

## NEWSLETTER KLIMA-ANTIREPRESSION #20 - Februar 2023

Hello!

The year 2023 started with the eviction of Lützerath, cops in the mud and several trials. We are back, this time we recommend you the EA evaluation of Lützerath and have a focus on jail, special pre-trial detention and how you can best prepare for this stupid situation. We hope to answer some questions in your heads with this.

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### RHINELAND

#### **Eviction of Lützerath**

Rheinland-EA (legal team) has written an evaluation of the repression surrounding the eviction of Lützerath, from the danger posed by the speed of the eviction, to police violence and accusations of crime, to the conclusion that resistant thought and networks of solidarity cannot be evicted.

Because of the length of the text you can find it online:

<https://antirrr.nirgendwo.info/2023/02/27/auswertung-des-rheinland-ea-zur-raeumung-von-luetzerath/>

Here is an excerpt:

>> In summary, it can be stated that the eviction of Lützerath was violently enforced with the expected large contingent of police forces. Unexpected for many was the speed of the eviction, which was intended to prevent a reoccupation and put the lives of the activists at risk. Although

relatively few people were held in police custody for days to establish their identity, hundreds of people were detained on site for hours, searched and recorded by the police. The officers used a lot of physical force, especially during mass actions and the large demonstration, and injured dozens of people, some of them seriously. How many activists will be confronted with charges, court cases and sentences in the coming years cannot yet be estimated. With Lützerath, another place goes down in the history of the movement, which shows us: The so-called democratic constitutional state really does not care how many thousands of people rise up for the preservation of our planet and a change of system, or that science meanwhile unanimously admonishes us that another way would be possible and necessary. The interests of industry and capital are enforced with state violence against better knowledge and conscience. But what has emerged in Lützerath in terms of resistant ideas and networks of solidarity could never be cleared and will continue to spread. The state repressions that are yet to come are meant to intimidate us, but they will only strengthen us that it was right and remains important to fight for a better life for all. <<

### **Testimonies about police violence and other repressions**

If you have something of your own that you would like to publish on our homepage, please write to us! Experience reports and explanatory words on the subject can be found here:

<https://antirrr.nirgendwo.info/polizeigewalt/>

### **Mail to Lützerath**

If you get mail because of actions or the eviction around Lützerath, you can contact the anti-repression group Rheinisches Revier by mail to [antirrr@riseup.net](mailto:antirrr@riseup.net) - if you want to encrypt your mail and make it less readable for repression authorities, you can find the PGP key on the website <https://antirrr.nirgendwo.info/kontakt/> .

Even if you don't need help, feel free to write us a short note about the outcome of your case, so that we can include it in our advice to others.

Also network with other affected people and your reference group and support each other!

<https://antirrr.nirgendwo.info/2023/02/06/boese-briefe-nach-aktionen-in-luetzerath/> (german)

### **Repression after Wall action**

At the beginning of August 2022, RWE had attempted to heap up an earth wall around Lützerath in order to declare the village a company site before it was evicted. This is also explosive because the accusation of trespass often only stands up in court if there is a continuous "enclosure" (e.g. by a wall or fence) of the open pit. In August, several people had sat down in front of the bulldozers with a sit-in blockade to prevent the premature enclosure of Lützerath. Several people have now received mail accusing them of mummery. This offense has been included in the new North Rhine-Westphalia Assembly Act since the tightening of the law in 2021. So it is possible for the state henchmen to criminalize even a sit-in. We stand in solidarity with those affected and call on you to support them at their trial dates.

09.05.2023 um 10:00 Uhr, Sitzungssaal 1.02 in Erkelenz, Fortsetzung 23.05. 10:00 Uhr

More dates will probably be set soon, if those concerned want it, we will publish them on

<https://antirrr.nirgendwo.info/termine> , so check there occasionally!

### **Block Neurath - First trial because of power plant blockade**

At the same time as the COP, the coal-fired power plant in Neurath was blocked in such a way that it had to be throttled and one block had to be shut down completely. The blockade saved between 5000 and 22000 tons of CO2 and RWE announced a claim for damages of 1.2 million euros. While

this is still waiting, the first criminal trial has now started at the Grevenbroich District Court, also with a lot of hullabaloo surrounding it.

