiated. This basically means that there is an initial suspicion of you having committed a crime. At the end of the preliminary proceedings, the case will either be closed or the prosecution will bring an indictment against you. Therefore it is especially important that you do not help the prosecution or the police by giving them any kind of information. They have an interest in bringing indictments and will use any information against you. In the case of "preliminary proceedings", the police may summon you to the police station, ask for a written statement or visit you at home.

**You are not obliged to make a statement or to follow the police summons – no matter what is suggested in their letter.**

If there is something to clarify, you can do this in front of the court.

### **1 Summons**

Often, a few weeks or months will pass before the organs of repression contact you. Normally, you will receive mail from the police or the prosecution. Seldomly will they also call you. Important: Do not go to the police station when summoned, no matter whether you are summoned as a witness or a suspect. In the letters, they often try to make it seem as if you have to go and as if this could help you. This is simply wrong. There is no

obligation to go and there will be no negative consequences if you don't go – quite the opposite. Talking to the police will not result in exonerating you, your statements will only give the police a broader range of clues which can be used against you and against others. In addition, it is impossible to take back any statements you make, not even with the best lawyer in the world.

Concerning a summons issued by the prosecution, read the sections on “refusal of testimony” (Aussageverweigerung) (see *page 14*). If you receive a summons, contact your local anti-repression structure, which will connect you with lawyers and help you decide if it is useful to contact them at this early stage, e.g. in order to request an inspection of the case files or to possibly effect the termination of the investigation.

In no case, however, is a summons a reason to panic, to begin trusting a lawyer more than your own political conviction, or to begin speculating about possible “trades” with the prosecution. As always: Stay calm! Keep your mouth shut! Organize resistance! Until now the repression apparatus has always been more inclined to withdraw its prosecution where there was organized public pressure against them, compared to cases where those prosecuted let themselves be intimidated and isolated.

## **② Financial Legal Aid (“Beratungshilfeschein”)**

If you have a low income, you can request a Legal Aid Certificate (“Beratungshilfeschein”) at the district court of your place of residence. With this certificate, you will receive the first counseling with a lawyer of your choice at a maximum cost of EUR 15. In order to receive it, you need to provide the court with proof of income, your rental contract, proof of payment of rent, other documents clarifying your payment obligations (e.g. alimony for children) and the official documents concerning the

proceedings against you. If you have/earn “too much” money, you will have to talk to the lawyer and agree upon a consulting fee. This is not fixed by law but the rules formerly applicable should serve as a guideline, meaning that it should in any event not cost more than EUR 260.

### ③ Penal Order

Instead of an indictment (“Anklageschrift”), you may also find a penal order (“Strafbefehl”) in your mailbox. **This is a verdict without a trial! You need to send a written objection to such a penal order within two weeks.**

“Hiermit lege ich Einspruch gegen den Strafbefehl mit dem Aktenzeichen ... ein” (engl: “I hereby object to the penal order with case number ...”). This way, you will gain some time to inform yourself properly. You do not need to, and in fact you should not, give a reason for your objection. The only important thing is that you do it within the deadline of two weeks, otherwise the penalty order will become final and legally binding.

Tip: make sure that you can prove that your objection reached the court within the two week time limit – hand it in in person and bring a witness along, or send it by certified mail. Should you be unable to do so within the two week limit (e.g. since you are away on vacation), you will have to inform the court immediately after your return and inform them and prove to them that you were unable to send in your objection earlier. This way you may effect a “restoration of the status quo ante.”

Tip: If you expect unwelcome mail from repression organs while you are away, ask a trusted person to take care of your mail. In case you receive a penal order, you can prepare an objection so that only the reference number and the date have to be added before the letter is sent.

If you receive a penalty order, immediately contact the “EA”, the “Rote Hilfe” or another anti-repression structure. Together, you can decide whether it makes sense to involve a lawyer or not. Your objection can be withdrawn at any time during the proceedings and even during the trial. If you do not withdraw your objection, the result is that there will be a court trial. For more information on the penal order, we recommend the “Rote Hilfe” brochure on the topic.

