

## NEWSLETTER CLIMATE-ANTIREPRESSION #8 - February 2019

So much happened over the last couple of months that we didn't get around to writing a newsletter – so this one's a bit longer now.

### Rhineland

- Eviction of the Hambach Forest and the aftermath
- Freedom for Eule
- New police law in North Rhine-Westphalia and its implementation
- RePlace coal 2017 – successful anti-repression strategy

### Lusatia & Leipziger Land

- #Lausitz23 – trespassing in the course of a digger occupation ends in prison sentences (!)
- #Reise-Digger – Lieber Haft als Kohlekraft (solidarity action)

### General information

- New police laws – keep yourselves and others up to date and support the coalitions

### Eviction of the Hambach Forest and the aftermath

The eviction of the Hambach Forest has kept everyone who is part of the anti-repression structures concerned and on their feet. Several people ready to answer the phone round the clock, people being detained almost every day for over a month, cops harassing people and breaking the law wherever you look. What happened in the time between late August and late September has been summarised by the legal team that was active at the time, describing a number of especially harsh incidents: <http://antirrr.blogspot.de/2018/10/02/rueckblick-repression-im-und-um-den-hambacher-forst-ende-august-ende-september-2018/> (in German)

Many people were subject to severe violence on part of the police. We think that it makes sense to talk about what people experienced and to make it public, so we'd like to collect reports from people who experienced police violence and share them online – anonymously, of course. If you would like to share something you can contact us via e-mail (an encrypted e-mail would be great!): [legalsupporthambi@riseup.net](mailto:legalsupporthambi@riseup.net)

But at the same time, a call-out has been going around that is asking people to take their experiences of police violence to court, to file a so-called “affirmation in lieu of an oath“ in order to be able to try the cops at court. We consider this to be incredibly dangerous and don't think it makes sense politically: to us, punishment is not a desirable way of dealing with conflict – and police officers will not be convicted anyway. Reporting opponents (RWE, police) has been proposed in the wake of some other incidents as well. The anti-repression group for the Rhenish lignite mining area (AntiRRR) compiled a text on why we think filing criminal charges is not the right way. The text is called “We don't talk to cops“: <http://antirrr.blogspot.de/2019/01/16/we-dont-talk-to-cops-zu-strafanzeigen-und-aussageverweigerung/> (it's in German – if you would like to read an English translation or summary, let us know!)

If any unfriendly letters from the police, the court or RWE find their way to you, you can contact us via [antirrr@riseup.net](mailto:antirrr@riseup.net) – we are happy to assist you!

### Freedom for Eule

A couple of people were put into pre-trial detention during the eviction of the Hambach Forest. One of them, Eule, remains in detention to this day. On the 18th of February she was sentenced to 9

months without probation (juvenile sentence). The court opined that she was presenting “criminal leanings“ (German “schädliche Neigungen“, literally: harmful tendencies), which is one of the ways someone can be sentenced to prison in juvenile criminal law. It was the Nazis who introduced the notion of criminal leanings in 1943. According to the German Federal Court of Justice, someone is presenting criminal leanings if “...it is substantiated by severe deficits in predisposition or education that without long-term educational measures (§§ 91, 92 JGG), there would be a risk of further criminal acts disturbing the community legal order“ (rough translation). So, we are both enraged about Eule’s sentence and punishment being entirely out of proportion, *and* we want to call your attention to the disgusting nature of the very structure of the juvenile justice system. Send letters! The ABC publishes news about Eule as well as letters and drawings she sent:

<https://abcrhineland.blackblogs.org/> and [https://twitter.com/xabc\\_rlx](https://twitter.com/xabc_rlx)

Eule’s postal address: "Eule" unbekannte Person Aachen 8, JVA Köln, Rochusstraße 350, 50827 Köln

### **New police law in North Rhine-Westphalia and its implementation**

The tightening of the police law in the federal state of North Rhine-Westphalia (NRW) could not be prevented, despite various actions of protest carried out by many different groups and people - among them many from the resistance against lignite mining. In December, the state parliament ruled in favour of communication bans and residence regulations, of video surveillance, ankle monitors, of trojan horse software to be used by the government, of the introduction of stun guns, and of longer times of detention at a police station without reasonable grounds for suspicion. More info: <https://polizeigesetz-nrw-stoppen.de/polizeigesetz-nrw-nach-den-aenderungen-18-dez-2018/> (in German)

In the meantime, two people have died after being shocked with stun guns in other federal states (in the cities of Nuremberg and Pirmasens). All the while NRW doesn’t hesitate to implement it’s new police law – and use it against environmental activists. After they occupied a coal excavator in the Rhineland in February, seven people were kept at the police station for up to five days, to give the super glue on their fingertips time to dissolve (as ordered by the court). After people had been detained for four days and their fingerprints had been taken successfully, police tried to file for an extension of the detention to the maximum of 7 days, but the judge overruled the application. Before December of last year, 12 hours of detention were the maximum in NRW, in order to try to determine someone’s identity. The alliance “Polizeigesetz NRW stoppen“ has more info on the specific cases, as they published press releases etc. on the first time the so-called “Lex Hambi“ came into effect.

