

Little guidebook for “Queers against G8”

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Little guidebook for the queer barrio against g8

EA (legal support-team) - number for the g8: 038204-768111
(the 'Ermittlungsausschuss' is a legal support group that takes care of people who have been arrested and can organise lawyers if needed.)

Before a demonstration or protest:

- Take your passport/ID/visa/papers with you.
- Medical insurance card/papers and 10 € 'Praxisgebühr' (practice fee for treatment, although in the emergency rooms and in emergencies doctors/hospitals still have to help you anyway).
- take a bottle of water with you (to drink and wash out your eyes, for example.)
- note the EA-number for Rostock/Heiligendamm: 038204-768111 . It's best to write it on your arm so you still have it if on you after the arrest even if your stuff has been taken away from you. Before the demo/action starts, check if the number is still the right one.
- If you really have to take your mobile phone with you, at least make sure that all numbers, addresses, photos, messages, etc. have been deleted. Have in mind that, if you take your mobile phone with you to an action, the cops can track your movements and this profile can be used to prove your presence at a certain place.
- empty your pockets/bags of everything you don't need. No address books, notes with names/numbers, calendars/planners on demos/actions!
- no contact lenses and creams that contain fat. (pepper spray/teargas 'sticks' to them)
- Note: 'security-equipment' like helmets and protection for arms and legs (sometimes also steel-capped shoes) are forbidden at demonstrations in Germany. So be prepared to do without.
- It is also forbidden to mask yourself or hide your face. Whether a clowns' mask or a baseball cap and sunglasses is seen as hiding your face often depends on the situation and the mood the commanding police officer is in.

Demonstrations and protests

Build small groups of people with whom you go to the demonstration. If possible, it also makes sense to have pairs as well that look out for each other. This way people don't get lost as easily, and you make sure that nobody is left behind when things get heated. Give your group a name to call to help find the others without using their real names.

Important: The groups should know each other's real names to be able to give it to the EA in case of an arrest. Nicknames won't help them to find your friend/s in jail.

Agree on a meeting point before the demo starts in case the demo is attacked and everybody is scattered. If there are people missing when you meet there, stay calm and wait a little more. Often people need longer, especially if there has been trouble.

At the demonstration try to stay together and walk in blocks. If a lot of people link arms with each other and walk in 'chains', the cops cannot detain individuals as easily. If the cops attack, running is often not the best strategy, as you may leave behind those who are slower. Try to check out the situation with as little panic as possible and then pull back as calmly and collectively as possible. If all this does not help and you have to run, that's where your "buddy" (demo-partner) becomes important. Take care of each other, help each other and NEVER leave anyone behind because they're too slow or you're panicking.

If you call the EA: give the person's name, address, date of birth and where the person has been arrested. That's all.

Should that person show up again, it is IMPORTANT to call the EA again to let them know and 'sign off'!!! People who have been arrested will probably not be released until the next day.

Do not take photos of people at demos or protests. Respect people's right to their image and be aware that your photos may end up in the wrong hands.

Platzverweis (order to vacate premises/area)

A measure excessively used by the cops is the 'Platzverweis', to ban a person from a certain area or space. It means that you are no longer allowed to be in or have access to a public or private area. These measures are limited in time (in the state/Land Mecklenburg/Vorpommern, where Rostock and Heiligendamm are, it is 10 weeks at the moment.)

The area is defined by the cops themselves when they pronounce the ban, and as they only do it orally, they can interpret it as they like.

Arrest

Demand to know the reason for your arrest!

You only have to tell them: Family name, first name, address, date of birth, nationality. Nothing else! No other statements or information!

You have the right to make **successfull** two phone calls, but you might have to insist and fight for it.

Your first call should be the EA. Give them your name, address, nationality, the place where you are being held and the charges/allegations. Nothing more. No other statements. If possible tell them about other people that have been arrested.

Erkennungsdienstliche Behandlung (recording of someone's photo and fingerprints)

This means they can take at least your finger/hand prints and your photo. In addition they can record other characteristics as weight, foreign languages/dialects, etc.. Of course you don't have to answer questions about the language/s you speak etc., declare your objection to it. This will, however, not prevent the recording of your data. DO NOT agree to give a voluntary DNA-sample!!! For DNA-samples they need a judge's order, otherwise you can not be forced to give a sample (blood, spit, hair).

Unterbindungsgewahrsam (preventive detention)

“Unterbindungsgewahrsam” is a preventive measure to hold off an alleged “present danger to public security and order”. It **can** (doesn't have to) last up to 10 days in Mecklenburg-Vorpommern. For example if you violate a 'Platzverweis', if the cops find you in an area they have banned you from, they can take you into preventive custody.

