

Legal aid: the way to camp and action

The action begins with the journey. Therefore we recommend to prepare, exchange creative ideas with others and discuss scenarios together.

- It is possible that the police will stop buses or cars to search them and to check IDs. This might happen at the border, at a rest stop or close to the camp. It is also possible that you will be checked on the train and asked to identify yourself. In general, checks in smaller groups are less likely and more difficult for the police, especially if you cannot be easily assigned to the action. But in any case, think about what you want to bring to the camp and to the action and what you prefer not to bring.
- If possible, arrive a little earlier. You're less likely to be stopped by the police if you don't arrive right at the start of the event.
- Legally, there are several ways in which the police may stop and control you:
(1) personal control (car, bus, train, bicycle...) for which the police need a concrete reason,
(2) general traffic control (car), which the police may always carry out and **(3) internal border control** at the German border.

→ **Important: Get informed and discuss matters with your affinity group before arrival!**

→ **In all cases: Contact the legal team if you get into controls or observe them. Or ask for support from the EA during the check if the police want to search anything that goes beyond the standard measures (driver's license, vehicle documents, warning triangle / vest, first aid kit).**

(1) How do you react during an identity check? (car, bus, train, bicycle...)

- If you are travelling together, talk about the possibility of being checked beforehand and think about a joint solidarity approach to the situation beforehand or in the situation.
- Try to find out the reasons for the check from the police. Express your opposition („Widerspruch“) to the actions of the police. Have them explain to you why you should be suspected.
- According to the law, you only have to give your first name, surname or maiden name, place and date of birth, marital status, profession, place of residence and nationality. You don't have to and should not say anything more.
- Another option is to refuse to give your ID. Before doing so, however, you should consider the possible consequences (custody for identification purposes, forced taking of photos and fingerprints by the police and the commission of administrative offence („Ordnungswidrigkeit“).
- Photos and videos can help document police checks and assaults, but they can also put your own people at risk if they are accused of crimes.
- Often it is not enough for the police to know your ID. They want to look in your pockets or search you, e. g. for dangerous objects. In the case of suspected criminal offences, this is based on the corresponding authorization in § 102 StPO (the German Code of Criminal Procedure), but searches are also possible in preventive police law in case of refusal to provide ID or for danger prevention (according to ([§ 12 PolG NRW](#))).
- As with most police actions, our recommendation is: **no statements! (not even to questions like "where to? where from? what plans? whose luggage?)" Don't sign anything! File an objection („Widerspruch“)! Just say so and demand that your objection be noted. Also record** (if possible in the situation) the concrete reasons and formulations of the police in writing, as far as you can still remember afterwards.
- In the past, other activists in checks have tried the following, among other things:
 - All stay in the bus and get cleared out of it or all get out, spread out over the rest area or start a sit-in blockade at the place of the check.
 - Collect all ID cards and hand them over collectively (to make individual assignments more difficult).
 - Ensure that luggage cannot be traced back to specific individuals.
 - Register a demonstration against control on the highway or in the train station (where chaos is created).
 - Make bystanders aware of what is happening and ask them to stop.
 - Thank the police satirically for their work, over-identify during searches e.g. by starting to undress completely (in anticipatory obedience)...
 - If things are taken away from you personally by the cops, insist on a confiscation protocol and file an objection („Widerspruch“).

(2) How do you react during a traffic control? (car)

- Only the driver has to give his or her ID and show the driver's license, the other persons may not be checked without concrete reasons.
- The police may ask you to show the vehicle documents, warning triangle / vests, first aid kit and check the road safety (road worthiness) of the vehicle.
- The driving ability of the driving person may be checked. A urine test to the police is voluntary, but a blood sample may be taken without a court order if there is a suspicion of alcohol and drug-related traffic offences. For example, drunk driving or similar (§ 81a StPO). Note: Many criminalized drugs can be detected in urine much longer than in blood.
- If you are stopped, inform the legal team, if possible, at which rest area or place you are stopped and whether other vehicles are being checked.

(3) Internal border control at the German border

- According to Article 5 of the Schengen Agreement, a person can be refused entry if he or she poses a threat to public safety and order, e. g. if it is expected that he or she will commit crimes in Germany. The police at the border must give concrete reasons for this.
- Systematic border controls are rare, but isolated checks are always possible, i. e. your bus or car is waved out or you are checked on the train. Officers have already confirmed publicly and in court that the police select people in a racist way.
- During these checks, the police can check you in the European database SIS (Schengen Information System) as well as in the crime databases of the BKA (federal criminal police office) and the LKAs (state criminal investigation offices). They may also contact the police in your country of origin.

What can you do?

- Inform the legal team by phone, also so that other structures know that you are in a control.
- You can consider whether you are already so well known at home or in Germany that you could be in the database of the Schengen States (SIS). You can also ask beforehand whether your data is stored there. This can be done via the SIRENE information system. Answers can take a while, depending on the country.
- If you think that you might be in the SIS or another database, you can try to enter more inconspicuously: e. g. in a small group by train like a normal tourist, and not in a bus where it is clear that it is going to the camp.
- If you are stopped at the border, a lawyer can try to fight the entry ban. If you want to do that, talk to the legal team about possibilities.

(4) Tips for the bus arrival organization

- Inform the bus company that they are not allowed to pass on your data and give them as little data as possible. (Unfortunately, data has already been passed on to the police in the past).
- Consider whether you want to discuss possible checks with the bus driver (e. g. stop as far from the police as possible or keep the doors closed and communicate through the window).
- Inform your fellow passengers about the legal situation while they are still on the bus and prepare them. For example, discuss checks and searches, possible consequences of refusing to provide ID, the right to refuse to give evidence, and the possibility of calling the legal team.
- If you are stopped, please inform the legal team with the information where your bus comes from, at which rest area or place you are stopped and how many people are in the bus.

telephone number
Ermittlungsausschuss (EA) / Legal Team:
0049 (0)30 340 603 13