

Help – the Police stole my stuff!

While Packing

In general, don't take personal items to the Hambacher Forest, which are important to you. Especially if you want to stay anonymous. Despite all effort, the experience is that the police is often not giving back or even destroying the personal items.

During the Confiscation („Beschlagnahme“)

By Law the police is only allowed confiscate things which were used to commit crimes or were supposed to be used for this purpose; your personal items like money or your personal documents are not part of (§94, §98 StPO). This process is called confiscation, in german law „Beschlagnahme“ or „Sicherstellung“ in german (§43 police law NRW).

You have the right to get a record (minute) of the confiscated things, which is called „Beschlagnahmeprotokoll“ or „Sicherstellungsprotokoll“ in german (§44 Absatz 2, police law NRW). This record has to contain exactly what they confiscated from you. It should also inform you about the legal base they reason their action. You should insist on getting it, often it will work out.

If they don't give you all of your stuff back after the detention, also insist on a record about that. You do not have to sign it, the police officers around can also do that as witnesses. This could especially be important in cases where the police tries to add items to your confiscated items, which are not yours and could help them to accuse you for another crime. With the record it is much more likely to get your stuff back, so try to insist on it!

You should also file a verbal objection („Widerspruch einlegen“) against the confiscation and insist, that the police notes it on their record.

Especially with things, which were confiscated unofficially, try to get your stuff back as soon as possible, even it can be difficult right after your detention. It normally takes more effort to get the stuff back later on.

Afterwards – Giving information about your person

If you gave the police your personal identification and if out of your confiscated items, nothing could be used in a legal process against against you (for ex.: weapons),

the best is you personally take care of how to get your belongings back. Here we share some ideas but feel free to be creative and find your own way.

First of all you can ask again personally, written or via phone (police Aachen 0241-9577-0) , when and how you can get your stuff back and tell them again about your objection regarding the confiscation of your items.

Otherwise you can make a motion („Antrag stellen“) for court decision against every confiscation. You can do that without obligation to keep a form. You write a letter to the responsible local court, in which you explain that you are make a motion for court decision about the confiscation of the items they took from you („einen Antrag auf gerichtliche Entscheidung über die Sicherstellung der Dinge, die dir weggenommen wurden“). Important is your signature and your adress, so that you can get a response. If you have the record of the confiscation, it could be helpful to make a copy and put add this copy to the letter. If not describe as exact as possible where and when they took your belongings, if you have proofs that the things belong to you (for ex. Receipts) and also add them to your letter. Optionally you can also add a reason why you need your items urgently back, for ex. That you need your laptop for your work. For the most of the legal issues regarding the „Hambacher Forest“ the local court Aachen should be in charge, one indicator is that the police Aachen is leading the police operation in the forest. (Amtsgericht Aachen, Postfach 10 18 26, 52018 Aachen, Fax: 024 9425-80001, Phone: 0241 9425-0).

In case you want to be sure your letter reached the court and would like to have a confirmation, that your letter reached, you can get it by handing it in personally to the court, sent the letter via fax (for ex. From a copyshop) or sent it as a registered letter („Einschreiben“).

Three days after your letter has reached the court you can call the court and ask about the state of your petition. At least for the objection against confiscations for preservation of evidence the court would have to decide within the next three days .

Afterwards – you have not given your personal information

If the police doesn't want to give your belongings back after the detention, try to insist right there to get it.

If you did not give your personal data to the police, it is a possibility to look for someone else, who wants to give her*his name instead of you and identifies him*herself as the owner. The person should (as possible) be able to proof, that the stuff is hers*his (for ex.receipts of an expensive camera). With that (or without if you don't have anything to prooffe) the person can go to the police, call them (phone police Aachen: 0241-9577-0) or demand writtenly to get the stuff back. The record („Beschlagnahmeprotokoll“) can also be useful here. If you have it we recomend to

send it with the letter, otherwise the person has to say, that she*he heard, that the things she borrowed someone, were taken away by the police (with information where and when it happened if possible).

In this case the person, who owns the things, can also try to make a motion appealing for a court decision in order to state that the police has no legal base to keep your personal belongings and therefore is obliged to return them. Especially for this motion any receipt to prove your ownership is of great value.

If it doesn't work, there is still the possibility to try to get the items back with the help of a lawyer, but even that is not easy and not for sure.

Of course we are still available for all of your legal questions, as always. You can reach us via e-mail: legalsupporthambi@riseup.net .