For Mo, 15.5. you are invited for the trial against another person to Grevenbroich to the district court, possibly there are also some actions to participate. Look before again here:

<https://antirrr.nirgendwo.info/block-neurath/> (german)

EAST

### **Brandenburg: Condemnation and release of "Involuntary Fire Brigade**

The "Involuntary Fire Brigade" blocked the coal-fired power plant in Jänschwalde quite effectively in September 2022. Ava and Ralph sat in custody until shortly after the first day of the trial and were eventually sentenced by the Cottbus District Court to four months' imprisonment without parole for coercion, disrupting public operations, and trespassing. In December, after just under three months of imprisonment, they were finally released, although a verdict from the district court from the appeal had not yet fallen - two-thirds of the expected sentence had been served and the two can also be summoned through their lawyers\*, the court now said.

Also the others of the approximately 20 Blockierer\*innen, which indicated their personal data finally, wait now for their process dates or claims for damages of the LEAG.

If you want to know more about how a coal-fired power plant is paralyzed, you can ask the action group for a lecture.

More info: <https://unfreiwilligefeuerverwehr.blackblogs.org/>

### **Berlin: Mail after Justice Now! action (22.10. to 24.10.2021)**

In the last months, some people received mail from state authorities about the Justice-Now! action in October 2021 in Berlin. Good news: Recently in Bavaria a person was acquitted by the court after receiving a penalty order. If you were also involved in the actions, continue to be attentive and check your mailbox! You are also affected? If you have received a hearing letter and/or a penalty order, please contact [gerechtigkeitjetzt\\_legalsupport@riseup.net](mailto:gerechtigkeitjetzt_legalsupport@riseup.net)! Especially in case of penalty orders: Contact the legal team quickly, because you have only 2 weeks time for an appeal!

We stand together! Civil disobedience is democratic and legitimate! Let us all stand together when repression tries to weaken the climate justice movement. We will not be intimidated!

To the actions back then: <https://gerechtigkeitjetzt.de/>

### **Acquittal: Climate emergency justifies occupation of station forest**

There was a surprise at a trial in Flensburg in November: an occupier of the station forest was acquitted, not because the court did not see any trespass, but because it considered it justified on the occasion of climate change. Preventing the clearing of a forest would contribute to climate protection and, according to the ruling of the Federal Constitutional Court in April, climate protection is an independent legal right that is protected by the justifying state of emergency. Milder means would have failed, so it is also said in the detailed judgement reason. After the appeal of the

public prosecutor's office the judgement lies now before the higher regional court in Schleswig to the examination, it reached however already country wide attention.

<https://subtilus.info/2022/11/07/pressemitteilung-zum-freispruch-im-bawa-prozess/>

## **Highway abseiling trial in Schleswig**

From 2020, there were numerous abseiling actions over highways. In the last newsletter <https://antirrr.nirgendwo.info/files/2022/10/news-19-de.pdf> we reported about threats of the public prosecutor's office in Munich, now we explain on the basis of a conviction in Schleswig, how the legal construction can look like. In December and January, four people were sentenced there to a fine of 60 daily rates (i.e. 1200 euros each) after three days of hearings. The charge is coercion, i.e. using force (or the threat of force) to force someone to do or not to do something. The problem is that this definition does not fit here, when people are not really hanging in the path of travel at all (as in all highway rappelling actions, they were hanging well above the driving height on the highway) and therefore the cars were not forced to stop. But since courts get creative to condemn what is socially unacceptable, it is now said that the activists instrumentalized the police and made them their tool to force drivers to stop or take detours through the police. The police as a will-less tool of activists - courts and prosecutors are not too stupid to actually proclaim this in judgments. Let's see how it goes on in the next instances.

You can find trial reports on <https://autofrei.noblogs.org> in german.