#### **4 Refusal of testimony (“Aussageverweigerung”) as suspect or accused**

As a suspect in preliminary investigation or an accused in a criminal trial, you have the right to refuse testimony. You should definitely do this at the beginning of the case. **Never say a word on “the subject matter” of the case**, not during an arrest, not during a house search, not during an interrogation! If you are summoned by the court or the prosecution, you have to appear before them (but still do not have to make any statement on “the subject matter”). You will still be able to decide whether you wish to make a political statement, or a statement on “the subject matter” or no statement at all after discussing this with the “Rote Hilfe”, the “EA” and your lawyer.

#### **5 Refusal of testimony as witness**

As a witness, the same rule applies: no comment to the police or the prosecution! What applies elsewhere also applies here: Do not go to the police. You have to follow a summons from the prosecution, which can also be handed out by the police if ordered from the court, otherwise you may be arrested and brought before them. **Examine closely who summons you!**

At the beginning of the investigation, before you had a chance to consult the accused, the group preparing the trial with them,

the “Rote Hilfe”, lawyers etc., every statement you may give is wrong and harmful to you and others. Therefore, you should not give a statement at this stage, no matter what promises or threats they use.

In this phase of the proceedings, there are no exonerating or harmless statements! Simply refusing to testify is the easiest and fastest means to get out of the situation (*cf. Section “During interrogation”, p. 9*).

If you are later summoned as a witness by the prosecution or the court, you should consult with others involved, most importantly with the accused, to examine the effect of possible statements. In political trials, the intention of the judiciary always goes beyond simply convicting the individual and includes sniffing out groups and structures, breaking solidarity by singling out individuals, creating separation by demanding gestures of obedience. Accordingly, the only adequate reaction, including in the courtroom, is often simply refusing to testify. Every seemingly exonerating statement may reveal structures or incriminate comrades.

As a witness, you do not generally have a right to refuse testimony. You may only refuse to answer questions where the answer may incriminate you, your spouse or your close relative, according to Sect 55 of the German Code of Criminal Procedure. Any refusal of testimony which is not covered by this provision can result in a fine or coercive detention.

If they wish to force you to make a witness statement, we advise you to contact an anti-repression structure such as the “Rote Hilfe” or the “EA” or to authorize a lawyer to support you.

## **⑥ Sect. 55 of the Code of Criminal Procedure**

Under Sect 55 of the Code of Criminal Procedure, you may refuse to answer any question if the answer could incriminate

yourself or your spouse or close relative. This may be an option to escape from imminent coercive detention. More information on the topic can be found in the respective flyer of the “Rote Hilfe”. If you rely on this right to refuse to answer questions, you have to justify with respect to any question why you do not want to answer it. In many cases, this justification will contain as much factual information as your statement itself would, it may even give additional information to the other side. Furthermore, there are always questions where the possibility of self-incrimination can be excluded. Experience shows that once you start talking, it is impossible to draw the line and refuse to answer later questions. Moreover, you provide the judiciary with the gesture of obedience they demand of you and aid their tactic of separating witnesses and suspects. In most cases this makes a common process strategy impossible. Therefore, **we strenuously warn you against using the method of “refusing to answer questions because of possible self-incrimination”!**

**An exception applies in case you are witness and suspect at the same time in the same case.** If that is the case, you can refuse to answer questions under Sect. 55 without having to justify

## **3** ORGANS OF REPRESSION

### **1** Civilian Police

You have probably heard of civilian cops, “tatbeobachter”, undercover investigators or agent provocateurs. They all work for the state and the organs of repression, though in different functions. It exceeds the frame of the brochure to examine the full bandwidth of state surveillance and spying against the left. Thus, we only give insights on “tatbeobachter”s and state protection.

## ② “tatbeobachter”

“tatbeobachter” are police officers that have the task to observe you and not let you out of sight during a demonstration or action. If they think the moment is right, they will get you arrested by their affiliated unit. It is difficult to recognize “tatbeobachter” because they try not to look suspicious. They adapt to us in terms of clothing, behavior and sometimes even act in reference groups and commit crimes. To protect their identity they will let themselves be beaten and arrested by their fellow police officers and will be transported together with other suspects. Therefore, also be cautious during the transportation and **do not say a word about your actions!** Alert others not to chitchat.

