

PS : We also recall that there are still ongoing investigations about the events of December 19 2015 and January 12 2017. If you receive a summons, a fine, a notice, or you have been victim of a search etc. contact us as soon as possible at antirep-ge@riseup.net

**I HAVE
NOTHING TO
DECLARE**

antirep-ge@riseup.net

THE POLICE SUMMON MASSIVELY FOR THE OCCUPATION ON NEW YEAR'S EVE. HERE IS SOME ADVICE FROM THE LEGAL TEAM (GROUPE ANTIREP)



During the night of December 31, a masked ball was held in an empty H & M owned by one of the real estate companies that are currently shaping the city for their profit. The intention was to provide an in-depth thinking on nightlife and parties by appropriating, for one night, a symbol of unbridled consumption.

But the party ended with great repression: massive and violent intervention of riot police, use of water cannons, sequestration during 8 hours of more than a hundred people inside the building, and 140 apprehensions. The possible legal consequences envisaged by the Anti-repression Group were that persons who were controlled, or who would have been identified in the vicinity, or who might be suspected of having participated in this illegal occupation, are given summonses and / or penal notices (fines and other convictions). Bingo.

What's going on ?

After New Year's Eve occupation, the press reported a complaint from the owner. Therefore, an investigation is going on. This week several people began to receive summons issued by the police by registered mail. A summons is a document summoning a person to attend an interview in order to be interrogated, identified or to have his or her personal data recorded (fingerprints, photos, etc.). The police may summon anyone as an accused (ie, accused of an offense), witness, or person called to provide information. For the moment, all the people were summoned as accused of violation of domicile and damage to the property.

What to do ?

The Antirep group is there to offer you support by giving you information and advice, put you in touch with lawyers or the Legal Support Fund (CJS – caisse juridique de soutien), and to get people out of isolation by sharing knowledge and proposing collective defense strategies. So :

- If you have received a summons or a penal notice, **immediately contact the Antirep group at antirep-ge@riseup.net** by sending us the reasons sent by the police, as well as the date and time of your audience. In general, summons are sent approximately one week before the date of the audience (which may, however, be postponed) and fines (or penal notices) may be challenged within 10 days. It is therefore imperative that you are reactive so that we can advise you. If you are under 18, it is also possible to talk to your parents or relatives and put them in touch with lawyers to reassure them.

- **Keep us informed** (new mandate, change of status in a case, date of your audience etc) by email. For the same case, we receive information from many different people. The only way for us to be

When you make an opposition, the procedure remains open. **This gives us the opportunity to consult the record and to defend ourselves individually as well as collectively.** The organization also **reduces trial costs and fines.** Penal repression works by individualizing and therefore isolating each person and attempts to erase the social and collective context in which the facts unfolded. The goal is to break the will of the persecuted people. We can counter these practices in order to not only improve the situation of each one of us, but also to continue the struggle and to return the penal system against its own goal by forging solidarities.

years.

If convictions are handed down, they will presumably take the form of a document printed on blue paper entitled « ordonnance pénale » (penal notice). **It is possible to object to a penal notice** by sending a registered letter to the authority that issued the sentence. **This opposition letter must absolutely be mailed within 10 days after the reception of the registered mail.** If you do not pick up the mail at the post office, **it will be considered as received after 7 days.** It suffices to indicate that one is opposed to the order and nothing else for example with the help of this generator of standard letters: <http://www.ordonnance-penale.ch/index.php/generateur-d-opposition> (it is strongly advised to fill only the necessary fields and **NOT to justify the opposition**).

Unopposed within 10 days, the conviction comes into force and there is almost no way to oppose to it even if it detains delusional offenses against you. Be careful, the possible penal notice can arrive in several months without you having any news by then.

If you live in a European Union country, it is also possible to receive the notice directly at your home. In this case, the modalities to form opposition are slightly different. Find out by writing an email to the Anti-Repression Group (antirep-ge@riseup.net).

Experience shows that forming opposition to penal notices is almost always beneficial. Indeed, **authorities often exaggerate penalties and retain offenses that should not have been retained by relying on the lack of opposition of the majority of people**, and that even more in procedures that involve many people.

Anyway, an opposition can be withdrawn afterwards by writing a simple mail.

effective is to have it all.

