

Legal information

I. IDENTITY CONTROL

Every police officer has the right to ask your identity card in a public place. Warning: Only police officers in uniform or plainclothes officers (after having justified their status with a card) are allowed to ask your ID, while security guards do not have that right.

Can police officers compel you to give your ID?

- **YES**, because police officers are allowed to use force (“strictly necessary”) to take identity documents that you refuse to give as well as taking a digital print or hairs in order to carry out a DNA analysis leading to your identification if conditions laid down by the law are fulfilled. **Police officers can force you to give your ID in the following cases:** if you are arrested; if they see you committing an offence; if you intend to enter in a “place where public order is threatened” or to participate to a “public gathering which is a real threat for public order”; if you are a wanted person, you have disrupted or you may disrupt public order or you are planning an offence; if they have received the order to do so in order to “maintain public security”; if they have received the order to do so in order to apply immigration law (and to control potential illegals).
- **NO**, if you do not have any identity documents, police officers cannot compel you to give your name and to disclose your identity.

However, in Belgium, you can be **punished** if you don’t have your identity documents with you: police officers can give you a **fine between 156 and 3000€** and/or carry out an administrative arrest in order to verify your identity. Moreover, you commit an **offence** if you make them believe that you are someone else or if you possess or use **false identity documents**.

You are **not committing any offence if you refuse to answer the questions regarding your identity and your nationality or if you remain silent**. Police officers cannot deny you certain rights (let someone close to you know what is happening, access to a doctor, to a lawyer, etc.) on the ground that you have not disclosed your identity.

Be careful, if you are not Belgian, you can be placed in a closed centre for illegals, then be expelled after having signed a deportation order. If you do not have identity documents with you or if you do not have those documents at all, there is also a possibility that they place you in a closed centre and that you are then brought back to the borders. However, it never happened in Belgium as of today for persons who were possessing identity documents and who did political actions (but in France, it did).

Besides, **an identity control cannot justify a search**. To carry out a search, police officers must have “reasonable grounds to believe” that you are carrying “a weapon or an object dangerous for public order”. A routine check is not a sufficient justification to carry out a search, but police officers do not have the obligation to disclose the justifications for controlling someone.

II. ARREST

Throughout a direct action of civil disobedience, under the framework of TTIP Game Over, you might be arrested. Belgium differs from other countries by having those two legal regimes, with different procedures and consequences

1. Two kinds of arrests in Belgium

❖ Administrative arrest:

- An administrative arrest **can occur everywhere and anytime in practice. In principle, it is only possible in the following cases:**
 - If you are preventing police officers from carrying out their mission of ensuring freedom of movement;
 - If you are effectively disrupting public tranquillity;
 - If there are reasonable grounds to believe, taking into account your behaviour, material evidences or circumstances, that you are about to commit an offence which put public tranquillity or public order seriously in danger, in order to prevent you to commit such an offence;
 - If you commit an offence which put public tranquillity or public order seriously in danger, in order to stop this offence.
- An administrative arrest cannot last more than « the time required by the circumstances which justified the arrest » with a **maximum of 12 hours**, starting from the moment when you lose the freedom of movement.
- If you stay **more than 12 hours** at the police station, it means in theory that your arrest is **judicial** (and therefore that they believe that you have committed an offence and that a royal prosecutor has taken the decision to extend the deprivation of liberty)
- An administrative arrest does not lead to a criminal trial, and therefore not to a criminal record either.

❖ Judicial arrest:

- A judicial arrest occurs either if **you are caught red-handed**, or based on a **decision** of the Royal Prosecutor or of the investigating judge if there are guilt evidences against you.
- If you are under an administrative arrest which turns into a judicial arrest, the deprivation of liberty can last **24 hours maximum** (and not 36 hours), starting from the moment when you lose the freedom of movement.
- After 24 hours, **only an investigating judge** (or a juvenile judge for minors) can decide to extend the detention in three ways:
 - By delivering a **bench warrant** in order to question you personally, which is valid for 24 hours, time that can be cumulated with the 24 hours of the judicial arrest (a maximum of **48 hours** before seeing the judge);
 - By delivering an **extension order** for 24 hours in the context of “specific circumstances” (a maximum of **48 hours** before seeing the judge)
 - By delivering an **arrest warrant** (with a copy of all police questions and answers) after having been heard, potentially with your lawyer, which will lead to a preventive detention in prison.
- This kind of arrest **does not lead in itself to a criminal record**, because the latter comes after an effective conviction at the end of a trial.
- However, a judicial arrest can lead to a criminal trial, and therefore to a criminal record if you

are convicted.