## ③ State Protection

State protection is the term for employees and officials of political police departments. They are supposed to collect and analyze as much information as possible on political groups and persons. This is where the spotters work, that are responsible for knowing the scene and evaluating persons and groups. Additionally, they are there to intimidate you with provocative attendance at the side of demonstrations. What generally helps against “tatbeobachter” and civilian cops: do not communicate much in your reference group or act as if you do not know each other. This concept requires a very good consultation inside the reference group. **Do not let yourself be drawn into headless actions by unknown activists.**

There is no reason to be intimidated. The sniffing is often unsuccessful and at bigger events it is hard to execute. The eyes of a small police group are never everywhere. Many have escaped the police by wearing disguising clothes or spare clothes in a different color.

## ④ Office for Protection of the Constitution

It can happen that the “friendly ladies and gentlemen” from the Office for the Protection of the Constitution (PC) will present themselves to you. At first, they ask non suspicious questions about your political actions. As soon as you hear such questions you should be attentive. Ask for whom he/she works. He/She will pretend to be an employee of the ministry of the federal- or state-ministry of the interior and sports. Their goal is to retrieve information from you or recruit you. To accomplish this they also use private leverages or promise milder judgments in your running case if possible. There is no legal basis for this and surely no guarantee. The PC does not have a legal handling to force you into a conversation. Thus: Do not let yourself be pulled into a conversation! Do not provide information! Send them away, let them be, kick them out of your flat, call others attention to them!

Immediately draw up a thought-protocol and a personal description! Go to the nearest legal aid group and make the attempted conversation public. The experience shows that this is the only way to get rid of the buggers.

## 4 MEASURES OF REPRESSION

### ① Extraction of Endogenous Material for DNA-Analysis

Possibly you will be asked to give your consent to an extraction of body material: Blood for alcohol- or drug tests, saliva for a DNA-Analysis to perform an identity check. Both can also be used for future preliminary cases. Your “genetic fingerprint” will be saved in the central genetic data-bank and can pursue you for the rest of your lifetime. **Do not give consent to the extrac-**

**tion in any case!** Without the consent a judicial order is needed, which has to be obtained. In case of “imminent danger” the extraction is also possible without a judicial order. In both cases you should absolutely claim objection and let it be protocolled – do not sign anything yourself.

The blood withdrawal has to be done by a doctor. The police as the right to extract saliva by using a cotton bud. You are not obliged to actively participate in the extraction, but it can be forced upon you. If you resist you will have to expect a complaint because of resistance against enforcement officers. The extraction of DNA and the DNA-Analysis (the evaluation of the material in a lab) are to be discerned. If you do not give your consent, the latter always requires a written judicial order.

## ② Protective Custody

Since the 90's several federal states have reinstalled the measure of protective custody that has already been used by the Nazis. If “facts justify the assumption” that you could commit a crime or a minor offense according to the police, they can put you under arrest for several days. Depending on the federal state this can be from 4 days to 2 weeks. From July 2017 it is possible to arrest “potential threats” for 3 months just because of a menace of a possible danger in Bavaria. After a judiciary examination it is possible to extend this period for up to 3 months. In other federal states they are able to arrest you until the end of the assumed danger, e.g. until the end of a demonstration. You do not have to commit any offense for this, the police simply has to believe that you could do something. A judiciary examination has to be done immediately (at the end of the day following your arrest). If this is not the case they will have to let you go.

The judiciary examination is a mere formality. You are supposed to be granted a possibility for judiciary consultation. In reality

the judge will approve the planned custody in most cases. It is important not to forget that **all statements that you will eventually make here under pressure will later be used against you and your comrades**. Thus: Clench your teeth and do not make any statement ! At the latest, they will have to let you go after the demonstration and you can think about how to deal with the custody with comrades, legal aid groups and lawyers.

### ③ The “accelerated procedure”

Since 1994 and 1997, respectively, the so-called “accelerated procedure” as well as the “arrest in connection with the main hearing” are in place. The latter was explicitly introduced to “make quick work of traveling perpetrators of violence”, i.e. people attending demonstrations, and to sentence them to penalties up to one year in prison for “smaller offenses”. This means that the trial hearing may be conducted in just 24 hours’ notice to you. In other words the trial will begin in a very short time after your arrest. These methods are often used by the organs of repression at summits or similar protests of a bigger size. If they decide to institute such summary proceedings after your arrest, they will most likely keep you in detention arrest until then. Use this time to contact the “EA” and your lawyer so that they can try to avert this procedure and get you out of detention. At bigger protests, there is often a good infrastructure with lawyers directly present who can assist you in the proceedings.

