

CLIMATE CAMP COPENHAGEN LEGAL BRIEFING

This briefing document is for activists travelling out to Copenhagen with Climate Camp.

It contains essential information and advice you may find useful upon your journey from the UK to Copenhagen, as well as for the duration of your stay.

Climate Camp, as part of CJA (Climate Justice Action) has set up sleeping spaces and convergence centres in the city for you to stay. These centres are legal, operating with permission of the owners of the buildings, the police and fire department. This unfortunately does not mean there will not be any contact with the authorities. We have already experienced raids on the premises – no detainments but certain materials have been confiscated – and expect more as more people arrive.

Climate Camp have a legal team in Copenhagen operating from the 7th - 20th December. They can be contacted for advice and will provide basic support during this time.

You should have a copy of the Climate Camp COP bust card. If not there are RUSK bust cards available at all info points in Copenhagen that give you all the essentials in a pocket size format.

IF YOU HAVE BEEN ARRESTED, EITHER TRAVELLING THROUGH EUROPE OR IN COPENHAGEN, REMEMBER OUR BASIC ADVICE

REMAIN SILENT. DO NOT CHAT. DO NOT SIGN ANYTHING. We strongly recommend you answer 'no comment' to all questions and during interviews, for your own benefit and that of others. From the moment you are stopped, everything you say is evidence. The police are trained to get information out of you, so stay strong. The police will most likely speak good English and will be able to communicate with you.

GET LEGAL ADVICE. The police may tell you that it will be quicker without legal advice – we strongly recommend that you always ask for legal advice and use our recommended solicitors. Only make a statement if they advise you to do so.

DURING A STOP AND SEARCH:

Always ask whether they are looking for and under what power and if it NOT a blanket search ask what grounds they have to suspect you. Then you can remind them of what they said if they stray beyond this in their search.

On leaving the UK

On arrival at the port, a full passport check will be carried out by border officials. The police will likely be aware of when key coaches are leaving the UK and may send Special Branch (police) to intercept. As we have seen in recent months with Climate Campers already, it is possible that the Terrorism Act 2000 may be used in order to interrogate activists attempting to cross the border.

Under Schedule 7 of the Terrorism Act 2000, the examining officers (police, immigration and customs) have the power, if they believe a person is present at the port to enter or leave GB, to stop, search, question and detain a person for up to 9 hours to determine whether the person is or has been connected with the commission, preparation or instigation of acts of terrorism.

The person and their belongings, unaccompanied luggage and vehicles can be searched. Reasonable force may be used. The search of the person must be undertaken by an officer of the same sex. Strip searches (removal of more than outer clothing) should only be considered necessary where the person has been detained in police custody.

No grounds are necessary to question a person. The questioning must be directed towards determining if the person appears to be someone who is or has been concerned with the commission, preparation or instigation of acts of terrorism. If so, no caution is necessary unless arrest occurs.

The interrogation can continue for an hour, during which the person can request but has **no right** to have someone informed of their location or that they are being questioned or to consult a solicitor. They have a right to see the Code of Practice. If the police decide to continue questioning beyond the first hour, a Notice of Examination must be issued explaining the person's duties and rights.

If the person does not respond to questioning, they can be detained at which point it becomes a criminal offence not to give the information requested. There is no right to silence.

Whilst in detention, the person can be photographed and identified and if at a police station they can be fingerprinted and have DNA taken. The PACE codes do not apply to the detention.

Examinees under Detention or Examination have the right to legal advice and to have someone informed of their location. Bindmans Solicitors offer legal advice via telephone for free. We recommend this service as police are not required to delay the examination whilst awaiting the arrival of a solicitor in person. Regular refreshments should be provided and Examinees have the right to see the Code of Practice.

During the examination or detention, the examinee is required to give all information requested, and to produce a valid passport with photo or other ID upon request. Failing to do so or obstructing or frustrating a search or examination is a criminal offence subject to 3 months imprisonment and/or a level 4 fine.

- Once a notice of examination or detention has been served it can continue for up to 9 hours from the start of the examination process.