<https://polizeigesetz-nrw-stoppen.de/2019/02/11/pressemitteilung/erste-anwendungsfaelle-des-lex-hambi-aus-neuem-nrw-polizeigesetz/> (in German)

<https://polizeigesetz-nrw-stoppen.de/2019/02/14/pressemitteilung/rechtswidrige-freiheitsberaubung-durch-polizei-und-justizwillkuer-entgegen-richterlichen-beschlusses/> (in German)

So, before your next actions, please talk about what you want to do about possibly longer times spent at the police station – get organised and don’t give up!

We updated the handbook on actions in NRW to include the police law’s novelties. Download it here: [http://antirrr.nirgendwo.info/files/2019/02/rechtsbroschuere\\_nrw\\_2019.pdf](http://antirrr.nirgendwo.info/files/2019/02/rechtsbroschuere_nrw_2019.pdf) (in German – or contact us for the English handbook!)

### **RePlace coal 2017 – successful anti-repression strategy**

In 2017, RePlace coal blocked the lignite fired power plant in Neurath. Many activists were asked to pay quite expensive fines (some of them 500€). One and a half years later, we know: resistance is

worth the while. In two cases, the local court in Grevenbroich lowered the fine considerably (to 100€), other cases followed suit with only written proceedings ending in much lower fines. (Unfortunately) some of the fines have been paid in their entirety. Some other cases are probably time-barred by now, because there was no activity whatsoever for six months in these cases. There was only one criminal lawsuit against a person who was alleged to have committed coercion as well as an infringement of the law concerning assemblies as the supposed leader of the assembly, and that case has been dropped.

What the RePlace coal solidarity group learns from this (in accordance with other experiences so far):

- solidarity work is absolutely worth it, also financially
- in big actions of civil disobedience, only a small number of participants will be charged – otherwise the authorities would be overwhelmed with work.
- Acts of misdemeanour have a short limitation period, so stalling and causing extra work is a good strategy in these cases.
- Causing the court extra work can protect others whose cases are still being processed.

### **#Lausitz23 – trespassing in the course of a digger occupation ends in prison sentences (!)**

In early February, activists from the groups Ende Gelaende, Robin Wood and the Interventionist Left occupied several excavators in two mining regions: Lusatia and Leipziger Land. This took place in the context of a week of action for an immediate coal phase-out and as a counter-action to the final report of the coal commission. In Leipzig, everyone had been released by the end of the day. In Lusatia on the other hand, the local court Cottbus decided to put those 18 activists (out of 23 in total) who decided to remain anonymous into pre-trial detention. This was the first time the accusation of trespassing has been used to keep anonymous people in pre-trial detention. Three of these activists remained in detention for three entire weeks, until the 25th of February. At 9.30 a.m. that day, the local court Cottbus started the accelerated proceedings against the three people accused of trespassing. At that point, the accused still hadn't revealed their identity to the authorities, and went by the names of Vincent, Nonta and Stanley. They had asked for many people showing their solidarity during their trial – which is exactly what happened! More than 50 people had organised a march to the court building, went in to support the three of them in the courtroom, and waited in front of the court, hoping for their release. The three of them had prepared a political statement, which can be found here: [https://www.ende-gelaende.org/wp-content/uploads/2019/03/Statements\\_Nonta\\_Stanley\\_Vincent\\_20190225.pdf](https://www.ende-gelaende.org/wp-content/uploads/2019/03/Statements_Nonta_Stanley_Vincent_20190225.pdf)

The trial went on for many hours, in which police witnesses as well as a LEAG-worker were asked to the stand. The judge decided that in his opinion the action would have to be qualified as trespassing – and sentenced the accused to a prison sentence of two months. He said that in the case of anonymous defendants, a fine would not be feasible. Since Vincent, Stanley and Nonta had also said that they would do the same action again and would ask other people to do the same, the judge said the sentence also was supposed to have a “general preventative effect“. When he declared the sentence, the three of them decided to reveal their identities to the authorities. That way, they walked free that same day, and are now in a position where they can lodge an appeal against the sentence without having to stay in prison. If they do not lodge an appeal the sentence will be final, meaning that they would have to serve the rest of their sentence soon.