Continued preventive detention has to be ordered by a judge. Otherwise you have to be released at the latest on the day after the day on which you've been put into custody, which means at the latest after 48 hours. For the arrest to be longer than 48 hours, you have to be presented to a judge. (Not to be confused with the Untersuchungsrichter/Untersuchungshaft, imprisonment on remand and the judge that makes a ruling over it) If that hasn't happened in the 48 hours after your arrest, insist on being released.

And demand the hearing to be translated into your language.

The continued preventive custody ordered by a judge, like the Platzverweis (ban from an area), is only legal/permitted as long as the 'reason' for the arrest/ban or the danger still exists. If it doesn't exist any longer, for example after the G8 summit has ended, people have to be released.

Schnellverfahren (summary proceedings)

German criminal law has the option to try/sentence people in a so called 'accelerated' trial. It means that people can be sentenced by a judge immediately after arrest. The requirements for that are that the facts are 'simple' and the evidence is 'clear'.

Keep silent a lot of summary proceedings can only taking place because a testimony made the evidence “simple”. Therefore keep your mouth shut!!

Summary proceedings are only allowed for offences for which the punishment is not more than one year in prison. If a sentence of more than 6 month is expected, they have to provide you with an assigned counsel.

Summary proceedings cannot be applied with people under the age of 21. (Some attorneys have to be reminded of this.)

In general: according to the European Convention of Human Rights you have the right to a trial in your language. A translator has to be provided. Insist on it vehemently!!!

Always insist on making the phone-calls you have the right to make. Call the EA or a lawyer. Give your first and family name, the charges/allegations and when the trial/hearing is supposed to take place.

summary proceedings are implemented real fast (within the first 48 hours) but they can keep you detained for a week to conduct your summary proceeding. Therefore the prosecution has to file a motion, and you appear on remand in front of a judge who decides if you have to stay in “Hauptverhandlungshaft” (jail until your main trial will be).

Again , if you could’nt call by now, insist on your phone-calls to the EA or your lawyer

In summary proceedings – no statements !

bear in mind that in a summary proceeding a lot of your legal rights are restricted. and since you are under stress with no possibility to prepare the trial and, in the worst case, you don't have a lawyer on your side.

Therefore : No statements , no participation in summary proceedings!

Refuse any cooperation, refer to your right to keep silent and insist on a lawyer.

If you end up standing in front of the judge without a lawyer, protest against the summary proceeding. Insist on a written record of the whole trial, otherwise it's harder to get appellate proceedings.

Even if the summary proceedings has been carried out (you can be convicted only to suspended sentences or fines) in most cases you'll be released immediately. After the sentencing **you got one week time to appeal against the verdict.** That gives you and your lawyer enough time to prepare for the appellate proceeding.

**Keep in mind: in summary proceedings - no statements – nothing!
It might be difficult at that moment – but it's the safest thing to do.**

Abschiebung (deportation)

It has already been announced, that people from other countries that are arrested, will have to pay a certain amount of money (between 150 and 1200 €), that is called a deposit for the costs of the imprisonment and expected fines. This concerns people that have charges like Landfriedensbruch (breaching public peace, rioting), Sachbeschädigung (damage to property), Körperverletzung (bodily injury, assault) or Widerstand bei der Festnahme (resisting arrest).

To be deported from Germany there has to be first: a valid sentence and second: the sentence has to be imprisonment without probation. Ausweisung means that the juridical procedure can be appealed against by a lawyer. Abschiebung is the actual deportation itself which is the last step.

Only in cases of 'schwerer Landfriedensbruch' (severe rioting) can you be deported directly without sentencing.

People without valid papers are of course immediately in danger of being deported and in such situations it is essential to have a lawyer help them as quickly as possible.

It is a lot more probable for the g8 that people will be brought to the border, as happened with other huge protests like for example Copenhagen this year, rather than deported as described above.

Those who have a Meldeadresse (are registered as a resident in Germany), will stay in Germany.

According to the Vienna Convention on Consular Relations (Wiener Konsularübereinkommen) non-EU-Nationals have the right to have their embassy informed. If this is denied, the action of the police and the court are illegal.

HaftrichterIn (custodial judge)

If the evidence is insufficient or the attorney plans to demand a sentence of more than one year in prison, you are presented to the custodial judge, who only decides whether you will be imprisoned on remand awaiting further investigations) not about the actual case or the charges themselves.

So also here: no statements concerning the charges. Reasons for imprisonment on remand can be: 'Fluchtgefahr' (detention because of the danger of flight, no address in Germany, no job, no social network), 'Verdunkelungsgefahr' (danger of collusion, or of your manipulating evidence, influencing witnesses or others accused...) and 'Wiederholungsgefahr' (danger of you reoffending by committing the same crime again)

If you have not been allowed to make calls yet, tell the judge that you haven't and demand to be allowed to make a call now. It is your right. Call the EA or a lawyer. If

you can say that a lawyer is on his/her way, the judge has to wait for the hearing. Should you stand in front of the judge without a lawyer, it is important to demand the next 'Haftprüfung' (your imprisonment on remand has to be checked and renewed or you have to be released) This then will be after 14 days.

