

LA LEGAL TEAM :

Durant ce contre-sommet, la plupart des avocats commis d'office seront des avocats de la Legal Team, et seront en lien permanent avec la Legal Team, alors :

- Si tu es arrêtéE, et misE en garde à vue, tu ne pourras pas contacter la Legal Team, tu devras demander « **l'avocat commis d'office** ».
- Si tu es présentéE devant un juge après ta GAV, demande à l'avocat commis d'office **s'il fait bien parti de la Legal Team** : Sinon, dis-lui que tu veux avoir un avocat de la Legal Team.
- Si tu es témoin d'une arrestation, transmet au plus vite à la Legal Team : Par téléphone, donne juste : Nom de la personne/Lieu/Nombre des interpellés/Type de service de police/nombre des flics. Par écrit à l'infopoint : Décris au mieux ce qu'il s'est passé. Ce témoignage important n'est destiné qu'à la Légal Team, dans le cas contraire, tu le gardes soigneusement !
- Si tu viens d'être relâchéE, préviens rapidement la Legal Team par téléphone ou à l'infopoint et produit un témoignage écrit le plus précis possible.

POUR PLUS DE DÉTAILS ET D'INFORMATIONS

(SUR TOUS LES POINTS PRÉCÉDENTS, SUR LES VIOLENCES POLICIÈRES, ETC.), NOUS TE CONSEILLONS DE CONSULTER LE GUIDE JURIDIQUE

DISPONIBLE SUR LES INFOPOINTS.

Legal Team Strasbourg: **Legal Team Freiburg (AE) :**
legalteam-strasbourg@effraie.org **antirep-nato09@immerda.ch**

Pour encore plus d'infos:

<http://www.guidejuridique.net/>
<http://www.rote-hilfe.de>

Toutes les infos lors du contre-sommet sont sur:

www.antirepression.org

**(documents téléchargeables, actualités de la répression,
rassemblements contre la repression...)**

Strasbourg- Mars 2009

PENSE BÊTE JURIDIQUE

MANIF & ACTIONS LORS DU CONTRE-SOMMET DE L'OTAN - 2009



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MEDICAL TEAM STRASBOURG : +33(0)6 69 70 13 05

CONSEILS :

- Avant, pendant, après la manif : Reste en groupe, Ne reste jamais seule !
- N'oublie pas d'avoir toujours sur toi : Carte d'identité / Titres de séjour / Carte téléphonique / Papier&Stylo / Lunettes (plutôt que verres de contacts) / Tes médicaments si nécessaire.
- Laisse à quelqu'un ton nom, prénom et date de naissance, et crie-le à quelqu'un en cas d'arrestation.
- Écris-toi sur le bras le numéro de la Legal Team.
- N'emène pas d'appareil photo/caméra : Des équipes se chargent déjà de couvrir la manif.
- Évite de prendre ton téléphone plein de contacts et de photos : Merci pour tes camarades !
- Tout produits qui modifient le comportement (alcool, drogues...) et couteaux ou toute arme par «destination» sont des facteurs aggravants en cas d'arrestation bien sûr.
- Emmène un foulard ou de quoi cacher ton visage tout au long de la manif ou à proximité d'actions particulières : Ce n'est pas formellement interdit en France.
- Apprend à reconnaître les différents types de flics, en uniforme ou non. Tu peux repérer ceux en civils souvent groupés en début de manif un peu en retrait. Les gardes mobiles de la gendarmerie ont le numéro de leur unité dans le dos, du type 1A, 3B... .
- Sache qu'un service spécial de la police (non pas des RG) a été créé récemment pour infiltrer les groupes de manière affinitaire.
- N'oublie jamais que les flics en civil sont extrêmement nombreux : Ne parle jamais de tes exploits en pleine rue, et évite de prononcer des noms.
- Les flics n'ont pas le droit de te demander de retirer un autocollant collé sur toi, idem pour un drapeau ou une banderole.
- En cas de gros mouvement, de répression violente ou autres : Garde toujours ton sang-froid, prend le temps d'observer la situation, et réagis vite.
- Si la police tente de cibler unE manifestantE, arrêtez-vous net et formez une chaîne humaine, restez solidaire : Ainsi, beaucoup de répressions violentes ont pu être évitées, et des blessés évacués.
- Protège les blessés, et essaye d'appeler la Medical Team.
- Si tu es arrêtéE : Reste calme et poliE, les flics accusent très facilement du délit «d'outrage et rébellion»...

THE IDENTITY CHECK :

- It cannot go on longer than 4 hours starting from the beginning of the control (when the cops first stopped you).
- From the beginning of the check, the cops have to propose that they contact one person of your choice, and inform you of your rights to notify the State prosecutor (Procureur de la République).
- Do not say anything other than your name. You do not have to respond to any other questions. Simply state “*I have nothing to say*”.
- Police Questioning : The same advice as for the ID check. Always add any cops violence that occurred to you during the control/ the transport/ your time at the police station.
- If you give a false identity or if you refuse to give your identity: the cops can take your finger prints and picture. If you refuse, this can cost you up to 3 months in prison and €3750.
- After 4 hours either you are let go or you are kept in police custody

POLICE CUSTODY :