- The officers are expected to make reasonable effort to minimise embarrassment or offence and to treat the person with respect and courtesy.

Definition of terrorism under S1 TA 2000:

Terrorism can be defined as the use or threat of actions which involve serious violence to persons or serious damage to property, or which endanger a person's life, or which constitute a serious risk to the health and safety of the public or a section of it, or which are designed to seriously interfere with or seriously disrupt an electronic system
AND

the use or threat of said actions is designed to influence the government or international governmental organisations or intimidate the public or a section of the public, or involves the use of firearms or explosives
AND

the use or threat is made for the purpose of advancing a political, religious, racial, or ideological cause.

If you experience any problems within the UK, please contact the Climate Camp legal team on +44 7951 590 378. Bindmans solicitors phone number is on the bust cards and at the end of this document.

After leaving the UK, towards Copenhagen

At every country border there are similar controls to ours. We do not know the exact procedures, but it is safe to assume that co-operation is your best chance of getting to Copenhagen. We believe that countries will be sharing information regarding who is travelling across the continent. Searches, questioning and delays are all possible. Only prescription drugs should be carried and obviously illegal substances and knives are going to cause problems if discovered.

Photographs should **not** be taken on the coach or any part of the journey, even if they appear to be completely harmless. These photos, if confiscated, could incriminate people and be collected as evidence by the authorities. Think carefully about whose contact details you have stored on your phone.

We expect Danish border control to have been reinstated and a full passport check to be in operation on the borders. As a result it seems likely that some people may be prevented from crossing the border.

The Danish police will probably try to stop all persons related to or suspected of intentions of unrest entering into the country. We advise people to be sensible. A bag full of spray cans is very likely to get confiscated.

There are international legal teams monitoring various international borders to support activists, and support teams with info points are being set up at the German/Danish border and the Swedish/Danish border. People arriving at these points after being denied entry or after deportation will be provided with hot drinks, something to eat and if necessary somewhere to sleep. Contact details of these teams and local solicitors are provided at the end of this document.

If you experience any difficulty crossing mainland EU borders, please contact the Climate Camp

Legal Team in Copenhagen.

When you arrive in Copenhagen

A legal team of law students, ABC, has been set up in Copenhagen to support activists who have been arrested. They will be monitoring the main holding jails and should be able to provide those released with support for the next steps in the legal process and a hot drink.

The legal aid group RUSK will be operating in Copenhagen, providing specific activist advice. From the 12th to 17th they will be open 24 hours. The contact details are on the bust cards and at the end of this document.

The Climate Camp Legal Team in Copenhagen will also be available 24 hrs and can be contacted for advice and enquiries relating to border controls, demonstrating in Denmark, legal briefings and basic support (including translation). For the finer points of the law of protest, however, we recommend contacting RUSK.

Please check the notice boards in the convergence spaces and at info points to find out when Climate Camp legal briefings are taking place.

Civil Rights and Protest Laws in Copenhagen

IDENTIFICATION:

If you are stopped by the police, upon request you must tell them your **name, date of birth and address**. If you are not a Danish national you are also required to give your nationality and may need to provide a form of official photographic ID. If the police doubt your identity they can take you to a police station to establish it. The police will naturally try to get a feel for who you are, and stating that you know your right to keep silent may discourage them from asking questions. The police, particularly the border agency, may want to know the reason of your presence in Denmark.

They may request information about the purpose of your stay in Denmark and documentation to show that you have the necessary means to support you during your stay and for your journey home. The police are aware of the sleeping spaces set up in parts of the city to house activists and should accept this as to provide your maintenance.

SEARCH POWERS:

Provisions seem similar to UK, particularly in relation to drugs and knives.

The police have the right to:

- body search you and your belongings such as clothes and bags if they have reasonable suspicion that you possess something illegal. You have the right to know the reason for the body search.
- to body search you without suspicion if you are in a search zone but only for weapons.
- as a starting point you have the right to be body searched by an officer of your own sex. The police are however allowed to deny you this right, if it is not possible to call in eg. a female police officer.
- a search must always be as lenient as possible.

