

What does the new assembly law (German: **Versammlungsgesetz**) in NRW mean for us?

Since early January 2022, there is a new assembly law in NRW, despite numerous large demonstrations against it in the previous year. Here you can find an overview of the most important changes.

How the law is applied by the police and the courts and what that means for us in concrete terms will become clear over time. In particular, the law is very vague about what actual indications/evidence are or what is understood by a "danger to public safety".

going to an assembly:

§15(1) Checkpoints.

The police may set up checkpoints on the way to the assembly, where persons and their belongings can be searched. This requires actual evidence that the following items are being taken to the assembly

Weapons,

Objects that are suitable for identity veiling (e.g. masks, tube scarf),

Items suitable for protecting oneself from enforcement measures (e.g. visors/safety goggles, helmet, padding, straw bag),

Items giving paramilitary appearance and uniform-like clothing (e.g., white suits).

Note: If we are on the way to an assembly and get stopped by police, we can ask for the actual reasons for these checks.

§17(1) Objects for identity concealment or defense against police.

No objects may be worn or carried on the body at assemblies that are suitable for identity concealment or are suitable for defense against police. (Ex. see above)

§27(7): This also applies to the way to the meeting.

Note: The above examples of mummery/resistance material have often been referred to as such in criminal proceedings in the past. However, this does not mean that they are always taken from us or always stand up in court as evidence.

§18(1) Uniform and paramilitary appearance.

It is forbidden to participate in assemblies or to lead them, if the appearance through the wearing of uniform-like clothing or paramilitary appearance conveys a willingness to use violence.

Note: In the explanatory memorandum to the law, white painters' suits or the appearance of the black bloc were explicitly mentioned for this purpose. To what extent an individual can really be convicted for a black rain jacket will be shown in upcoming court cases. Until then, unfortunately, only the police define what they find "paramilitary".

§9 Applicability of police law

In contrast to the past, the "Polizeifestigkeit" of the assembly based on the precedence of the Assembly Law no longer applies, i.e. the police may carry out measures according to the Police Law NRW (e.g. expulsion, detention, control) also within an assembly. However, the prerequisite for this is again the "defense against danger" for the "public safety".

conducting an assembly:

§12 Stewards + assembly leader.

The assembly leadership must provide the personal details of stewards, if the authority requires them, because they assume a danger to public safety. Assembly leaders and also stewards can be refused by the authority if their use directly endangers public safety in the conduct of the assembly.

§13(1) Motorways

Assemblies are prohibited on Autobahnen (freeways)

§21 Assemblies on private property

Assemblies may be held on private property open to communicative traffic without the consent of the owner. (This has been the case for a very long time, it just wasn't in the law before but has resulted from court rulings. For example, there have already been vigils at RWE lookout points, which are owned by RWE).

What is new is that the paragraph also stipulates that the interests of the owner are to be balanced with the interests of the assembly. If the interests of the owner prevail, the authority shall offer an alternative meeting place.

§13(3) "Danger" from third parties.

If a danger to public safety emanates from third parties (i.e. not participants in your assembly, but e.g. counter-demonstrators, mobbing passers-by) and even police forces available nationwide cannot ward off the danger, restrictions may also apply to the assembly from which the danger does not actually emanate. If the life or health of persons or material goods of considerable value are endangered, the assembly may also be prohibited or dissolved.

Surveillance:

§16(1) Image and sound recordings.

Police may make visual and audio recordings of the assembly if the factual assumption justifies that a danger to public safety is posed. However, this is already possible under the new Police Act of North Rhine-Westphalia and has been common practice since then.

§16(2)+(4) Overview recordings

The authorities are allowed to take overview pictures of the assembly if the size and complexity of the assembly makes this necessary in order to direct and guide the police operation. Drones may also be used for this purpose.

These recordings may also be used to identify persons if the actual assumption justifies that a danger to "public safety" emanates from the persons.

You can read the whole text of the law here (in german): https://recht.nrw.de/lmi/owa/br_bes_text?anw_nr=2&bes_id=47651

The alliance against the assembly law, which also accompanies the first lawsuits, can be found here: <https://www.nrw-versammlungsgesetz-stoppen.de/>

Field reports are welcome: As this is a new law, we don't have much experience yet of how the police and the judiciary are actually applying the changes. If you have any experience with it, please let us know! Maybe we can even take legal action together in individual cases...?

As always: Our solidarity against their repression!

No one is left alone.

Rhineland EA