

NEWSLETTER CLIMATE-ANTIREPRESSION #12 - January 2020

To a fierce new year!

Like any other year, we can't expect this year to bring us the state shutting down lignite mining or any of the other technologies that are so harmful to the climate, and again we can't even expect the state to leave us alone and not whip out all its tools of repression when we fight these very technologies. That's why this year, we obviously have news on repression and solidarity once again. Since people regularly ask us to provide a legal team for this or that we decided to talk a bit more in detail about that in this newsletter – also about how you could set up a legal team yourselves. In general: we fight the state's repression with our solidarity – show it at the defendants' court cases. Don't let anything discourage you, and be just as resistant and active as you were last year!

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RHINELAND

Look back: Eviction of the Hambach Forest and the legal team

For many of those who witnessed it, the eviction of the Hambach Forest will remain a focal incidence in the long run - whether people have been traumatised by police violence or were in awe of the massive support by so many people, whether people were happy about the quite positive media response or were annoyed by the protests being taken over by big NGOs that otherwise didn't contribute too much, but then wanted to decide the forms of protest. One person from the AntiRRR wrote a very personal report on their experiences in the legal team during the eviction: <http://antirrr.nirgendwo.info/2019/12/29/die-hambi-raeumung-im-ea-ein-erfahrungsbericht/> (in German)

Since AntiRRR is supporting people in their court cases following the eviction, we will of course be dealing with a lot of the aftermath for quite a while. If you received letters from the police or the courts due to actions in the Rhineland, feel free to contact antirrr@riseup.net! And don't leave anybody else alone, show your solidarity by attending people's court dates (see below)!

Police in the city of Aachen and their take on freedom of assembly

According to the laws of assembly and to past court rulings of the Federal Constitutional Court, assemblies can only rarely be put under video surveillance, because otherwise the freedom of assembly would be unlawfully restricted. Yet, the police force in the city of Aachen has its very own take on the freedom of assembly: since the square in front of their police station is under permanent video surveillance, according to them, no assembly can take place there. One person, who had registered a vigil in front of the station as part of the "RePlace Coal"-actions to show solidarity and welcome people who were released from the station, has taken legal action against the vigil being banished to an area out of sight of the station. You can read up on the police's peculiar arguments and the background of the case here:

<http://antirrr.nirgendwo.info/2019/10/18/die-polizei-aachen-und-die-versammlungsfreiheit/> (in German)

WeShutDown-case: lost, but won nonetheless?

The case on the successful blockade of the lignite-fired power plant Weisweiler in November 2015 resulted in a verdict of guilty – for resisting enforcement officers. The defendants made the case a political trial, e.g. by referring to so-called "necessity as justification" - since the power plant is very specifically responsible for people dying. The case received a lot of media attention and solidarity. It resulted in a verdict of 50 to 60 daily fines, which was way below what state prosecution had demanded as a punishment. Both trespassing and disruption of public businesses were ruled out (which is a good outcome considering future trials). What's problematic about the verdict is that apparently the term "resistance" and subsequent accusations are used more and more widely, also to refer to lock-on actions. Both the defendants and the state prosecution lodged an appeal, meaning that the case will be tried again at the county court in Aachen. Furthermore, RWE claims 2 million euros compensation the activists are supposed to pay, and compensation hasn't been decided yet.

You can find detailed reports on the individual court dates, a press review and more on this site: <http://wedontshutup.org/en/> (also in English!)

Occupation of sports field in Mannheim

On the 24th of October 2018, a large number of activists took to occupying the sports field in Mannheim and setting up large tents there, in order to house the Ende Gelaende camp for the Rhineland action in October 2018. But like the rest of Mannheim and its surroundings, the sports field is property of RWE. The company didn't like what was happening on their premises, so they quickly filed a complaint and had the police evict the field that very night. Just to make sure no one could camp there again, the company then went on to plough the entire ground.

Now, shortly before Christmas, people who allegedly took part in the occupation and whose names the police was able to identify, received penalty orders due to trespassing. The majority of people who let us know that they were affected by these penalty orders decided to object to the order, even though the severity of penalties is relatively low (10 daily fines times 10€).

We at the legal team for all are very happy about these objections. We think there are good reasons to go to trial. To prepare our defence strategy, we are looking for photos that prove that at the time of the occupation the field wasn't entirely enclosed by either a fence or dense bushes. If you happen to have such photos, or if you received a penalty order in connection with this case, but haven't let us know about it yet, please send an email to legal_team_fuer_alle@posteo.de. Please also let us know if you are affected, but don't need or want our help – that way, we get a better overview over what is going on and can inform other defendants of your successes or setbacks.