2. How do an arrest and a police interview take place

The duration of your arrest starts at the moment you cease to enjoy your freedom of movement. It is therefore very important to **remember the exact time** when you were deprived of your liberty as they have the obligation to release you 12 hours (or 24 hours) after that time (in the case there is no extension by the investigating judge).

- Officials and police officers are not allowed to **handcuff** you except in those cases: during the transfer, extraction and surveillance of detainees or during the surveillance of a person under administrative or judicial arrest, if the circumstances justify it.
- Your identity is registered in the **arrest record**. You can sign it after a careful reading (if it is incomplete, incorrect, or not clear enough,... do not sign it).
- You can be **searched**. When you just have been arrested, police officers can always search you in a superficial manner, in order to check that you are not able to attack them during the transfer to the car and the police station (**security search**). This search cannot last longer than what is necessary to that end and a person cannot be held more than one hour to that end. They can carry out a deeper search, either before placing you in a cell at the police station (called "**body search**"), or when they suspect you to possess objects related to a specific offence and that you are under arrest warrant (called "**judicial search**"). A judicial search cannot last longer than what is necessary to that end and the person cannot be held more than 6 hours to that end. The judicial search is carried out according to instructions of a judicial police officer and under his responsibility. Finally, physical exploration can only be conducted by a doctor, either if you give your consent, or if an investigating judge or a royal prosecutor gives the order to do so. If those conditions are not respected, there will be an abuse of power.
- Police officers might ask you to give them your **personal belongings** which will be placed in a sealed bag under your supervision. They will ask you to sign a slip at that time (certifying that your belongings are yours) and also at the time they will give you back the sealed bag, when you will be released. This document is not a judicial document. Some police officers give the belongings back despite the refusal to sign the slip, but other don't.

Some advices:

- Be sure you don't have anything that could incriminate you (drugs, objects that can be assimilated to weapons such as a knife, a cutter, scissors,...)
- Don't take addresses books or mobile phones including names and mobile numbers of your friends, nor diaries or USB keys. Normally, the police does not have the right to check the content of a phone or to confiscate it. If the police considers that there is an important proof on your mobile, they need an authorisation of the judge to take it and to check its content.
- There is also the possibility that there will be no search and that you can keep your personal belongings. Therefore, it is always useful to bring something to drink, to eat, to read...
- Police officers can seize everything that has been used in order to commit an offence, or every "dubious" object. You have the right to ask for a list with the seized objects.
- Police might want to take **pictures or digital prints**. This kind of act is not governed by law but by circulars. There is therefore a grey legal area. This is not an infraction to refuse but it means that you might be forced by the police officers to do it and you should be aware of that. They might want to take a picture of you and if you refuse, they can charge you with act of rebellion and

your administrative arrest can consequently turn into a judicial arrest.

- It is only in specific investigations that **DNA samples** can be taken. (rape, murder, etc. when a comparison of DNA is needed).
- Before your release, you will be asked to sign again the **arrest record**.

3. Your rights during the arrest

- **Right to information**

Police must **inform** you, verbally or in writing, in a language that you understand, with simple words and not technical ones (legal basis is not enough), at the moment they deprive you from your freedom: of **concrete and legal reasons for your arrest**; **maximum duration (12 hours or 24 hours)** depending on the kind of arrest you are under (administrative or judicial)); **what will happen** if you are sent to a cell (search, seizure of certain objects, etc.); **your rights related to the arrest** (to let someone trusted know that you are under arrest, access to a doctor, bathrooms, water and food, etc.); **the possibility to use force if you show resistance**.

In the case of judicial arrest: the police must also specify, before the police interrogation, that **you have the right not to incriminate yourself**; you have the **choice**, after having disclosed your identity, **to make a declaration, to answer to questions asked or to remain silent**; you have the right, before the first audition, **to talk confidentially with the lawyer** of your choice or with a designated lawyer, as long as the facts that can be attributed to you regard an offence for which the sanction can lead to an arrest warrant and therefore to the possibility of being sent to jail for more than 24 hours. A written declaration with all your rights has to be given to you.