The jurisprudence on highway rappelling actions remains contradictory: In Kassel, there was an acquittal before the local court for an action on the same day, because there was no provable intent to have the police close the highway. In Frankfurt, on the other hand, a green prosecutor is demanding prison sentences for some of the Danni11. A verdict is expected there on March 1.

## **FOCUS ON JAIL / PRE-TRIAL DETENTION**

Again and again people end up in jail also because of their actions for climate justice, often suddenly and rather unexpectedly, sometimes anonymously. This is an unfamiliar, often shitty situation for those inside and also for the friends outside. Sometimes it gets a little easier when people know what to expect and have prepared themselves and their environment. In general, activists of the climate justice movement are rarely sentenced to long prison terms in court, but to fines. And even if a court sentences you to imprisonment, you usually still have some time before your sentence begins - so you are usually not dragged out of the courthouse and put directly behind bars. What does happen, however, is that a defendant is held in custody from the time of arrest until the trial.

### **When do people end up in pre-trial detention?**

There are different types of detention. The one that often surprises us is pre-trial detention, or U-detention for short. When people are arrested by the police and charged with a crime, they are either released until the next day or after a few days in police custody, or there is a magistrate's hearing. This magistrate then decides whether the person will be released or sent to jail. In order for a person to be sent to jail, two things are formally required: first, the accusation of a crime with urgent suspicion, i.e. that the police are fairly certain that the person has committed the crime, and then, in addition, a so-called reason for detention. Grounds for detention are danger of flight or danger of obscurity. In the case of particularly serious crimes, the acts themselves or a risk of repetition are also sufficient. In our anti-repression practice, the courts actually always see the risk of flight, for example, when people refuse to give their personal details.

As always with courts, there is a lot of arbitrariness involved. Our experience with the ordering of pre-trial detention varies greatly from state to state and from one crime to another. In Brandenburg, for example, pre-trial detention has already been imposed for trespassing (entering an open pit mine) in connection with a refusal to provide personal data, while in the Rhineland the repressive authorities tend to work more with prolonged detention and less with pre-trial detention. In most of the cases known to us, this happened in the case of more serious charges, such as assault on law enforcement officials. Danger of flight is also more often assumed when people have a residence abroad or no registration address at all or simply have enough left-wing friends abroad.

In principle, pre-trial detention lasts until the trial, actually for a maximum of six months, but if you really want to, there are ways to extend that as well.

## **Detention trial and lawyers**

At the trial itself you have the right to a (mandatory) defense lawyer. If possible, get someone from the investigative committee or from anti-repression groups in the region, preferably someone with experience in political trials. Most of the communication in the near future between you and the outside world will be through the lawyers, as you can only contact them relatively directly. So if you have the head for it, pass on directly who they can contact outside, what should (not) be published about a case and what needs to be taken care of directly.

## **In jail**

Once the judge has decided, you will go to jail, which is the formal word for prison, and there are some differences to police custody (we wrote a lot about this in one of the last newsletters: <https://antirrr.nirgendwo.info/files/2022/02/news-17-E-01.pdf>). Prisons are set up for people to stay longer, which means that there are books, sometimes radio and television as occupation, the cells look more like youth hostel rooms - with bars in front of the windows and doors that are closed from the outside.

First everything happens very quickly, then suddenly there is a lot of time. A few things you can take care of right away:

- ask for blank applications, preferably 3 or more, and ask how exactly to fill them out (maybe ask for your station and cell number)
- ask for something to write, apply for it if necessary
- Ask for stamps and envelopes (1-2 you get for free at the beginning, depending on the state. Sometimes you can also ask pastors).
- give your book number (the number you get from the prison for all formalities) via your lawyer to the outside (for mail, money transfers)
- find out how shopping, phone calls, mail and washing works in prison
- have the prison law of your federal state sent to you, preferably as a lawyer's mail (there are a lot of rights in there that the staff won't necessarily tell you)
- especially before your first purchase and in quarantine you should have dishwashing liquid, menstrual stuff, soap and toothbrush in your cell - in case of doubt ask your fellow prisoners what they have and ask them for it.
- Ask for books, newspapers, radio and things to do
- If you are told that you are not allowed to send any mail because of possible mail control: This order does not work retroactively and only (!) in case of suspected terrorism, lawyer mail is included. As long as you do not have a court order, you have no mail control. The JVA can order temporary mail control, but only for a few days, it must be justified and you must get the order in writing.

