

„Ende Gelände's“ stance on ID refusal

„Ende Gelände“ generally considers the collective refusal to provide ID to the police in the context of the planned action a reasonable strategy; last year's experience in this respect was positive. For individual activists, however, it may be wiser to identify themselves; we therefore encourage everyone to consider the pros and cons of ID refusal before joining the action and to decide for themselves. If you decide not to disclose your identity to the police, you should neither bring ID documents nor anything else that may reveal your identity to the action.

On the camp, there will be opportunities to talk about these questions – feel free to visit the **legal team** tent! Please also talk about your strategy with regard to IDs in your affinity group (see also legal aid manual, section 3.4).

If you would like to refuse ID but do not feel comfortable leaving your documents in your tent and you don't know anyone who will stay in the camp during the action, please contact the legal team!

Pros:

- In 2015, Ende Gelände activists won some **room for political maneuver** through collective refusal to identify themselves; we should defend this room. We can send out a clear signal against state repression and overwhelm authorities of repression
- The more people refuse to provide their IDs, the greater the **protective effect** for each person:
 - **right after the action:** police capacity to conduct ID treatment is limited, as is the capacity of detention centers. If hundreds refuse to identify themselves, it will hardly be possible to detain all of them and subject them to ID treatment
 - **criminal law:** The more people refuse to provide ID and do not cooperate during ID treatment, the harder it will be for the state to collect any data about participants and to prosecute them
 - **civil law:** Those who stay anonymous can obviously not be legally attacked by corporations – and with fewer declarations to cease and desist and fewer injunctions, there are fewer inhibitions to affect the climate movement in the future
- Refusing ID is **“only” an administrative offense**, not a criminal offense: even if you are “uncovered,” this will not constitute a prior conviction, nor will it appear in your police record.

Cons/Risks:

- Part of classic civil disobedience is to **publicly own up to one's actions**; some do not feel comfortable when “hiding” during their legitimate (if illegal) action.
- For the purpose of establishing their identity, **police may detain people** for up to 12 hours – during this period, those affected continue to be under mental pressure: the action is not over yet. Police may also use physical force when trying to establish people's identity (e.g. when forcing them to give fingerprints or have their photo taken). Particularly for the first groups of people affected by this, police treatment may be unpleasant – until police realize that they won't be able to handle all the “anonymouses” this way.
- If police find out a person's identity after all, a **fine** of several hundred euros (the legal maximum is 1,000) may be imposed for the administrative offense of refusing to identify oneself. But for this, too, we have anti-repression structures – nobody will be left alone.
- **Groups at special risk:**
 - x For people entering Germany from outside the Schengen area, refusing to provide one's identity is a criminal offense; being convicted of a criminal offense can have negative consequences for future visa application and may affect the state's decision on a potential expulsion from the country (for details, see chapter 5 of the legal aid manual).
 - x In order to enter on a visa, people have to submit fingerprints; these can later be used to identify these individuals if they refuse to provide ID during an action.
 - x Generally, fingerprints can be matched with European databases to identify individuals.
 - x If you have been subjected to “ID treatment” (photo, fingerprints) following an earlier action in the same political context or region and were identified (either following that treatment or because you provided your ID voluntarily), there is a high risk of being identified again if police still have these data (which you should assume will be the case) and manage to obtain usable fingerprints of yours.

Please note: If you once refuse to give ID during an anti-coal action or in a particular region, you should stick with this strategy – otherwise you might face repression retroactively for earlier actions.