- **Monitor your mail** and organize yourself so that someone can take it for you in your absence thanks to a special power of attorney issued by the Post Office (a private proxy is usually not enough). You should know that if you do not withdraw the registered mail, just as if you decide not to go to the audience (which is feasible), the public prosecutor can issue an arrest warrant for you (i.e. to come and take you by force). If you are domiciled outside Switzerland, the police may have asked you to give them an address on the territory. Mail must be monitored at this address.

- **Remember to destroy or take out from your house / your phone / your computer any object / content that you don't want the police to find** (photos / videos / messages about that night, illegal substances and objects etc.): a risk of search is not to be dismissed. In case of search, you should know that the police have the right to search only your room (not those of other people living with you) and the common rooms.

- **Plan to notify one or several person(s) of confidence prior to your audition** in case the police decide to keep you in custody. For example, agree on a person who needs to worry (and contact us or a lawyer) if they do not hear from you a few hours after your appointment. The Anti-Repression Group can take this role.

- If during an audition with the police or a prosecutor, you cracked, made a mistake and you revealed information about yourself or someone else, it is important that the Antirep group is acquainted. To grass on somebody or give a name is serious and dangerous for the person you ratted on. But grassing on somebody and not giving the opportunity to prepare to defend oneself is a thousand times worse. If this happens, take your responsibilities and send us an email or tell the person and put her in touch with us.

- Finally, **share this information** as much as you can while continuing to pay attention to the information you disclose.

Some tools for the audition (info on the interview, DNA sampling and personal data taking)

On the day of your audition, you will have to go to the *la Gravière* police station, where you will be interrogated by BRIC agents (« brigade de recherché et d'ilotage communautaire », the local political police). Dressed in civilian clothes (without uniform), they will make you sit in an office to conduct your interrogation.

The police must tell you in a language you understand:

- That a procedure is open, and for which offenses (it's written on your warrant).
- That **you have the right to remain silent and not to incriminate yourself.**
- That you have the right to speak freely with your lawyer (ie outside the presence of the police).

(In the warrant received by mail, they will already have informed you that you have the right to call a lawyer and / or an interpreter. If you choose to do so, you will have to inform them at least two days before date set for your audition).

You will be interrogated by one or two agents. The police write a report of your interrogation (the police officer who is questioning you writes it himself or he dictates it to another police officer). They usually try to obtain confessions in return for a promise of release, simplification of procedure, or leniency of judges. **In 80% of the cases, the suspects are convicted solely on the basis of their confessions** during the police interrogation. Do not trust the good guys more than the bad guys. Always say « **I have nothing to declare** ». Your right to remain silent is your most important right and the best card to play. Use it to the maximum even if the police try to put pressure on you or make you doubt. If the police says or does something that seems to exceed its rights, ask for it to be written on

the record (ex : "You tell me that I have to answer, I want it to be written on the record before doing it").

However, it is sometimes absurd to remain silent, for example if you have a simple explanation to give that proves your innocence: you were in Mexico at the time of the facts and you have proofs. That said, before deciding to give information, discuss with your lawyer. **Everything you say, from the first minutes of your arrest, can be used against you throughout the procedure.** It is very difficult to go back.

If for X reason you decide to speak (which we do really, really NOT advise you to do), know that if the content of the interrogation report does not match what you said, whether is the content or the formulation, **you can refuse to sign it.** However, it is much more useful to ask the police to modify it, or modify it yourself before signing it.

Always in the context of your audition, it is not impossible that the police decide to make a DNA sampling (smear of the mucous membrane by means of a small stamp in the mouth) or to take your personal data (fingerprints, photos etc.). You can object the decision of the police, which must then obtain the approval of the public prosecutor's office (in general, the police will obtain it without difficulty). Although opposing will probably not ultimately prevent this personal data taking, it is however necessary to formulate an opposition by saying « I object, I want the paper with the agreement of the public prosecutor's office » because, **without this paper, a lawyer will not be able to challenge the taking of your personal data during the procedure and request its destruction.**

Some tools in case you receive a penal notice

All controlled persons should expect to receive a conviction by registered mail regardless of what they did or did not do or whether they knew the occupation was illegal. These convictions may vary from person to person. People without antecedents will benefit from the reprieve but fines can in any case be applied. Conditional sentences disappear from the private criminal record at the end of the test period which is set between 2 and 5