The prison system itself is very formalized, hierarchical and repressive. For most of the things you want, you have to write applications (german: Antrag). There are then rules about when and where you have to submit the requests. Some ideas for petitions:

- a lawyer's phone call (at least 1x free of charge, possibly more often)
- pocket money for shopping and phone calls
- a starter package (if you have brought money you can buy tobacco and/or coffee even before the 1st regular purchase)
- to be allowed to participate in sports
- church service (to meet others)
- vegan food (different chances of success, you have a right to vegetarian, kosher, halal or other religious food)
- visits
- TV/water heater/radio (you have a right to at least one radio, depending on the state)

Most of the time there is a set daily schedule. Sometimes you are alone in your cell for the rest of the time, but in many jails there are also times for unlocking/locking up (when the doors are open in a ward and you can meet others or cook in a kitchen) or group activities in which you can request to participate. All of this should be in the house rules, if you are not given them, ask for them.

General tip: The staff (also called lockers) have frighteningly little idea of the prison law and also like to lie sometimes. But not all of them are equally stupid or shit. If one of them forbids something, ask the next one, it's worth it. However, it's better to get most of the information from fellow inmates; without questions, there's no information at all.

### **From outside**

The situation from the other side: Your friend is suddenly locked up, you don't know how the person is doing and you are completely overwhelmed what should happen now and there is also a lot to do from the outside. A few things that came to our mind: Establish and maintain contact with the lawyer, contact the imprisoned person, find out how it works with visits, parcels and mail, collect and transfer money, take care of publications and solidarity rallies in front of the prison.

If security measures are ordered for the detention, all mail goes through the censorship, which means that it may take several weeks until letters arrive. Visits must then also be requested from the court or the public prosecutor's office. If in doubt, apply for visits to all possible places (including the prison) at the same time, this may save you from being referred back and forth and thus a bit of time.

Solidarity rallies in front of the jail will give not only your prisoners, but also other prisoners a nice break from their daily boredom. Please think of everyone and don't just demand freedom for your people. And keep in mind the early sleeping hours in jail, so rather an afternoon concert than an evening event.

### **Preparation**

It will be easier for everyone involved if you have thought out in advance how this will work if you are imprisoned. The people on the outside can send you in what you like and know it directly, they can take care of releases under the names and conditions you have thought about beforehand, and you can be sure that it will already happen and that weeks won't pass before a consultation between inside and outside could take place. In most cases we find publications useful, they enable solidarity, e.g. letters from writing cafés - and a letter can save a day in there.

But also for inside it is easier with a little bit of feeling about how jail is like, so that you know what you are getting into (for example if you decide to refuse personal details even then). Because in society, jails are not often a topic of discussion, with reactions ranging from, "How you don't have internet?" to the water-and-bread cliché, and realistic ideas are rare.

For more information, there is a useful book, "Ways Through Prison," which gives tips for staying there, as well as sports exercises and legal ways to combat prison harassment.

Quite a few people have reported and written from their stays in jail. Search for it, in the german version we have some more links to german reports, in english you can find also some reports at (small warning: start reading when you can handle it):

<https://abcrhineland.blackblogs.org/>

<https://freethemall.blackblogs.org/unbekannt/>

To find speakers for real experiences or events about prison criticism you can also contact [law\\_and\\_order@nirgendwo.info](mailto:law_and_order@nirgendwo.info)

## **Finally**

Prison is supposed to deter activists from getting involved for fear of repression. They always mean all of us, when they make an example out of some of us. All the more this means not to leave our friends alone, to write letters, to do solidarity actions and to fight prisons in general. Because prisons don't solve problems, they create new ones. The violence of the system there creates new violence and the social isolation prevents us from finding better solutions to problems.

**So: Freedom for all!**

*In Solidarity,  
AntiRRR*

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