The majority of the city of Copenhagen has been classified as a blanket search zone for the duration of the UN conference for the search of weapons. It is similar to the UK's section 60 act that has been used many times before on Climate Campers. The police do not need to suspect you to have committed a crime in order to search you, but should only be searching for weapons. They are not allowed to look through your personal documents, ie. paper work and bank cards under this power, but may ask for your permission to do so. Always say no.

KNIVES AND DRUGS: similar to UK

In Denmark it is illegal to possess a knife with a blade of more than 7cm in length or under 7cm if it can be opened with one hand or can be locked in the open position. UK law is stricter on knives so use that to be safe. Knife offences can lead to prison sentences.

The drug laws are not black and white. Euphoric substances are likely banned and it will obviously be difficult to protect yourself under the influence. If drugs are found upon your person during a blanket weapon search, the police officer then has 'reasonable suspicion' to carry out a standard drug search in order to confiscate them.

PARTICIPATION IN PROTESTS:

It is an offence to remain with in a demonstration that been dissolved by the police. Three verbal dispersal warnings must be given by the police before they are permitted to begin arresting people. You can be classed as participating, or 'creating the mood', in the damage of property just by being in the local area.

Persons sitting down on a road or a pavement and linking themselves to each other to obstruct the police from moving forward or to complicate individual arrests can be **sentenced for up to 40 days in prison, and fines for public disorder can reach £7000.**

MASKS and CLOTHING:

It is an offence to possess something which can be used for masking up near a place where there is going to be, is, or has been a demonstration. This is much more severe than we are used to in the UK. It will however be cold so wearing a scarf to protect you from the elements is generally accepted providing it does not cover your face. Please be aware that that this could potentially be used as an excuse to arrest you. An offence can lead to a fine. It is **legal** to wear home-made protection items and we have in fact seen a lot of times that people have had leg-pads and arm braces returned to them after arrests in confrontations with the police. However the police again have the power to assume that you're up to no-good if you are wearing items of personal protection. If found with these items and later charged with a crime it certainly won't help your case.

PREVENTATIVE ARREST – A SUPER FORM OF KETTLING:

To prevent unlawful acts from happening you can be **detained by the police for up to 12 hours** (and possibly longer). This can occur if you are in or heading towards to an area where disorder is expected, regardless of your intentions. **It is no longer necessary for the police to find good reason to suspect you before carrying out this tactic.** Such arrests can include entire buses.

Pre-emptive arrests usually involve sitting on the ground with your hands up or in the lap of the person in front of you for long periods of time. Mass detainment rarely leads to anything other than being driven to a police station and having your identity confirmed whilst being locked in a cell for some hours and then being released later when the action is over.

ON ARREST:

You have the right of silence. Use it. Do not sign anything. Just give them your name, date of birth and address.

- You will probably be taken to the police station and placed in a holding cell.
- The police will eventually want to interrogate you. Tell them, that you do not wish to say anything. Remember that the police are only interested in collecting evidence against you and your associates. You have the right to remain silent. Use that right!
- You are not obligated to take a stand to acknowledge your charge or sign anything.
- If you are arrested you must tell the police your name, nationality, date of birth, and address. Nothing else! No photograph, fingerprints or DNA will be taken. If later you are sentenced to 6 months or more your fingerprints and a photograph can be taken. If later you are sentenced to 1.5yrs or more your DNA can then be taken.
- If you are younger than 18 years, the police will contact your parents and during the interrogation a person from Social Services will often be present. The person from Social Services is not there to guide you during the interrogation. They are likely to tell you to answer the questions. You still have the right to remain silent – use it. If you have been beaten or threatened by the police, you must tell the person from Social Services. If you are younger than 15 years, the police are not allowed to lock you up but often do anyway.

You have the right to:

- know your charge (the reason for your arrest).
- make necessary telephone calls (a phone call), or have the police make these calls for you.
- medical assistance or medicine if you need it.
- legal assistance, but remember that if you are sentenced later you must pay all expenses, including your own lawyer's fee. If you later win your case, the state pays all expenses.