LUSATIA

The legal team's review of Ende Gelaende 2019 in Lusatia

Just like in the Rhineland in June, the second Ende Gelaende action of 2019 faced legal difficulties before it even started due to harassment regarding the law of assembly. Both the ministry of the interior of the federal state of Brandenburg and police officers from Cottbus who showed themselves to be right-wing radicals were stirring up the public opinion about (or rather: against) Ende Gelaende. The protest lasted one day, spanning two lignite mining regions. But although a number of unlawful and violent acts by the police were reported, at least the number of people arrested wasn't as high as the public debate had all of us fear beforehand. Still, many people suffered being hit, pepper-sprayed, or being held in pain compliance holds. If the court or the police sends you a letter due to the action in November, please contact cat@nirgendwo.info (pgp-encryption preferable).

If you have experienced violence and would like to make it public, there's a collection of personal reports we are glad to enlarge: <http://antirrr.nirgendwo.info/polizeigewalt/> (most of them in German, some in English).

Cottbus: digger occupation court case adjourned indefinitely

Just a few days before the Ende Gelaende action in Lusatia, a trial took place at the local court in Cottbus that tried a climate activist for the occupation of a coal excavator in Lusatia. The action had taken place in December 2015, at the same time as the COP21 in Paris. It was aimed at protesting the company Vattenfall selling its lignite branch. July of 2019 saw the first attempt to close this trial: without the actual trial having started, the defendant was offered a deal – if he plead guilty and agreed to pay between 700 and 800€, the case would be discontinued. The defendant didn't take the deal.

Now, at second attempt, the judge again proposed discontinuing the case before proceedings had actually been opened, so that “everyone involved could do something better with their time and money”. The state prosecutor didn't agree with the proposed 50-100€ in question, and, after long deliberations with his superior, said that state prosecution wouldn't agree to discontinue a trial for less than 1000€. He couldn't give a reason for this demand, though, so the judge considered the atmosphere of the trial to be damaged and adjourned the case, so that the department has time to discuss a possible discontinuation.

That is a small victory for the climate justice movement, even though paying 50-100€ for a discontinuation could have closed this chapter much sooner. But probably the state prosecution and the Ministry of Justice didn't want to give the press a reason to report on such a "friendly" attitude a few days before the Ende Gelaende action in Lusatia.

THE NORTH

State prosecution trying to auction off boats after action against cruise ships

In Kiel, state prosecution and police joined forces to perform a kind of repression that is a little different than usual: In June 2019, a cruise ship (dirty emitter of lots of carbon dioxide) was blocked for several hours. Afterwards, police did not only confiscate the boats involved, but also refused to hand out a protocol of the items confiscated to the activists, so afterwards they could cast doubt on whether the boats were actually theirs. Now, before anyone has even been charged with anything, state prosecution is trying to take swift action and auction off the boats (Canadian canoes, kayaks, inflatables and paddles). The action group "Smash Cruiseshit" is calling people to file complaints with the state prosecution (still ongoing, since an auction hasn't yet taken place):

<https://tkkg.noblogs.org/post/2019/12/17/aufruf-versteigerung-der-schlauchboote-verhindern/>

If you would like to support the legal aftermath of this action with some money and help pay for repression, you can make a donation to this account: VusEumUmseP e.V., IBAN: DE30 8306 5408 0004 0613 81, Subject/Reference: Antirep SH

FOCUS: LEGAL TEAM

In which situations do we need a legal team?

It makes sense to have a legal team in place if you expect arrests or detentions to occur, and you would like to have people take care of these issues, especially if something doesn't quite go as planned – so, usually with illegal actions during which you plan to be caught (e.g. lock-on actions, digger occupations, or also a street blockade in your city). Sometimes it's difficult to say whether you might need a legal team or not, e.g. with registered or unregistered assemblies. In each individual case, you have to weigh the effort it takes to set up a legal team against the risks and whether you consider yourself able to organise solidarity on the spot in case something unexpected happens.

What does a legal team do?

During an action, a legal team can be reached by telephone, takes care of the people detained, and makes sure that no one is ever forgotten at the police station. If people are subjected to a bail hearing (remand review), the legal team gets them a lawyer. Everything beyond that is subject to individual agreements, so, for example, simply by having a legal team at your action, you haven't automatically answered the questions of who picks up people at the detention centre, who supports people who are imprisoned for a longer time, or who feels responsible for long-term legal support of the people involved.

