

Know your rights

PREVENTATIVE SEARCHES (STOP & SEARCH)

Police have preventative stop & search powers under article 151b and article 174b of the Gemeentewet. They can stop & frisk anyone inside a 'safety risk area' (veiligheidsrisicogebied).

When cops want to do a (preventative) search always ask:

"Am I allowed to say no?"

When you are not allowed to refuse you are either in a safety risk area, at an airport or are suspected of having committed a crime.

Questions you can ask:

- Am I a suspect?
- Is this a preventative search?
- Do you have reasons to believe I am carrying drugs or weapons?
- If the answer to these questions is no, ask on what grounds you are being held.

Also take note of **what object** they are searching for and if the place where they are searching for it makes sense. For example, if they are looking for a gun they should not be opening your wallet and looking at your cards.

If they say you can refuse, **keep on walking.**

A brief note: knowing your rights is always useful. However, the police do not always act in accordance with the law. They might not like it when we try to hold them accountable and could respond with aggression and violence. Be prepared for this. When they 'vorder' (= demand) you to do something, and you refuse, this could lead to you getting arrested even if their demand is unlawful.

Useful resources

Anarcha Feminist Group Amsterdam

anarchafemsterdam@riseup.net

Please send us an email if you are interested in getting involved with setting up a Copwatch Group in the Netherlands or if you have any questions or want to help organise a training.

Controle Alt Delete

controlealtdelete.nl

info@controlealtdelete.nl

A group which organises against ethnic profiling and police violence. They can help you make a complaint against the police, secure camera footage and more.

Arrestanten Groep

arrestantengroep.org

arrestantengroep@riseup.net

Check out their website for more in detail information about your rights. The Arrestanten Groep can also assist you when you are organising a demonstration and you want to set up an arrestee support group.

Support and Recovery

supportrecoveryteam.wordpress.com

s-r@riseup.net

Witnessing or experiencing police violence can be traumatising. Support and recovery is an autonomous group that offers free resources that can help you process your experiences.

Together against violent & racist police

Racist controls are often only the beginning of further violence. In many cases, they result in arrest or detention. For illegalised/undocumented people, there is the risk of being taken into custody for deportation. It is important to know your rights when stopped by the police.



**Advice, your
rights & how to
intervene**

When you see a police control you can support the affected person. Here are some ways to minimize the risk of being accused of intervening with the police's work whilst showing solidarity with those affected and signal to the police that their actions will not go unnoticed! This flyer also gives advice on what to do when you get stopped by the police yourself.

If you get arrested

- You do not need to **answer** police questions, so don't. Not during interrogation, not during casual chats.

Always say "**no comment**".

- You do not need to **sign** anything.
- Do not **accept** a caution/fine as this is an admission of guilt.
- You have the right to stay **anonymous**.
- You have the right to talk to your own **lawyer**, tell the police you want to speak to your lawyer We advise (Amsterdam) :

Willem Jebbink

tel. +31(0)20 535 3390 (criminal lawyer)

Hamerslag en Van Haren Advocaten

tel. +31 (0)20 5353 171 (immigration lawyer)

- You have the right to get your **medication**.
- You have the right to **vegan/vegetarian/halal/kosjer food**.
- You have the right to have an **interpreter** present.
- The police should when possible have you searched by an **officer of the same sex** as is written in your passport.

As a bystander

CHECK IN - speak to the person who is being stopped. Ask:

- "Are you okay?"
- "Do you know your rights?"
- Hand them a '**bust card**' (card with your rights and phone numbers of lawyers).

If someone does not want your help accept this and move on.

DETAINED? - are they being detained or are they free to go? Are they / am I allowed to say no? (when the cops ask anything). **If free to go, they can walk away.** If not, they have to wait.

DON'T SPEAK TO THE COPS - unless you're asserting your rights or asking them for their service number. Be polite to avoid escalation but do not engage in casual chats with the police, you are here to assist the person being stopped.

FILMING THE POLICE STOP - if you can, ask the person targeted if it is okay to film. Also ask them for their contact so you can get the footage to them.

- You can **ask the police to confirm** things on camera e.g. "for the record, you have stopped this person because.. " Mention how much distance you are keeping from the police, so that later you can use this to show you were not obstructing their work.
- **Under what power?** Ask why they are being stopped and according to which law.

- **Name and number?** Ask the cops for their name and 'dienst nummer'/ service number. They are not obliged to share this information but it is good to still ask for it.
- You are allowed to film the police in any space that is **publicly accessible** - e.g. in the streets, at a train station or an airport - and you do not need to ask them for permission to do so.
- Cops are not allowed to stop you or block you from filming *but* you are **not allowed to obstruct** the cops from doing their work.
- **Keep 1,5 metres distance** from the cops so they cannot claim you are obstructing their work. Note: this is not a guarantee.
- If the cops tell you to go away or threaten you inform them **you are not obstructing** them from doing their job as you are keeping enough distance. State that **you have the right to film as you are in a public space** (openbare weg/ ruimte).

SHARING THE VIDEO - never share videos without the **person's consent**.

- Publishing or sharing videos of police violence can be traumatising, and might have serious personal or legal consequences for the person depicted. Remember, you are there to help not to make things worse.
- Sharing videos of police publicly could also lead to a charge of violating the police officer's 'portrait' rights under civil law. If you also slander the police in your video post they might charge you under criminal law. We advise you speak to your lawyer or to Controle Alt Delete before sharing footage publicly.