

Ende Gelände's position on refusing to identify yourself to the police

Ende Gelände thinks that people's collective refusal of giving the police their personal data is a useful strategy in the context of the planned mass (!) actions. So far, Ende Gelände has had good experiences with it. However, there might be very good reasons to do state one's personal data (see below). If you decided before an action to not identify yourself, you should then not be carrying your ID card or anything else that could disclose your identity. You can change your mind at any time and decide to state your name verbally later on. You can find more detailed information in the legal aid booklet, chapter 3. Please talk to the people in your affinity group about whether or not you want to refuse to identify yourself.

The police can hold and search you. Thus, you need to leave your identity card somewhere safe, with a person you trust, or you leave it at home altogether. This also holds for any other object that could identify you (such as your insurance card, train ticket/personalised train discount ticket "BahnCard", credit cards, your wallet and your phone, random objects with your name or address). Before you head into action, check everything you carry with you once again for anything you might have missed! The Legal Team will **not** offer to store anyone's personal documents or belongings.

Advantages:

- Throughout the last couple of years, the collective refusal of giving the police one's personal data has helped us gain some **political leeway** - and that has got to be defended: in continuing our civil disobedience to the point of not identifying ourselves, we put up a strong sign against the state's repression together.
- Just as the detention centres have space for only a limited number of people, there are only so many people whose fingerprints or photos the police can check. When hundreds of people refuse to identify themselves, it becomes really difficult to take all of them into custody to further research their identity.
- It can be a protective measure for some individual people to have many people not voluntarily reveal their identity, who also do not cooperate during the police's attempt to establish their identity nonetheless. It makes it more difficult for the state to actually register and **prosecute** everyone involved.
- Obviously, people who remain anonymous will not have trouble with the corporation's attempt to pin **civil claims** on them either. In turn, fewer people are affected by so-called declarations to cease and desist or injunctions.

Disadvantages/risks:

- In the traditional view of civil disobedience, people practicing civil disobedience should **commit and confess to their own actions**. Some might feel uncomfortable "hiding" during an action that is legitimate.
- Police can keep people in **custody** for up to 12 hours in order to establish their identity. The action isn't over for these people, and they continue to be subject to psychological pressure. Police can also use physical force to establish your identity (e.g. by holding you in place while your fingerprints or photos are being taken and/or using pain compliance holds).

Groups that are "at risk":

- Anyone who does not hold citizenship of a state of the European Union (or Switzerland) is considered to be committing a crime when refusing to reveal their identity (§ 95 Residence Act, also known as Immigration Law). Being convicted of a crime can have negative implications for any future attempts to be granted a visa for entry into Germany. It will also be considered in the decision on whether or not someone might be expelled/deported (see chapter 5 in the legal aid booklet). Being convicted of a crime can also jeopardise someone's unlimited humanitarian residence permit.
- If you needed a visa to get to the action, you normally also had your fingerprints taken while applying for the visa. That data can be used to identify you in an action, even if you refuse to reveal your identity. Your fingerprints could be cross-referenced with different German and European data bases.
- There is a serious risk of being identified if in a previous action you were both identified (because you stated your name voluntarily or because the police found out who you are) and also had your photos and/or fingerprints taken.

Procedure:

- Currently, custody to establish someone's identity is limited to 12 hours (see legal aid booklet 4.3.1). In the state of Northrhine-Westphalia, a new police law is being set up that could increase the time for this type of custody to seven days. **That law is not in force yet!** The law might be passed in October, probably they will vote on this law in November. You can find more information about the new law and the resistance against it on this site: www.no-polizeigesetz-nrw.de

- Even though the law allows for up to 12 hours of custody, police is also required to act reasonably. In previous actions, some people were let go before the 12-hour-mark.
- If police arrests you because of a crime they are accusing you of, they can detain you until 12 p.m./midnight of the following day. If they want to keep you in longer, they have to file an application to put you into investigative detention. Only the court can decide to actually put someone into investigative detention, and that decision is unlikely in the case of an accusation such as trespassing. Accusations such as resisting or attacking an enforcement officer will more likely result in investigative detention. The court also has limited capacity for these hearings. As a result, in the past it was mostly individual people who refused to identify themselves and faced specific accusations who were put into investigative detention.
- Nonetheless, the police officers could try to intimidate you and threaten you with investigative detention in order to try to find out your name.
- If the only reason you are being held is you withholding your identity, the law says that you should be released once you state your name. That does not mean that you will be let go right away, though (see legal aid booklet). In some cases, the justice system has come up with other reasons to detain people for a longer time (e.g. residence in another country).
- Police could potentially identify you long after the action. Sometimes, the fear of being identified leads to people withdrawing from activism, which is a pity. For example because of fear people could leave other people alone with repressions, because they are afraid to be recognized by the police. Another example is that people could not support solidarity events if they have to identify themselves (e.g. at court).
- Talking about the things you experienced is something many people find helpful when dealing with emotional burdens. As a movement, we act in solidarity with people who are facing repression. We support them in their court cases. If you need help after being arrested or getting into contact with the police, the Legal Team for all are there for you.
- Out of Action is a group of activists, who inform about psychological consequences of repression and violence in the context of left political resistance. They offer emotional first aid for individuals involved and groups and they encourage a supportive interaction with each other by means of talking, information events and workshops. For the contact data of the groups in different cities see <https://outofaction.blackblogs.org/>

Being taken into custody:

- If you are detained, you have the right to make one successful phone call to inform a person you trust about your situation (that person might be the Legal Team). In the Rhineland, the police often refuses to let people make their call, which is unlawful. So, if you feel up to it, demand to make your phone call! **At best, you do not make any comments on what they are accusing you of in front of the police.**
- Last year, the police requested several detainees to take off all their clothes. According to the German Federal Constitutional Court, making someone undress without having any evidence of the person carrying dangerous objects that would be impossible to find by simply frisking them, is most definitely against the law.
- Before the action, get together with your affinity group or other people you trust to talk about how you want to deal with possible experiences of repression in the action or with custody. It will help you prepare for these scenarios.

In the area of the Hambach Forest:

- The police has declared the Hambach Forest and the surrounding area a "dangerous place". Currently, police regularly searches people's belongings and checks their IDs in that area, even without suspecting anything specific.
- It has happened in the past that people who then didn't provide their personal data where taken into custody for 12 hours. The police wasn't always satisfied with people just stating their name, but not having their ID on them.
- Talk to the people in your affinity group about how you want to deal with situations like these.

Reminder:

- If you refused to reveal your identity in an action against lignite or in the same area before, you should continue to do so. Otherwise you could face repression for previous actions long after the fact.
- You can find more detailed explanations of the legal aspects of actions in the legal aid booklet. **Before the action**, we recommend you to take **quite some time** with your affinity group to familiarize yourself with the booklet.

You can find the legal aid booklet here: <https://www.ende-gelaende.org/en/action/legal-matters/>