If there is no lawyer there to represent you, you should under no circumstance file any motions to take evidence even if the court tells you that you have the right to do so. The reason being that, if you are convicted, you may appeal the judgment within one week. You may have another trial session following the regular procedure and with an adequate defense. You might then regret having previously filed motions with the court to initiate such a

regular procedure, you should urgently contact the “Rote Hilfe”, the “EA” or a friendly lawyer. Above all, you should not name any witnesses in your favor. This will not help you and you may create problems for them as they may become suspects themselves or be charged with perjury based on their testimony.

In the context of this procedure, your abilities to defend yourself will always be highly limited, simply because it is impossible to appropriately prepare for the trial. Therefore one thing is clear: We will never actively participate in summary proceedings! No Statements, no cooperation!

#### **4 House searches**

In the context of larger actions, after arrests or in the context of a targeted state-offensive against left political groups, house searches are a common tool of repression. House searches are among the meanest violations effected by the state. Besides the obvious goal of finding evidence to be used against you, the forced entry into your home is always an attempt to humiliate you, to demoralize you and to demonstrate power. Therefore it is necessary to be prepared for a house search.

- ▶ If you live together with others, put up name plates on the room doors. The police is only allowed to search the rooms of the person noted in the warrant. This also includes rooms whose use is shared with others such as the kitchen, the bathroom and the living room.
- ▶ Talk about the possibility of a house search with your roommates! This prevents unnecessary problems.
- ▶ Get your flat in order before demonstrations or other big events (including getting rid of the sketches of your latest street art and of your stash of grass). Never have large amounts of brochures or mobilization material in your flat unless it is absolutely necessary. If they do find something “in-

criminating”: No statements! Not even “this is not mine”, simply say nothing!

If they are already in your flat you cannot prevent the search anymore. Still, there is a lot you can do to ensure it does not turn into a catastrophe.

- ▶ Most importantly: Stay calm! No statement, not one word of comment on the charges the search is based on.
- ▶ If possible, inform your lawyer and tell them to come. Then mobilize friends to act as witnesses and support.
- ▶ Have them show you the warrant and request a copy. In case of “exigent circumstances”, demand that they state the specific reason of the raid and what objects they are searching for.
- ▶ Note down the name and the rank and number of the officers. Demand that your objection to the search is noted in the minutes (without giving any further explanation for this objection)
- ▶ You have the right to be present at every single room that is searched. Demand that the rooms are searched one after the other.
- ▶ If anything is taken, demand a “list of objects seized” (“Beschlagnahmeverzeichnis”). If nothing is seized, make sure that that fact is documented.
- ▶ Again: File your objection against the search and make sure this is noted in the minutes! You do not have to sign anything! You can also file an objection against any other measures in the context of the house search (e.g. seizure of things).

Generally, do not sign the protocol of your objection, of any things that were taken or not taken from your flat or anything else, do not give your consent to any measure.

After they have left, draw up a protocol from memory, inform a trusted anti-repression group, the “Rote Hilfe” or the “EA” and inform a lawyer if you have not already done so. Afterwards, call

your best friend, because after a raid your nerves are on edge and you have the right to have a good cry or to otherwise be comforted!

## **5 Coercive Detention (“Beugehaft”)**

People who refuse to give testimony without having the right to do so may face a fine or, in extreme cases, coercive detention. The primary goal of this detention is to force statements, but it is also used as a repressive measure against unfaltering people who, as the police well know, will not give testimony even after being detained. Coercive detention can be ordered several times for a period of up to six months in total. Sometimes the prosecution will already use the threat of coercive detention to get people to testify, however it may only be ordered by a judge. If coercive detention is ordered in your case, you will usually have a chance to prepare yourself, to plan a solidarity campaign, to make sure rent is paid, minimize the effects on your workplace, school etc. If you are in danger of coercive detention, be sure to contact an anti-repression structure, the “EA” or the “Rote Hilfe”.

We will not leave anybody sitting in coercive detention alone!

