

EURO 08: Legal support and helpful advice for football fans

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Democratic Lawyers of Switzerland (DJS)

This information sheet is intended for visitors of the EURO 08 football games in Switzerland. It contains some recommendations and legal advice on how to avoid confrontations with the police and private security personnel and to exercise your rights when dealing with police in Switzerland.

GENERAL INFORMATION

15 of 31 EURO-football matches will be held in Switzerland. The Swiss authorities have established an extensive security concept and are preparing a massive deployment of security personnel of all kinds.

Since January 2007, a so called «Hooligan Law» is in force in Switzerland. It gives the police various possibilities of proactive measures in the context of sport events. Part of this package is a special database named HOOGAN with information on so-called hooligans or football fans, which the police or the private security services of the football stadiums consider as violent troublemakers. All private football stadium security services as well as the police and border control authorities have access to HOOGAN.

The Swiss police will be **supported by foreign police**, namely, by several hundred officers from Germany and France. These policemen will have almost the same competences as the Swiss police. They will wear their own national uniform, applied with a badge with a Swiss nationality mark. Besides the German and French, there will be uniformed police from the Netherlands, Italy and Romania who will accompany Swiss police. Besides uniformed police, there will be numerous police officers (Swiss and foreign) in plain clothes in action, so called «spotters», who are supposed to identify fans from their home countries. Finally, the Swiss Army and members of Civil Protection will be present in the cities, yet without any police competences.

In view of this situation, it is likely that innocent visitors and football fans might be confronted with excessive police or security interventions and could find themselves in the stadiums, in the fan zones, at train stations, etc. in situations of trouble where they need legal aid or even the support of a lawyer.

Important addresses and phone numbers:

Basel

++41 (0)61 272 02 02

(Monday to Friday during office hours)
supplying a lawyer in urgent cases

Berne

++41 (0)79 252 65 09 / ++41(0)31 312 83 34

(Monday to Friday during office hours)
legal aid, supplying a lawyer in urgent cases or addresses of other helpful organisations in the cities

Geneva

++41 (0)31 312 83 34

(Monday to Friday during office hours)
supplying a lawyer in urgent cases

Juris Conseil Junior, special legal advice for minors and young people: see euro 08 extra information under www.jcj.ch

++41 (0)22 310 22 22 phone helpline (Monday to Friday during office hours)

Zurich

Defence lawyers ++41 (0)44 201 00 10

Monday to Friday during office hours, weekends 08.00-16.00: Contacting the police or judicial authorities in case of arrest, visiting the arrested person, examination of files, clarifying if arrest is admissible, etc. The cost of defence depends on expenditure and hours necessary (SFR 200 to 350 per hour).

Legal information without an appointment

Monday to Friday, 12.30-6.30 pm, Kernstrasse 8, 8004 Zurich

(no legal information by e-mail or phone)

A consultation costs, as a rule, CHF 60 and lasts a maximum of 30 minutes; additional costs if a lawyer is needed. You can find a lawyer yourself on the website www.anwaltskollektiv.ch

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DIALOGUE

When going to the stadium or into the city (fan zones, public viewings): take with you only what you really need (passport/identity card, medical certificate in case of special health problems (diabetes, haemophilia, epilepsy, etc.)

Any weapons or firework are strictly forbidden, as well as any kind of illegal drugs: In Switzerland, any products of cannabis are illegal! Do not carry any self protection objects such as helmets, face protection or special protection glasses. You take the risk that the police detain you as a potential trouble maker.

Should the police control you at unexpected places: stay cool and polite. You are obliged to show an identity paper or give the police your full name and dates of birth, etc. After having been controlled, you may demand that you want to go away. You are not obliged to give any explanations why you are in this place at that time.