- You are placed into police custody if there exists “one or more plausible reasons to suspect that you have committed or have attempted to commit an offence”.
- This provides the cops with the right to interrogate you, to stop your communication with others, to further investigate the evidence they have against you.
- Length of time: Starting from the moment you were stopped or from the beginning of the identity check, police custody can last up to 24 hours and is renewable by 24 hours. It can last up to 96 hours for “association to a gang” and up to 144 hours for “terrorism”.
- From the outset, demand an interpreter where necessary, and be sure to have your rights read to you: the accused offence, the right to make notify a member of your family, have an interview with a lawyer and see a doctor. Ask to notify someone close to you; this can only be refused by the State prosecutor.
- You are immediately entitled to see a doctor and a lawyer. You may them a second time if your detention is renewed, after the 24th hour of detention. Ask the police officer present. Ask to speak with a Lawyer.
- After giving your civil status (name, surname, date, place of birth), you have the right to remain silent or state “I have nothing to declare”. Anything you say can and will be used against you, and the people you mention. In any case, we suggest you remain silent until you speak with your lawyer.
- A full body search when in police custody implies being stripped by an officer of the same sex. Only a doctor has the right to practice several full body searches.
- DNA sample (buccal swab using a long cotton bud to scrape the interior of your cheek or spitting onto blotting paper): this cannot be done without your permission. If you are arrested for “insult and rebellion” the cops do not have the right to take a DNA sample.
- Refusing is possible (and advisable!) but it is an offence. The cops can take a DNA sample from exterior bodily elements (cigarette buds, hair...) and the results can be used against you in a court of law. Be aware that refusing the buccal swab for your DNA is a militant action against DNA databases.
- Throughout the detention, try to stay cool despite physical and psychological pressure from the cops: Brutality, threats, intimidation, humiliation, cronyism, etc.

IDENTITY CHECK

&VEHICLE SEARCH :

- If the cops do an ID check, you have the right to communicate with the people around you and to ask them to be your witness, or to telephone to notify those close to you that “you are late”.
- A “pat-down” may be done: This is an external feel of your clothes (not a physical search).
- The cops have the right to search a vehicle (unless it is a dwelling). The vehicle may be immobilised for up to 30 minutes.
- Questioning (PV in France): If you were mistreated make it known on the Report. Do not sign anything you do not agree with. If you do not agree, add what is missing and put a line through the remaining blanks so that there is no clean space to add anything else. If you are not ok with what is written: do not sign! And in all cases, ask for a copy!
- If the cops are not “satisfied” by the papers presented, they can bring you in to the station for an “identity check”.

IN THE CASE OF COPS VIOLENCE:

- **Remember to take pictures of your bruises, cuts, etc.**
- **Keep all stained (with blood) or torn clothes, if the case arises;**
- **With a doctor: (If it is at the Emergency, do not say anything about the facts!)**
- **Be sure to have a detailed medical certificate registered: verify that it contains a description of all your injuries and your complaints.**
- **Always ask for Temporary Work Disability - even if you are unemployed!**
- **When you see a doctor during police custody, make sure s/he is witness to your injuries and records them! If you have no injuries at the time of your medical examination, do not hesitate to ask the doctor to note the absence of injuries on the medical certificate. This can eventually be used as proof that you suffered violence by the cops after/during your police detention.**
- **You can press charges (and it is suggested to do so!)**
- **Contact an anti-repression group that works against cops violence, police profiling and database collection, etc. : antirep-strasbourg@effraie.org**

AT THE END OF YOUR DETENTION :

- If you are let go: for the police questioning at the end of your detention, the same advice holds as for the identity check. The cops validate the conditions of the detention. It is inadvisable to sign the document in the case of your prosecution. A signed report can cause problems for your lawyer during your defense. We dis advise you to sign it.
- The State prosecutor decides on whether to prosecute or not. If there is a prosecution, s/he can decide either :
 - to pursue the investigation: you will be presented to an examining magistrate ;
 - to judge you at another moment: you will receive a convocation, either given to you by a cops officer when you are let out of custody, either later at your address ;
 - to hold a hearing right away: you will be brought directly to the court.
- **IMPORTANT : if you are presented to a judge at the end of your detention (either examining magistrate or directly to the court), accept or ask legal aid from a lawyer: you can choose your lawyer or ask to see a state appointed lawyer; in the latter case, verify with the lawyer that s/he is in fact a lawyer working with the Legal Team.**
 - You can refuse an immediate hearing: preparing your defense with your lawyer is always preferable, even if this means preventive jail time. Talk about it with your lawyer.
 - If you have a limited income, you are eligible for free Legal Aid.

FOR NON-EUROPEANS :

- You may be subject to “a warrant or notice of expulsion” and an administrative detention for up to 48 hours.
- You can challenge both decisions although during this time you remain in detention center.
- You have the right to demand medical assistance, a lawyer, and interpreter and to be put in contact with your consulate/embassy and one person of your choice: ask that this person call the Legal Team, or call yourself.
- Administrative detention can be extended by a judge for up to 15 days, and may be renewed once. You have the right to appeal the extended detention.
- Request to see the person from CI-MADE as soon as possible (a French NGO working with uprooted people, especially undocumented immigrants in France): this NGO can help you specifically with regards to contesting the decision of expulsion and administrative detention.
- As during police custody, you must be well treated during administrative detention: do not stand for any violence, neither physical nor moral/verbal.