## **5 POTENTIAL CONSEQUENCES UNDER THE ALIENS LAW OF POLITICAL PERSECUTION**

We want to start this section by clarifying that the proposals as to how to behave vis-à-vis the organs of repression apply not only to people holding a German passport, but also in general to people without a German passport. Still, there are differences that have to be taken into account that should have an influence on your political actions.

## ① In Custody

If you are taken into custody and do not have a German passport, the police must inform the consulate of your country of nationality. However, they do not have to allow you to talk to the consulate. Depending on your country of nationality, your relatives may be able to find out whether and where you are being detained by asking the consulate. During detention, you do not have a right to have things translated. Also, you should not assume that police officers will be able to speak English or other languages well. In any event, the usual applies to you too: Never say anything to anyone concerning the acts you are accused of, your action or third persons. The only thing you should say is that you insist on being granted your fundamental rights in custody! (see page 8). No matter what alleged consequences the police threaten you with, you should never sign anything – you are not obligated to do so.

## ② Criminal proceedings

If you are taken into custody and you are accused of having committed a criminal offense, there is an elevated risk that an accelerated procedure (see page 20) may be initiated. In addition, there is a higher probability that they will keep you in pre-trial detention since they will claim that you pose a higher risk of flight. **In the context of criminal proceedings, in contrast to detention, you have the right to have documents translated into a language you understand.**

## ③ Advice concerning proceedings for gaining German citizenship

If you are applying for German citizenship, you should be aware that even a conviction carrying a minor sentence for participation in a political action may already suffice to prevent you from gaining citizenship. A sentence of 50 day-fines – or several con-

victions totaling 50 day-fines or more is already enough. If an indictment is brought against you, the police or the prosecution will contact the immigration authorities to let them know.

#### **4 Advice concerning the risk of eviction because of political activity**

If you live in Germany and do not have a German or EU passport, a prison sentence can, in the worst case, lead to your eviction. However, this is not very likely for a first conviction and, in case of a conviction in the context of a demonstration, for minor sentences. The authorities will have to weigh all relevant facts in their decision. The higher the sentence and the weaker your status of residence, the more probable it is that you are evicted. If you have applied for asylum, you cannot easily be evicted even after a conviction, but only in case of longer sentences of three, sometimes two years. Those who have an EU passport can only be evicted after being sentenced to prison for major offenses or because of repeated convictions.

We advise you to thoroughly reflect upon the risk of repression in your case before participating in an action. Talk to a lawyer about the problem of possible eviction as soon as criminal proceedings are instituted against you.

## **6 POSSIBLE SUPPORT**

### **★ How do I file an application for financial support ?**

The “Rote Hilfe” organizes that the financial burden of political repression is shared by many people. Usually support cases are handled directly through our local groups, so simply hand them your application and your documents. You will find their addresses on our homepage ([www.rote-hilfe.de](http://www.rote-hilfe.de)) and on the back

pages of our newspaper. If there are no local groups near you, send the documents directly to:

Rote Hilfe e.V. Bundesvorstand, PF 3255, 37022 Göttingen

Your application needs to contain the following information:

- ▶ Name, Address, telephone number and e-mail address if possible, as well as BIC and IBAN
- ▶ Political Classification of the incident: purpose of arrest, investigation, trial etc.
- ▶ Development and current stage of the proceedings: have accused or witness been questioned? Are there other accused? Has there been an indictment or a penal order, has a trial date been set ?
- ▶ Have you or others made statements? If so, why?
- ▶ What are the exact charges (please state the relevant sections of the Criminal Code)?
- ▶ Which courts will be involved, including possible appeals?
- ▶ Has the case been closed and the judgment become final?
- ▶ Proof of costs: sum of the sentence, court costs, costs of the lawyer
- ▶ Has a part of the costs been taken care of by other solidarity funds?
- ▶ Are other costs to be expected?
- ▶ Are you in contact to a local group of the Rote Hilfe? If not, should we establish it?

### **Important Notices**

It is important that you file your application as soon as possible, because we need to receive it at least nine months after the date of the final judgment or other decision ending the proceedings. This enables us to adequately consider your case and, if requested, to better provide you with help according to our capacities.

Please attach copies of the necessary documents: penal orders, indictments, judgments, bills for court or lawyer costs etc.

