

Newsletter climate-antirepression #9 – June 2019

This time we're focusing on underage persons in political actions – because fortunately many people start engaging in political actions at a very young age! There are other news as well – some pleasant ones, some not so much and a couple of lawsuit dates.

Rhineland

UPIII has been acquitted

Disagreement on a garden shed

#wedontshutup – compensation for a blockade of a powerplant

New law brochure for political actions in North Rhine-Westphalia (NRW)

Leipziger Land and Lusatia

News can be found in the next Newsletter

Main topic: Underage persons in political actions

Identity check and handing out personal information

Denial of identity controls

Police summons and interrogation

Court proceedings / Lawsuits

Liability

Rhineland

UPIII has been acquitted

Drums in the forest. 1 year, 1 month and 27 days. Arrest in March 2018. Over 6 months of custody. Release in October, only days after the stop of the clearance and eviction. Four days of actual trial in the appeal. Acquittal. Appeal? Resistance! Hambi stays!

<https://abcrhineland.blackblogs.org/2019/05/15/freispruch-in-der-upiii-berufungsverhandlung/>

Disagreement on a garden shed

Rhineland 2018: A garden shed, built in solidarity at the climate camp, is being confiscated on the Rhein-Erft service area on a motorway – under the pretence it might be taken into Hambacher Forest as a “forest-extrinsic” object. For the very laborious and lengthy salvage out of the van it took 130 cops and a lot of work. If you want to take a glimpse:

<https://vimeo.com/285744467>

Merely a year later the garden shed is still confiscated, but one person, who announced a spontaneous assembly on the service area, has to stand trial because they didn't keep the area around the fuel pump clear enough. The next episode about the hassle around #Gartenlaubengate will take place on the 6th of June at 11am in Amtsgericht Bergheim (Rhein-Erft-Kreis). Audience is very welcome.

#wedontshutup – solidarity against the million euro claim of RWE

While the climate negotiations of the UN took place in November 2017 in Bonn, the climate movement put up resistance with demonstrations, civil disobedience and direct action. Part of this

was the blockade “we shut down” of the power plant Weisweiler: Climate activists blocked the supply of coal and managed to shut down nearly the whole power plant. Now RWE is suing six climate activists and one journalist for damages. They are being charged with criminal charges as the disturbance of public services, resistance and trespassing. But at the same time RWE wants a financial compensation of 2.07 million euros.

But the activists are not letting themselves be intimidated. On the contrary: They want to use the trials to accuse RWE with the destruction of the livelihoods: “By taking action against RWE, we were able to limit the damage that RWE causes every day. Now they want to intimidate the climate movement with this high financial claim. But they won’t see one cent from us!”, says one of the accused persons.

The dates for the legal proceedings are fixed now as follows:

The trial will be held in Eschweiler:

- 10.07. at 9am
- 15.07. at 9am
- 17.07. at 9am

(Please be aware that admission controls are likely!)

Solidarity and support in all forms and shapes is welcome! Donations for the legal costs are also welcome at untenlassen.org

More information will be found at: wedontshutup.org and twitter.com/we-shut

We don’t shut up – we shut down!

New law brochure for political actions in North Rhine-Westphalia (NRW)

North Rhine-Westphalia (NRW) there have been many changes to the worse in the past year: The new police law brings new rules, i.e. up to 7 days of custody for the active refusal to reveal your identity or if you don’t observe of a sending-off. Therefore the anti-repression group put together a brochure for political actions in NRW. You can find it here:

http://antirrr.nirgendwo.info/files/2019/05/rechtsbroschuere_nrw_mai_2019.pdf

And by the way: AntiRRR has a new website: <http://antirrr.nirgendwo.info>

Main topic: Underage persons in political actions

For all people under 18 years (in other (official) words: minors, in German “Minderjährige”) there are a few special aspects in legal matters and every now and then there are some special problems. This is why we put together the most important points here.

If the police wants to check your identity and you give them your personal information...

Because your parents or guardian has the right to determine your place of residence it’s possible, that the police takes you with them and tries to bring you back to your parents or guardian or to the youth welfare office (“Jugendamt”, → §35 Abs 2 Polizeigesetz NRW). Or they might just call your

parents and ask if you're allowed to be where they found you. If the police takes you into custody at a political action, they will most likely call your parents to pick you up. It makes sense to take care of this issue in advance: If your parents sign a paper saying, that the right to determine the place of residence is temporarily given to some other adult or just that another adult has the right to pick you up, your on the safe side.

If you refuse to give your identity...

If the police believes you, that you are under age, it's likely that they will bring you to some kind of youth facility. It's not legal to lock you up in such a place. So in theory you may go, as soon as the police has left. In real life however people made very different experiences with just walking off. Sometimes it was easy, but sometimes they locked up personal belongings or people were only able to leave the next morning.

If you get away with being under 14 years, you're under the age of criminal responsibility. This means, that even if the police has proof that you did criminal offence, they can not put you into provisional detention.

Summons and interrogation

Persons under the age of 14 years may officially not be interrogated, but also in any other case of the interrogation of a person of under 18 years, the parents have the right to be present at the interrogation. A summons to the police is therefore also sent to you parents. In many cases you get more repression (in other words: pressure) by your parents, who might want you to explain everything to the police. But you have the right to refuse to give evidence also as a minor. That can make sense, because this way you don't give the cops any information that might hurt you or other people later – but sometimes it's hard to explain that to your parents.

Court proceedings

If your being accused of a criminal offence, other than for adults, it's not the court of the crime scene, that is responsible for your trial, but the one of your residence. That can make solidarity and support a little harder. Also the trial is held in camera (without any audience present). The educational mission of the court often results not only in moral lectures but also in other punishments, i.e. the writing of an essay, the ban to visit certain places, community service, to take part in an anti-violence training or other means. A lawyer has to be engaged by your parents.

Liability

In civil law, i.e. in case of damage claims of a corporation because of political actions, it might be, that your parents will be held responsible. But only in case they failed to perform their supervisory duties and they had parental authority in that very moment. In practice this is being interpreted very differently.

We don't have any experience with cease-and-desist declarations against minors.