Should the control last longer than necessary or should it become rough: Ask politely but clearly to let you go. If possible, ask for the name of the policeman. The police are not allowed to check or take away your mobile phone in a routine stop and search operation. **Be aware: do not physically or verbally challenge or attack. It is far better to minimize the dialogue with the controlling policemen.** Note if possible the phone numbers of witnesses and inform your fanembassy or the legal teams in the area, write down afterwards what happened (names, place, date, hour).

DEESCALATION

If you see a violent conflict between fans and the police/security services arising: Try to leave the area as fast as possible. Watch from a safe distance what happens (your friends might need witnesses). Do not get involved in fights.

If you can't leave the place e.g. because you find yourself and your friends surrounded by police: Do not take part in fights. It is most probable that the police will take pictures and videos of the scene.

If the situation is escalating and you can't leave: Try to protect your head and your eyes – the police might use rubber bullets or tear gas. Do not take part in any violent action. Should you be attacked personally, you have the right of proportionate self-defence.

Private Security Services

The so-called Public Viewings (PV) are private events, even if they take place in public spaces. Similar to their jobs in the stadium, private security forces will be responsible for controlling the entrance and will be present inside the PV. **They are allowed to search your bags and clothes for dangerous objects and they may confiscate T-shirts, sun caps or bottles if they show the «wrong» sponsoring logos (not the official EURO sponsoring companies).**

Private security services have no competence to control your identity but they may refuse you the entrance into the PV. In that case: Keep cool, ask for the name of the security person and ask for the reason why they do not want to let you into the PV (or the stadium). Write down what happened and, if possible, make note of any names and phone numbers of witnesses. Inform your fanembassy or any nearby legal teams (see addresses above).

Private security services are also present in the public fan zones (fan miles). They have no police competences, e.g. they are not allowed to arrest you, but they may hold you up until the police arrive.



LEGAL ADVICE

Depending on the situation and the type of police action, the following legal advice is important:

1. Measures based on the «Hooligan Law»

This law entitles the police to a series of repressive measures: The police may ban a person from a specific area for a certain time (e.g. around the stadium during a football match). They may also oblige a person to report to a police station on certain days and times. These special measures require a written order, even minors from the age of 12 years on could be affected.

Additionally, youngsters from 15 years on can be detained for up to 24 hours at a police station if the police has «concrete and recent information that this person will take part in violent action against persons or objects.» The person concerned is obliged to present him or herself at a certain time at the police station and stay there for the time fixed by the police.

All persons who are subjected to one of these special measures based on the «Hooligan Law» or who have been banned from a stadium/a specific area, may also be registered in the database HOOGAN. This information can be used by all Swiss police in any city and Canton, by the border control authorities and by the (private) associations organizing sports events, especially the private security services working for the various football stadiums. They may be used to ban people from the stadiums and their surroundings – or even from entering the country. People who are registered in HOOGAN have to be informed about this fact.

Furthermore, on the basis of cantonal or local police codes, the police may detain people to establish their identity or if they suspect the person may be a threat to public security and order. The maximum detention time is 24 hours. According to a decision of the Federal Tribunal, a detention to establish a person's identity, however, should last no longer than 4 to 6 hours.

Specific recommendations:

- For all measures imposed on you based on the «Hooligan Law» (banning persons from certain areas, reporting to a police station, temporary detention) ask for a written warrant. Contact a lawyer, you have a right to appeal.
- In case of police detention (24 hours): Also ask for a written warrant. Demand the examination of this warrant by a judge. Contact a lawyer or any legal team.
- Expulsion and deportation: Always ask for a written warrant, insist on your right to inform your family, your friends and any legal team.