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## **SELF-PORTRAYAL OF THE ROTE HILFE E.V.**

The Rote Hilfe is a solidarity organization which supports members of the political left who are subject to political repression. Its work is concentrated on those suffering political repression in Germany, but it also tries its best to consider political repression against comrades in other countries. Our support is given to all those who, because of their political activities, lose their job, are hauled before the courts, are convicted and sentenced

### **★ Membership and Organization of the work of the “Rote Hilfe”**

Only individuals can be members of the “Rote Hilfe”. There is no collective membership of groups or organizations. The “Rote Hilfe” organizes its work on two levels:

► nation-wide: Members elect delegates to the Federal Assembly of Delegates, where they discuss the organization’s principles and the focus of its activities and elect the federal board. Their membership fees form the material basis for support. The federal board is responsible for ensuring that the funds are used expediently and in line with the organization’s statutes. It decides on the use of the fees, organizes donation campaigns as well as central campaigns for specific occasions. It is also responsible for the day-to-day work of the organization. Information to members as well as public relations on the federal level are mainly carried out by means of the “RoteHilfe” newspaper.

► Also, there are local groups in many cities. Their public relations work is oriented at current political trials and conducted in cooperation with other local initiatives and organizations. The member assemblies and the administrative boards of the local groups decide independently on the focus of their work and the use of donations collected at local level.

### ★ **The “Rote Hilfe” is not a charity organization**

We support individuals to contribute to strengthening the movement. All those who participate in the struggle should be able to do so knowing that they will not be left alone afterwards. The primary purpose of state persecution is to isolate those who have taken to the streets together and to discourage them from continuing to do so by punishing individuals; the “Rote Hilfe” opposes this purpose and counters the state’s efforts with the principle of solidarity, thus encouraging people to continue to fight. Apart from the immediate support of those affected by political persecution, the “Rote Hilfe” involves itself actively in the resistance against political persecution. It tries to work prior to demonstrations to ensure that participants are able to protect themselves and others from injuries and arrests by state authorities in the most effective way. It works against the intensification of state security laws, against the further reduction of defense rights, against solitary confinement and against the further limitation of the freedoms of opinion and of assembly.

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### ★ **The "Rote Hilfe" sees itself as a solidarity organization for the entire Left.**

This does not mean that it claims exclusive representation. (On the contrary, we seek to collaborate with as many groups and structures as possible), but that the organization demands of itself not to exclude groups or persons in its work.

We want to give not only material, but also political support. Hence, we look for political discussion with those who we support, and we may also comment on their actions. However, we do not make our support dependent on the level of consensus.

### ★ **Does the left need an overall solidarity organization?**

Usually persons who are arrested or facing prosecution will receive support from their personal political surroundings. We do not want to replace this evident form of solidarity, but to add to it:

- ▶ there are always persons who participate in, e.g., demonstrations as individuals and cannot rely on a direct circle of supporters.
- ▶ Sometimes the pressure exerted through trials costs etc. or the demands for public relations work are so high that they cannot be carried by one group alone
- ▶ In many cases investigations, indictments and trial proceedings in several levels of jurisdiction may take such a long time that the political context has long changed by the time the judgment becomes final.

For these reasons we consider it necessary that there exists a solidarity organization

- ▶ that works continuously and independent of day-to-day political changes,
- ▶ that can also give long term assurance for support due to a constant income through donations,
- ▶ that is organized nation-wide and not only in major cities,
- ▶ that feels responsible for all people suffering those subject to political persecution, no matter what part of the left movement they belong to,
- ▶ that can react to the tightening of laws and to nation-wide waves of trial proceedings,
- ▶ that is able to initiate and support nation-wide campaigns financially and politically.

## **SOLIDARITY NEEDS TO BE ORGANIZED!**

**You can find our flyer at:**

<https://www.rote-hilfe.de/downloads>

A print version is available through our publisher:  
literaturvertrieb@rote-hilfe.de

**Contact:**

Bundesgeschäftsstelle

Postfach 3255

37022 Göttingen

Tel.: 0551 / 770 80 08, Fax: 0551 / 770 80 09

e-mail: bundesvorstand@rote-hilfe.de | info@rote-hilfe.de

**Please transfer membership fees and donations to the following bank account:**

Rote Hilfe e. V.

Sparkasse Göttingen

IBAN: DE25 2605 0001 0056 0362 39

BIC: NOLADE21GOE

**Impressum:**

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