When held in custody, you have no rights whatsoever, no lawyer, phone-call, not even food. **During these hours, if a 'girlfriend' of 'family member' wishes to visit we strongly recommend that you accept this.**

Legal teams are present at this time to provide you financial, legal, political and emotional support. So don't panic.

Be aware that if you're arrested with your phone on you, the police will have easy access to all your contacts, phone calls and sms activity you've had prior to your arrest. Understand that your whereabouts on any given time can be determined by which phone mast you are connected to when your phone is switched on or the battery inserted. This can be pretty accurate. The information is stored by the phone companies for at least a year, so the police can map where you've been a year back if they need to. **The police prosecutor will sometimes use as an excuse for imprisonment that the police "need time" to investigate your phone activities.**

You have the right to have a lawyer present at the police interview, but as long as you do not say anything, you will not need one. If you get the impression that the police will put you in front of a judge, insist on having the name of the lawyer that you wish to defend you written in the police report. If the police "are not able to contact" the lawyer you

wish to defend you, you will be assigned a lawyer by the state for the preliminary hearing. If this is the case, you can always change your lawyer in time for the next hearing.

The police can deport foreigners for almost nothing. The Danish authorities are very keen on shipping non-Danish citizens out of the country, even for minor offences. They have been known on several occasions to arrest people, give them a warning for some ridiculous misdemeanor and then deport them. They can do this because of Denmark's extremely harsh immigration laws. If you get deported you will usually not be allowed to enter the country again for a period of 1-5 years.

The only time in recent years foreigners have been held in detention for more than a few days is during the Ungdomshuset riots and even then, most of them just got deported to their home countries, even some of those with serious charges. It seems the Danish police like deporting their prisoners far more than dealing with the legal hassle of jailing and convicting them. This also makes sense in the light that prisoners cost to the state and police a lot of money and time.

The police have recently started to demand that people arrested for minor offences (like shoplifting or traffic violations) pay their fines before they can get released.

Within 72 hours of your arrest, you have the right to be released or put before a judge in a preliminary statutory hearing.

When put before a judge, counsel will be assigned to you. You can see a lawyer at this point. If you accept the state assigned lawyer, you can change later if you are not satisfied with their counsel. You still have the right to remain silent.

In the preliminary statutory hearing 3 things can happen:

1. The judge can renew the arrest for 3x24 hours.
2. The judge can set you free.
3. The judge can take you into custody for between 1 and 4 weeks.

If you get to the stage of a preliminary statutory hearing, it is likely you will be taken back into custody.

If the judge chooses to take you into custody, you have the possibility to appeal the ruling to the appeal court. **You should tell the judge that you reserve yourself the right to appeal.** You should consult your lawyer on whether it will be a good idea to appeal or not.

CLAIMING COMPENSATION FOR UNLAWFUL ARREST:

If you are arrested and the police drop the charges against you or you are found not guilty by a court, you can file a claim for compensation. The deadline for filing a compensation claim is 2 months. The amount varies depending on how long you have been detained. It is always worth the effort to try to file for compensation. If you want help to make a complaint about unlawful arrest or claim for compensation contact RUSK.

Key Contacts

Climate Camp Legal Team in Copenhagen: +45 42 29 99 01 or +45 42 29 99 02
Climate Camp Legal Team UK-based Advice and Information: +44 7951 590 378

UNITED KINGDOM

Bindmans Solicitors: +44 20 7833 4433 (0900-1800) then **pager +44 7659 136 205** (London or phone)
BKRW Solicitors, Folkestone: +44 1303 255 369 (Dover Port Attendance – CHARGEABLE SERVICE)

EN ROUTE

Speckin Dembski (solicitor), **German Border +49 381 128 590** (office hours) **+49 172 533 29 30** (mobile)
Border Support Teams: Flensburg and Puttgarden: +49 1515 361 0132 - Rostock: +49 1522 455 1075

COPENHAGEN

COP Legal Team 'RUSK' in Copenhagen: +45 28 25 53 20

RECOMMENDED LAWYER

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