General advice:

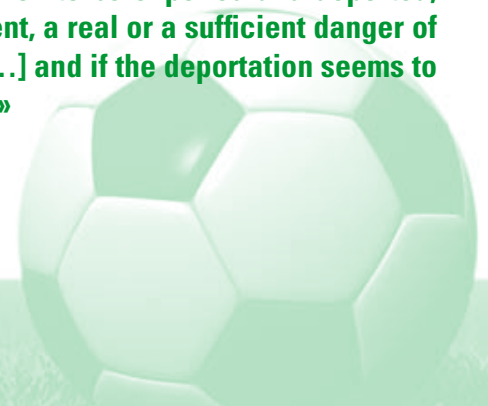
- Always ask to be given detailed reasons. The police is obliged to inform you about the reason why they arrest or ban or expel you.
- If you don't speak German or French: you have the right to translation.
- Do not sign any papers, especially if it has not been translated into your mother language.
- Inform a lawyer, the legal team of the city or your fanembassy at the place.
- Ask whether you are or will be registered in HOOGAN; you have the right to be informed.

2.) Expulsion and deportation

Football fans from abroad can be expelled and deported without any formal procedure, if they «behave as hooligans or if they give reason for any complaints or any police intervention in the context of maintenance of law and order».

Furthermore, they risk to be banned from reentry into Switzerland (entry ban). Should you already be registered in any similar hooligan database in your home country, the Swiss police authorities will principally suspect you to be a danger to public safety.

In case of expulsion, the Schengen visa of football fans from countries outside the European Union will be cancelled (special stamp in the passport). **EU citizens also risk to be expelled and deported, if there is «a recent, a real or a sufficient danger of public security [...] and if the deportation seems to be proportionate.»**



3.) Police arrest

Based on the law in each Canton or city, the Swiss Police is allowed to hold a person for up to 24 hours if they are suspected to cause «serious danger of a third person, disturbance of public security, peace and order». The police are obliged to inform the arrested person about the reason why she/he was held.

Advice in case of police arrest

- Keep cool, demand politely but insist to be released immediately.
- If you do not understand German or French: you have the right to translation.
- Ask the policeman (wearing uniforms) for their names; should you be stopped or detained by policemen in plain clothes: ask them to show you their identification.
- Ask why you are not released after having checked your name and identity. Keep asking for the reason why you have been detained. Do not give any more information.
- Request to immediately inform your family or friends by phone; especially minors under the age of 16 have the right to inform their parents or relatives.
- Body search: To be forced to take off all clothes is generally disproportionate, but a common practice at police stations (justified with a search for illegal drugs).
- In any case, women may only be searched or forced to take off clothes by or in front of female officers.
- Ask for information what will happen with you. Write down as soon as possible what happened at the police station (names of the policemen, circumstances of detention, did the police give food and drinks, could you go to the toilet, did they handcuff you, was there a translator, etc.).
- Do not pay any money in advance (deposit for costs).

4. Preventive detention

The police and the judicial authorities have the power to detain a person for a maximum of 48 hours if there is an «urgent» suspicion that he or she may have committed an offence and if the authorities consider that there is a risk of escape, suppression of evidence or repetition of an offence. The police are obliged to inform the person detained as soon as possible about the circumstances and reasons of the detention. If the person is not released in the course of 48 hours, he or she has to be presented immediately to the responsible judge, who has to decide whether the person can be released or has to remain in detention.

Advice in case of preventive detention

- You are only obliged to give information on your identity (name, place and date of birth, address). Do not answer any questions on the accusations. Do not sign anything before you could talk to a lawyer.
- Request to inform your family/friends by phone.
- Demand a translation, also during the first oral interrogations.
- Immediately ask for a doctor or any medical help if you are injured or in need of any special medication or treatment.
- Be aware of «special offers», e.g. to be released if you accept the accusations. Generally, it is not in the policeman's competence to offer you such a «deal».
- You have to accept that fingerprints and photographs are taken. But do not agree to your DNA being taken: demand a judicial decision.
- Keep asking for the reexamination of the detention by a competent judge. Always request to talk to, or at least inform a lawyer.
- Do not make any advance payments (neither cash nor by credit card – do not sign any credit card bill, do not give the PIN code for your card). Should the police nevertheless have received a prepayment, inform your bank immediately after having been released and cancel the payment.

