

Underage and in action?

For everyone who's underage (under 18) there are some legal differences, which cause trouble sometimes. That's why we have collected the most important information for you.

In custody

The police can also take children (under 13) and youngsters (14 to 18) to custody. This is a serious interference in your parent's right of education. Furthermore, minors are in need of protection and a detention is often disproportional. Normally the police have to inform your parents (or the youth welfare office) immediately when arresting you or expelling you from a place.

If the police think that you are on the road without permission of your parents, they can arrest you in order to bring you back home or to a youth welfare office (so called "Obhutsgewahrsam" "safe custody", gem. § 17 Abs. Polizeigesetz Brandenburg/BbgPolG bzw. § 22 Abs. 2 Polizeigesetz Sachsen/SächsPolG).

In practice, this often means that the police arrest you and ask you later if you are under 18. Also, as a minor you do have the right for a phone call. So please phone the EA and tell us where you are and if you know, what you are accused of.

It's possible that the police accuse you of a crime. This means, that the police might want to question you. They have to instruct you in advance, that you can refuse any statement (and that's what you should do!). Often the police don't follow the rules, so don't rely on this instruction. If the police questions you, your parents have the right to be present. If you want your parents to be attendant, you can insist on phoning them. People under 14 cannot be questioned!

If your ID will be established

If you reveal your ID the police must try to phone your parents, so that they can pick you up from the police station. If you give them the phone number of your parents or insist of informing your parents (because often the police don't do that anyway) is your decision of course.

You can avoid to stay at the police station, if you have a written permission from your parents, that you can take part in the action. In that permission your parents can authorize a person over 18 to pick you up from custody. With this piece of paper, the authorized person can come for you.

In this power of attorney, the authorized person should be someone who's not directly in the action. You can bring a blank power of attorney, if you don't know any person and your parents allow you to. Then you can fill in a person right before the action. Phone this person to pick you up, when you are in custody.

This is an example for a power of attorney (it must be signed from both legal guardians):

Hereby I allow my child **[name]** to take part within the protests in the Lusatian mining region on the **(date)**.

Power of attorney

Ms/Mrs/person:

Address:

is authorized to pick up my child: (name, day of birth, address)
from custody and to look after it from (date) to (date).

(signature)

If you refuse the establishment of your ID

If you refuse the establishment of your ID and the police believes that you are under 18, it's very likely that they send you to a youth centre. In such an institution you cannot be locked up. You can just leave this place when the police have gone. We have different experience how easy this works. Sometimes people could just leave but sometimes the employees there locked for example the personal belongings or made people stay until the next morning. Try to phone the EA when you are in a youth centre and tell us the address or at least the city where you are, so that we can try to pick you up. It's very good if you have some small money with you so that in case of need you can take public transportation to get back to your hometown.

If you try to be taken for a minor or not is a strategical decision. It depends if you prefer to be with others in custody or if you want to take the opportunity to run away from the youth centre. In that case you might be alone. If you need help to make this decision you can talk to your affinity group or the legal team.

Imprisonment on remand (so called "U Haft")

Even minors can be put into prison if they are accused of a serious crime or if there is a risk of absconding. They can be brought to a juvenile prison. Children (if you are, or look like you are under 14) cannot be put into prison. Read more about this in the "Legal Aid manual for actions in Brandenburg".

After the action (youth penal process)

Subpoena and questioning

Subpoenas are sent to your parents and they have the right to be present when you are questioned. They also have the right to make applications (§ 67 JGG) in the process and can participate in one's strategy. This is often difficult because most of the parents want their kids to talk to the police. That can be dangerous and a lot of parents don't have experiences with political proceedings.

Sometimes a confrontation with your parents can be useful, although it's never easy. It's very important to explain to your parents how you want to proceed and why it is right and important to refuse any statement. In case of doubt don't let yourself be put under pressure but ask the legal team or any other group against repression for help. In case of need we can also talk to your parents all together.

Trial

If you are accused of a crime, the court where you will be sent to is not the court of the crime scene but your hometown. That can be difficult for solidarity structures to support you. Furthermore, the process will be held in camera. The punishment can be: community service, you can be expelled from special places or you have to take part in an anti-violence program. The lawyers have to be hired by your parents. Please try to find a lawyer together with the legal team or other anti-repression groups, they know lawyers with experiences in political proceedings.

How do I get information?

Read the "Legal Aid manual for actions in Brandenburg", there you can find more detailed information. You can find it here: www.ende-gelaende.org/en/lusatia-legal-matters/

We organize and coordinate the legal follow-up together with Ende Gelände. So please report if you receive letters from the police, the public prosecution, companies or if you have any questions: cat@nirgendwo.info

(to ensure privacy, please write encrypted if possible, PGP-Key here: www.ende-gelaende.org)