

## The way to camp and action

The action begins with the journey. Therefore we recommend to prepare, to exchange ideas and to talk about scenarios together.

- It is possible that the police stops cars or busses for searches and to check IDs. This might happen at the border, at a gas station or close to the camp. It is also possible that you will be checked on the train and asked to identify yourself. As a general rule, checks in smaller groups are less likely and more difficult for the police to carry out, especially if you are not easily assigned to the action. In any case, consider what you would like to take to the camp and to the action and what you would rather not.
- Legally, there are several ways in which the police can stop and control you: (1) Person control (car, bus, train, bicycle...) for which the police needs 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 with your affinity group before travel!**

→ **In all cases: Contact the EA/Legal team if you get into controls or observe them. Or ask the EA for assistance during the check if the police want to search anything beyond the standard measures (vehicle papers, 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 beforehand about the possibility of being controlled and consider beforehand or in the situation a common solidarity dealing with the situation.
- Try to find out the reasons for the check from the police. Express your opposition („Widerspruch“) to the police action. Let them explain to you why you should be suspicious.
- According to the law, you only have to give first names, surnames or birth names, place and day of birth, marital status, job, place of residence and nationality. You don't have to and shouldn't say more.
- Another option is to refuse to give your ID. Before you do so, however, you should deal with the possible consequences (custody for identification purposes for up to 12 hours, forcible taking of photos and fingerprints by the police and committing an administrative offence („Ordnungswidrigkeit“).
- Photos and videos can help to document police controls and assaults, but can also endanger your own people if they are accused of criminal offences.
- Often it's not enough for the police to control your ID. Beyond that they want to look into your pockets or search you, e.g. for dangerous objects. In case of suspicion of criminal offences this is based on § 102 StPO, but also in the preventive police law searches are possible in case of refusal of the ID or to avert danger according to § 202 LVwG.
- As with most police measures, our recommendation is: **No statements! (not even on questions like "Where to? Where from? What plans? Whose luggage?) Don't sign anything! Raise an objection („Widerspruch“)! Also (if possible in the situation) write down the concrete reasons and formulations of the police, as far as you can remember afterwards.**
- In the past, other activists have tried the following in controls:
  - All stay in the bus and get evicted or all get off, spread out over the rest area or start a sit-in at the control point.
  - Collect all ID cards and hand them over collectively (to make individual matching more difficult)

- Make luggage non-assignable to individual persons.
- Announcing a demonstration against the control on the highway or in the station (where it hurts)
- Making bystanders aware of what is happening and asking them to stay
- To thank the police satirically for their work, over-identification during searches e.g. by starting to completely undress in anticipatory obedience, ...
- If things are taken away from you personally by the cops, insist on a confiscation protocol and raise an objection („Widerspruch“)

## **(2) How do you react during a traffic check? (car)**

- Only the driver has to give the ID and show the driving licence, the other persons may not be checked without concrete reasons.
- The police can demand that you present vehicle documents, warning triangle, warning vests, first aid kit and check the road safety of the vehicle.
- The driving ability of the driving person may be checked. A urine test is voluntary, but a blood test can also be taken without a court order if there is a suspicion of offences related to alcohol or drugs in road traffic. So for example drunkenness in traffic or similar. (§ 81a StPO). Note: Many criminalised drugs can be detected in urine significantly longer than in blood.

## **(3) Internal border control at the German border**

- According to Article 5 of the Schengen Agreement, the permission to enter Germany can be refused if a person constitutes a danger to public safety and order, i.e. if, for example, he or she is expected to commit criminal offences in Germany. The police at the border must give concrete reasons for this.
- Systematic border controls may only be ordered for very large mobilizations. Individual checks are possible, i.e. your bus or car is pulled out or you are checked on the train. Authorities have already confirmed publicly and in court that the police select people in a racist manner.
- 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). It may also contact the police in your country of origin.

### What can you do?

- Inform the legal team by phone, so that other structures know that you are in a control.t.
- 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 in advance whether your data is stored there. This is basically done via the SIRENE information system. However, answers may take a while depending on the country.
- If you think that you could be in the SIS or any other database, you can try to enter more discreetly: 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 action.
- If you are stopped at the border, a lawyer can try to take action against the entry ban. If you want to, talk to the legal team/EA about possibilities.

## **(4) Tips for the Organisation of a bus journey**

- Inform the bus company that it is not allowed to pass on your data and transmit as little data as possible. (In the past, data was already transferred to the police in this way).
- Think about whether you want to talk about possible controls with the bus driver (e.g. stop as far away from the police as possible or first hold doors closed and communicate through the window).

- Explain the legal situation to your fellow passengers in the bus and prepare them. Discuss for example controls and searches, possible consequences of refusal of ID, the right to refusal of testimony and the possibility of calling the legal team/ EA.
  - If you are stopped, please inform the EA with the information where your bus comes from, where you are stopped and how many people are on the bus.
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**telephone number**

Ermittlungsausschuss (EA) / Legal Team:

**0049 (0)30 340 603 13**