

Come with me to the danger zone! Save the Hambach forest!

Dangerous area:

The Hambach Forest and a big area around it has been labeled as a “dangerous area” by the police a while ago (“Gefährlicher Ort”, also known as “Gefahrengebiet”). In this area the police has the right to make controls without suspicion and therefore can demand personal data (ID), search persons and cars and confiscate things they consider dangerous.

Extract of the police law of North-Rhine-Westphalia:

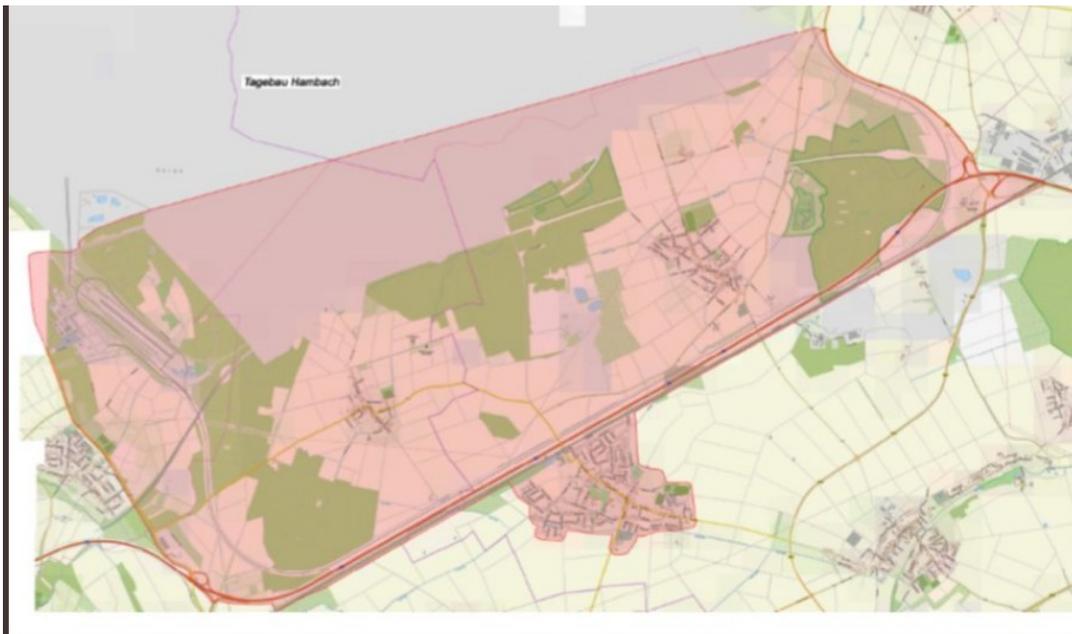
The regulation of §12 Abs.1 Nr.2 police law North-Rhine-Westphalia (PolG NRW) gives the police the right to make identity verification at the “dangerous area”. The qualification as “dangerous area” requires, that there are known facts from criminalistic experience which indicate, that in this area activities, which are mentioned in §12 Abs. 1 Nr.2, take place regularly:

- a) meeting for, preparation of or realisation of criminal acts of considerable importance
- b) violation of penal provisions (“Strafvorschriften”) of the law of residence
- c) covering of wanted criminals

→ These criteria are given in the Hambach forest area according to the police.

Against this “dangerous area” itself there isn’t much to do juridically. Even though it makes sense to object (“Widerspruch einlegen”) every procedure and insist that they record the objection in writing. ADDITIONALLY it is possible to proceed against every single police procedure, especially if you gave them your personal data. If you want to sue against a particular procedure, please contact the legal team (legalsupporthambi@riseup.net).

Extension of the dangerous area (map from the police)



Experiences from the last weeks

The police justifies all kinds of procedures with the “dangerous area”. Nearly constantly people and cars are being controlled on the most important access roads and luggage & cars are being searched. Partially, items were confiscated, especially climbing material. The intensity of the searching procedures is variable. People, who did not tell their personal data, were often taken into custody and brought to the police station in Aachen.

The police has 12 hours from the moment they arrest you to identify you. After those 12 hours they have to release you. The police can take fotos and fingerprints (in German it is called: “Erkennungsdienstliche Behandlung” oder “ED-Behandlung”). You can and should still object the procedure and ask for them to record your objection in writing. You can also think about to which extent you want to cooperate when they take your fingerprints.