Ask for a legal team's support

If you are planning an action in your own city, do some research on local legal teams or antirepression groups. A couple of legal teams can be found here:

<https://www.nadir.org/nadir/initiativ/ermittlungsausschuss/>

If the legal team you contact doesn't have any experience with people refusing to disclose their identity when confronted with the police, but you are planning on doing so during your action, talk it through with them beforehand. Often, legal teams don't know the details of legal regulations regarding anonymous people in actions or in custody. So you should talk about what could happen and about whether your ideas and their understanding of what a legal team does are similar enough.

For actions in the Rhineland, you can ask AntiRRR; ask CAT for actions in and around Berlin and in Lusatia; and finally, you can ask the Legal Team for All (LTFA) for all bigger actions with camps etc.. Especially with bigger requests you should consider having one (or more) contact person(s) who can communicate using pgp-encryption and are willing to enable communication between the legal team and your group and try to answer the team's questions. If you want to be supported by a legal team, please ask for support as soon as possible in the course of planning your action!

Contact data:

- AntiRRR antirrr@riseup.net,
PGP- key: <http://antirrr.nirgendwo.info/kontakt/gpg-schluesel/>)
- CAT cat@nirgendwo.info, PGP-key: <http://cat.nirgendwo.info/pgp/>
- LTFA legal_team_fuer_alle@posteo.de, PGP-key: https://www.ende-gelaende.org/wp-content/uploads/2017/10/legal_team_fuer_alle@posteo.de-0x2DC83029-pub.asc

Set up a legal team yourself

If existing legal teams aren't able to support you or you as a group already have a bit of experience under your belt, don't be shy – you can set up your own legal team. The most important part are people who are always reachable on the phone and who still have enough time after the action to look after everyone who might be imprisoned. People doing a legal team shift should not only always carry the necessary phone, but also a list with the essential questions (see below), a notepad and a pen, to be able to write down and then deal with the data transferred via phone adequately.

If you feel a bit insecure, you could also ask someone or a group of people with more experience than you whether they would be okay with you calling them with eventual questions. Make sure you know what their availabilities are. The same holds for lawyers you might want to contact. Please don't advise people on things you don't feel sure about yourself – if in doubt, do more research! If people are planning on refusing to disclose their identity, you should think of a system to keep everything in check beforehand, like e.g. a number system for all the callers. If you have questions or you simply feel like you want to exchange your ideas with someone, you can contact some of the legal teams, like AntiRRR – we are happy to share our knowledge on legal team work (antirrr@riseup.net).

Also, there's a number of tips in a zine/reader on legal teams, which is already a few years old, but still helpful. Unfortunately the tips are only in German, but there are also vocabulary lists for legal terms in several languages in the back! http://antirrr.nirgendwo.info/files/2019/12/EA-READER_3ohne_Bullengesetze.pdf

Attention: The laws the reader refers to are often outdated, since unfortunately police law and law of assembly are undergoing constant changes. Before you do an action or form your own legal

team, do research on the laws in the respective federal state. You can find an overview of some of the different police laws on this site: <http://polizeigesetz.nirgendwo.info> (in German)

Calling the legal team

When someone calls the legal team, the person answering the call should guide the caller with the help of several important questions. Usually these are:

- What's your name? Or, if you would like to remain anonymous: what is your personal number or your pseudonym?
- Where exactly are they holding you?
- What is the police accusing you of?
(Important to note: Don't make any statements, don't say what you did.)
- What did police say they are planning on doing with you next? (taking your photos/fingerprints to establish your identity, remand review...)
- How are you? Do you need important medication? Is someone injured?
- Have other people also been taken into custody? (Please only mention names if you are absolutely sure that the other people have already revealed their identity to the police!)

Also remind callers that they can and should refuse making statements or signing anything. They should keep in mind to let the legal team know when they are free again.

COURT DATES

31st of January 2020, local court Kerpen: Police everywhere, justice nowhere

During the eviction of the Hambach Forest, police acted quite brutally, also in the course of several demonstrations. During one, two people allegedly shouted "ACAB" (all cops are bastards) in the direction of the police. The trial on that was supposed to start in October 2019, but the court date was cancelled on short notice – supposedly because of a bomb threat, but maybe just because the court was overwhelmed with handling the supporters who had shown up (although it were less than ten of them), or because the court is trying to mock the defendants.

Come to the trial and show them that the cops can't go on and on fabricating cases – or at least can't do so unwitnessed.

Friday, 31st of January 2020, 9 a.m., local court Kerpen, room 112

More court dates can be found here: <http://antirrr.nirgendwo.info/>

If there's anything we forgot that you would like to read about in the next newsletter, just send it to antirrr@riseup.net in form of a short text, also with links, if you like.

As always, this newsletter has been compiled by AntiRRR, this time again with contributions from LTFA and CAT.