Also here you have the right to have the hearing translated into your own native language.

Often arrest warrants are suspended under 'Meldeauflagen', you are released under the condition that you show up at the police station in the town where you live, for example.

In general in all situations like ED-Behandlung, protocols, papers when you're released: DO NOT sign anything, you have to be released even without having signed, no matter what the cops tell you. The only thing you should sign is the authorization for your lawyer.

And something about statements/declarations:

In Germany you have the right to remain silent. In court this should legally not be interpreted as making a statement against yourself. In any case **you should not say anything** in front of the cops. **“Ich verweigere die Aussage.”** (I refuse to make any statement.) This should be the only thing you give the cops as an answer, no matter if you think that you haven't done anything or that it didn't happen the way they say...

Our point of view is that the police station is not the right place to give any information, and that it is always dangerous for you and/or others, but if you want to say anything, **always wait until you can speak to a lawyer.**

He/She may be able to find out exactly what charges you may face and what may be the consequences and whether any declaration/statement is really necessary or not. You always have to keep in mind that with each piece of information you give, you can always get yourself or other people from your group or from the demonstration into trouble. And who wants that? (If you get the impression that a lawyer does not act according to your interests, try to get another one. Demand to make another phone-call. Call the EA and tell them about your impression.)

Do not think that you can trick the cops. Realistically speaking after an arrest you are always in the weaker position. You do not know exactly what the charges are, you may have experienced violence during the arrest and being detained puts you under a lot of physical and psychological stress. An objective and strategic view of your situation may be something that you are not capable of at that moment.

So please keep in mind our advice: no statements and keep calm. For your, and for other people's safety.

How to behave in the cell

Should you end up in a collective cell, look after each other. Help each other if someone isn't well. Try to act as a group. Organise food and something to drink, often you don't get anything unless you demand it. Especially drinking is important and you should fight for access to water and tea. You may also have to fight to get blankets. Get together and think about how your needs may be met and how you might even have a little fun. Talk about how you want to act concerning ED-Behandlung (identification-measures), declarations/statements, your fears, etc. . Try to empower each other, take each other seriously, this way you will get through this whole thing a lot better. BUT DO NOT give details about the demonstration/protest!

In an individual cell it is similar, only much lonelier. Try to stay calm. Sleeping is a good way of killing time and regaining your forces. Making time pass quickly gets more important and more difficult, the longer the custody is, and it is harder when you're alone. Stay calm, there's not much you can do about it. Make up games you can play, try to distract yourself in order not to let the arrest make you go nuts. If you can talk to a lawyer and you know that someone you know is in the same Prison/Station, maybe you can demand to be put in a cell together. This can work, although it may also not happen. But it's worth a try.

Transgender

In Germany it is the Personenstand (the name and gender mentioned in your official papers) that decides if you are put in a men's oder women's prison/block. There is an imperative of gender separation in Germany.

So in collective cells you will mostly be separated by gender. In Heiligendamm also gyms will be used as custody-spaces. As far as we have experienced, these are normally not gender-segregated, or the form of separation and the chaotic situation in a gym allow you to 'slip through'. If you are imprisoned on remand (Untersuchungshaft, arrest for/during further investigations), you will be put in an individual cell anyway, which will be in a men's or women's facility. As far as we know there has been no case in Germany where a person was sent to a prison/custody for the gender they chose regardless of what their papers said.

Personal search

Personal searches can be done to find objects/evidence, for the safety of the cops or the person that is being searched. Which means that you can be searched at pretty much anytime. If you are arrested, you will be searched for sure. They can search your body, your clothes and things you had with you (bags, etc.). Personal

searches have to be done by a cop that has the same (legal) gender as the person that is searched. Searching of backpacks/bags, 'patting down', checking the content of your clothes/pockets is often part of 'Vorkontrollen', (preliminary controls, to be passed before you can access the point/area where a demo gathers) Also here people have to be searched by a cop of their legal gender. If they want you to take off clothes, there has to be a room where you can't be watched by other people. In this room only cops of your gender are allowed. This is different for doctors. Here gender-segregation is not mandated by law.

If you go to a demo/protest, talk about controls and searches and how you want to act concerning them before you go.

In Germany there is no code of conduct for police that would tell the cops to treat transgender-people with respect that can be referred to.