If additionally to the non-identification they accuse you of a criminal offense, they can keep you until the end of the following day (so maximum 48h) without taking you to a custodial judge (“Hafttrichter*in”).

What can also happen: A custody to prevent criminal acts until the end of the following day.

Despite everything it is still an option to refuse to give them your personal data/ ID.

“Platzverweis” / “sending-off”

“Platzverweis” means something like sending you away from a place/ an area and forbidding you to come back there.

While leaving the police station, people were given very extensive letters with a “Platzverweis” or a prohibition of stay (“Aufenthaltsverbot”) for the dangerous area, partly until the end of the cutting season. Often those “Platzverweise” are unlawful, but unfortunately for the moment still valid (or at least they are practically implemented and you are being arrested). A violation of the “Platzverweis” can bring you (again) into custody, until 12pm of the following day and/or you can be punished by a fine (rumours are around the amount of 500 Euro). To resist against paying this amount the lawfulness of the letter is probably more relevant. You can also sue against a “Platzverweis” (e.g. because of an incorrect limitation of the space of time or unclear/ incorrect description of the area). Therefore contact the Anti-Repression Structures (Legal Team).

There are two kinds of “Platzverweis” in the police law of North Rhine Westphalia (PolG NRW):

“Platzverweis” in §34 passage 1 police law NRW:

(1) For danger prevention, the police can temporarily send a person away from an area or temporarily forbid her*him to enter the area. The “Platzverweis” can also be ordered against a person who is preventing an operation of the fire-, emergency-, or rescue service.

“Aufenthaltsbereichsverbot” in §34 passage 2 police law NRW:

(2) If facts are justifying the assumption that a person will commit a crime or will contribute to a crime in a certain area, the police can forbid her*him for a certain space of time to enter or stay in the area, unless she*he has his*her home/domicile in there or exercises justified interests. An area, in terms of sentence 1 is a municipal area or a part of a municipality. The procedure is to be limited regionally and temporally on the necessary extend for the prevention of the crime. It isn’t supposed to exceed the duration of three months.

The handling of a “Platzverweis” is depending on the specific situation. If the police didn’t register the “Platzverweis” in their data base with your personal data and you don’t meet the same police officer, who told/ gave you the “Platzverweis”, you don’t have to worry, because his*her colleagues, don’t know anything about it, if they weren’t standing next to you.

If you want to take action against the “Platzverweis”, you should insist on getting it in written form. Often the “Platzverweis” is incorrect (e.g. if it isn’t limited temporally and for a certain area). In the last days the police offered people to correct these mistakes. Don’t do that, if you want to sue against it ;)

You can object verbally or in writing against the “Platzverweis”. It is enough to give them a piece of paper with the words: “Hereby I object against the “Platzverweis, you just issued to me. It’s too largely extent and therefor unlawful.” You sign it and write down your address, so that the police can contact you, and give to the police (you should, of course, not do that if you want to stay anonymous). If the police doesn’t answer for a long time, you can write to them and ask for the status of your opposition proceedings.

The police isn’t allowed to use the “dangerous area” or the “Platzverweis” to prevent you from going to or being part of a manifestation, demonstration or vigil (“Mahnwache”). They are also not allowed to take personal data, if you are part of a manifestation or if you’re on your way to it. Nevertheless, they often do so anyway. Try to insist on your right not to be controlled. Besides that, they are not allowed to prevent you from going to your living space (e.g. the meadow).

Finally the most important:

Get a bracelet with your personal abc-number at the vigil (“Mahnwache”), at AZ Köln or at the Camp in Manheim. This number helps us to keep track of you, if you get into custody and want to stay anonymous.

If you witness an arrest call the legal team.

If you’re in custody, ask what they accuse you of. You have the right to be informed about that.

If you’re in custody you have the right to make a phone call. Insist on that and call the legal team.

Call the legal team again if you’re released, even if you could not call us before.

Don’t make any testimonies, don’t sign anything!

And especially: Don’t let yourself become intimidated by this juridical stuff – that’s what they do it for. You’re more creative than the police or RWE. In Hamburg, the symbolic and ironic use of toilet brushes helped making the dangerous area so ridiculous, that it was canceled :)



Bonus-card “dangerous area”
Hambacher Forst Edition

Save your bonus

When you’re controlled 10 times you’ll get a home visit from Weinspach ;) (the chief of police in Aachen)