This sentence was the first one to rule the occupation of an excavator in a mine to be trespassing. Up until now, mines were seen as not being entirely enclosed, thus not an area where one can commit the act of trespassing. On top of that, two months of prison for trespassing is an extremely harsh sentence and entirely inappropriate – even within the logic of the state of law. Obviously a fine could have been imposed, no matter whether the defendants personal details were known to the court or not, since they easily could have paid the fine then and there. The judge, who actually said that he respected their political objectives, could also have opted to impose a sentence much less

severe than he did. Instead, he passed a sentence that punished people for their commitment to a better life for all, their commitment to counteract climate change. It was a very political trial, in which now even a petty crime (the judge's and state prosecution's words!) can be punished with a prison sentence. But this is not the last word – we expect the case to be taken to a higher court, where the legal decision will be revised. What we know now is that the conditions are getting harsher, and that we will need to consider the possibility of prison sentences more and more when planning our next actions.

More information about the court case and the #Lausitz23: <https://www.ende-gelaende.org/de/news/ende-gelaende-kritisiert-politisch-motivierte-gerichtsentscheidung-klimaschutz-darf-kein-verbrechen-sein/>

### **#Reise-Digger – “Lieber Haft als Kohlekraft“ (solidarity action)**

On Wednesday, the 20th of February, an excavator in the lignite mine Schleenhain, Leipziger Land, was occupied by @Reisedigger (*their action statement in German:*

<https://de.indymedia.org/node/29233>). Three people were supposed to be taken into custody for three days in order to assess their identities. Two of them were released two days later after their personal data could be established, while the last one remained anonymous and was let go after the set date of three days. Neither police nor the local court in Leipzig were able to give a legal basis for why the activists had been in custody. The next paragraph is an extract from a statement the ABC Rhineland published. Full version in German:

<https://abcrhineland.blackblogs.org/2019/02/22/statement-zu-leipzig/>

“The police want to establish the identities of the people who were involved in the occupation, which is why they have been taken into custody. Even though all of them have been arrested because they allegedly committed some crime, their identification is supposed to be handled in the scope of the police law, making it a preventative measure – not a repressive measure within the Code of Criminal Procedure, as would have been legally correct. If there are grounds to assume that a crime has been committed, the Code of Criminal Procedure has to be applied. The police law can only come into effect in situations in which a criminal act is still imminent.

It is to be assumed that in this case police is employing the police law to justify their actions, because it enables them to keep the activists in custody for a longer time: three days (§22 SächsPolG) instead of a maximum of 12 hours (§163c StPO). This shows that the police in the state of Saxony is not using this measure to prevent dangers, but to scare people and force them to comply – similar to what the Rhineland7 had to endure in being kept in custody for so long (see above). When police and court strip an individual of their personal freedom, they are making an example of this individual, to suppress people's expression of inconvenient opinions on political and social issues.“

### **New police laws – keep yourselves and others up to date and support the coalitions**

Many federal states in Germany currently see new police laws being introduced. As the case of the Rhineland7 shows, we as resistant, politically active people are immediately affected by these. But other people, who might be less visible to the public eye and get less media coverage on their struggle, are subject to no less than we are: marginalised groups such as homeless people, refugees, black people and PoC; people who can barely ever expect to be protected by the police, but whose relationship to the police is shaped by fear and violence. Within the framework of the new laws, it becomes even easier for the police to act brutally: they get to use arbitrary terms and rules, new measures and methods such as ankle monitors, house arrests and stun guns. Technical measures for surveillance are on the increase, facilitating discriminatory methods such as racial profiling. There are many reasons to fight back against these laws and the logic they entail, a logic of deterrence, of surveillance, control and punishment.

Do some research on what people are doing against these laws near where you live. Join them, or get started on your own actions. This website provides a good overview:

<https://digitalcourage.de/blog/2018/uebersicht-polizeigesetze>

In the federal states of Saxony, Brandenburg and Lower Saxony, the proposed police laws are currently in a critical stage. Here you'll find the links to the websites of the respective coalitions aiming to stop them:

Saxony: [polizeigesetz-stoppen.de](http://polizeigesetz-stoppen.de) & [sachsens-demokratie.net](http://sachsens-demokratie.net)

Brandenburg: <https://nopolgbbg.de/>

Lower Saxony: <https://nonpog.de/>