You have to decide as a group how to act. Whether you get on their nerves and demand a transsexual officer until they let you pass without a search, or surprisingly get a transsexual officer for you, whether you inform them politely but firmly about your transsexualism and demand to be searched by cops of the gender you choose regardless of what your papers say, or whether you want to avoid trouble, stick it out and let things happen the way they happen, it is your decision and depends on the personal limits of what is acceptable for each of you. In searches/controls where id/passports are not checked, cops will decide on the basis of appearance. This can be an advantage for some, for others not.

The important thing is to talk as a group before you go about what exactly are the limits of what is acceptable for each of you and how you can support each other.

If you go through a personal search alone as a transgender you can also choose between different strategies. What is different is simply, that you're alone. But often it works if you tell them politely but firmly and demand appropriate behaviour on their part.

Try to be realistic about your limits.

Of course it is a good thing to resist and to be strong and refuse to compromise. Our experience is that everyone has to find their own strategies how to deal with situations that are intrusive, abusive and brutal like arrests and searches.

While some prefer to be loud, for others it may be better and safer to be quiet. Some may want to be confrontational, others may want to avoid searches. The important thing is to talk, if possible, beforehand about fears and limits and that everybody has this possibility. Acting tough and overestimating your own resources doesn't help and puts pressure on others.

As there is no official line of conduct for the police towards transgenders you as a group/organisation/friends have to think about strategies how to deal with them and how to give each other the necessary respect, power and courage to face searches

and arrests.

To have a follow-up-meeting after such situations can give you an important opportunity to deal with your experiences collectively and to learn from what went wrong. Take the time and space to listen to each other, no matter if other things seem to be more important.

There is, by the way, no code of conduct/internal police regulations concerning appropriate/respectful behaviour towards people who are not Germans or towards people of colour. It is important to have in mind that those of you, that are not German or not 'white' will face additional problems with German cops. The cops are as racist as the majority of Germans. Expect them to talk to you only in German. Even if they speak English, they are mostly not willing to use it.

As queers, be aware and have in mind that your 'comrades' may be vulnerable in other respects. Whether it is citizenship, colour, gender, or mental or physical challenges. There are differences between a lesbian and a transgender, between people with German or Turkish passports or people that can speak German and those who can't.

Address these vulnerabilities and show solidarity dealing with them.

About ourselves

We, arap, are a group working against repression/ on anti-repression from Berlin with a focus on transgenders and prison/police. We want to change the way police and the legal authorities act towards transgenders and improve it. We want to put on the agenda, denounce and make public all forms of discrimination and violence on the part of these institutions and fight for transgenders no longer to be exposed without rights to arbitrary situations with police and legal authorities.

In order to do that we are looking for reports and gathering experiences from crossdressers, transgenders and transsexuals. Our aim is to document incidents in as much detail as possible so they don't vanish in 'oral history'. This gathering can and should also help to point out what exactly needs to be changed and to have a factual basis for campaigns against discrimination and violence on the part of the authorities against transgenders.

Furthermore we are oriented towards practical Anti-repression-work. We publicise repression and give information about the legal situation/rights at demonstrations/when you're arrested.

Moreover we are part of leftist coalitions against prisons and coercive institutions and working on the idea/problem/demand of the abolition of prisons.

As a part of our focus on transgenders and prison we try to introduce the trans/inter/queer-scene to the basics of anti-repression-work for example concerning arrests and to see what are the specific problems/vulnerabilities for transgenders, and to debate this with people from the scene.

Our aim is a collective debate about insecurities, fears or experiences of violence concerning prisons and police, that takes into responsibility the trans/inter/queer-scene itself.

If you have experiences with cops or prisons, think about whether you would be willing to share them with us for the purposes we have mentioned above. We are interested both in negative and positive experiences.

We would be very grateful for your support.

You can contact us (anonymously or personally) via e-mail.

Please do not just send your notes. Contact us first via e-mail.

For security-reasons we prefer encrypted communication. (GnuPG(PGP))

Otherwise we should first find out via e-mail how a secure communication is possible.

This complicated way is necessary for data-security. We as a group will of course guarantee confidentiality.

If anything is unclear just write or check our website where we explain a little more at length what we intend to do.

Further questions and details can be dealt with via e-mail or personally in Berlin.

That's it so far from us.

Have a hot time at the Anti-G8-Barrio and take care! And we wish you success.

Greetings and kisses, "against repression - against prison"

contact: a.r.a.p@web.de

www.arap.so36.net (where you can find our GnuPG-Key)

For further details on G8 and Anti-repression check the following website where a lot of things are treated in more detail. Many texts are in German and English. The most important basics are also translated into Greek, Castellano, Arabic, Italian, Turkish.

You will also find information about dealing with traumas caused by state-violence.

<http://gipfelsoli.org/Antirepression>

There are paramedics for demonstrations (Demosanis/sanitäterInnen). Their website can be found at

<http://www.demosanitaeter.de/reload.html?/g8infoseite.html>