Police officers can content themselves with giving **oral explanations only once for a whole group of arrested persons**. Police officers from Brussels are used to give a **leaf** (available in different languages), including general information related to the rights of arrested persons. Nothing compels you to sign this document. If this leaf does not include concrete reasons for your arrest or is not clear enough, it is better not to sign it.

- **Right to a lawyer**

In the case of administrative arrest: there is no possible contact with a lawyer. Police officers have in theory no offence to attribute to you and have therefore no reasons to question you as there is neither an investigation nor a trial foreseen. However, they might try to question you informally (for instance on the action you just organised, on your political movement, your support committee, contacts, etc.). This informal interrogation will be used to reinforce their files. **It is therefore strongly advised not to answer**. It is important to recall that **you are never compelled to answer to their questions**, except when you are summoned as a witness.

In the case of judicial arrest: since the **Salduz law**, you have the **right to be assisted by a lawyer before your audition**, except when a public prosecutor magistrate or an investigating judge took the substantiated decision laying down that “there are overriding reasons” to deprive you from the right to be assisted by a lawyer. They might ask you to sign a document confirming that they have given you the choice to be assisted by a lawyer. You can decide that a lawyer is not necessary, but it is nevertheless strongly advised to make use of the right to a lawyer!

Police officers have to ask you if you already have a lawyer. If you don't have chosen a lawyer or if he is unable to carry out his duties, a lawyer will be chosen by the permanence organised by Bar associations. When contact with your lawyer is established, you benefit from a **confidential interview of 30 minutes maximum, counted within the two hours you have with your lawyer, before the**

start of the audition. If there is no lawyer available within the deadline, police officers (or the magistrate) can start the police interview but only after having let you give confidentially a **phone call** to the lawyers' local permanence. **If a lawyer is available**, he/she has the right to assist you during every interrogation until the investigating judge decide either to deliver an arrest warrant or to release you.

During the audition, you will have right to a **new confidential discussion with your lawyer for maximum 15 minutes**, either to your initiative, to the lawyer's initiative or if new offences in which you are involved are revealed.

The assistance of a lawyer has for sole object to allow a **control** of:

1. The respect of **the right** of the interrogated person **not to incriminate him/herself** as well as his/her **freedom to choose to make a declaration, to answer to the questions or to remain silent**.
2. **How the interrogated person is treated** during the audition, specifically the obvious use of illicit pressure or coercion.
3. The reminding of **rights of defence** and the conformity of the audition.
 - **Right to inform a trusted person**

In case of **administrative or judicial arrest**, any arrested person may ask for a **person he trusts to be informed of his own arrest**. While the administrative police officer has serious reasons for thinking that informing a third person might endanger public order and security, the officer may decide not to respond to the request. The officer mentions the grounds of his decision in the register of detentions.

- **Right to medical assistance**

Take your medicines if you are on treatment. You may ask to consult a doctor but at your expense (in case of administrative or judicial arrest).

If you have been bullied, ask for a detailed certification from a doctor within 48 hours to attest in detail the injuries in accordance with your statements (think that bruises appear only after some hours). Collect the testimonies (e.g. pictures). If you have been beaten, require medical care and a visit to the hospital.

- **Right to an interpreter**

You have the right to an interpreter in order to understand everything that is said to you (in case of administrative and judicial arrest)

- **Right to water and food**

You have the right to get enough drinkable water during all the time of your arrest and meal « regarding the moment ». If the police officers deprive you of food and drinks during your detention, they might be guilty of inhuman and degrading treatment (in case of administrative and judicial arrest)

- **Right to sanitary facilities**

You have the right to use adequate sanitary facilities. The police must respect the distinction between men and women, as well as the distinction between children and grown-up, and able-bodied and disabled persons (in case of administrative and judicial arrest).

- **Right to remain silent**

During an interrogation, **you can remain silent** or **simply continuously say: «I have nothing to declare», or «I am making use of my right to remain silent»**. Those statements must be mentioned **as such on the report**, at every question of the interrogation.

Normally **the police must not lie** in order to obtain information from you (but it does not assure the police compliance).

You have also the **right to make any statement** without being obliged to respond to the police questions. The police officers must write down those statements on the report (exact wording if you request it). However it is advised to make **no statement** because everything that you say might be used against you. If you want to file a complaint concerning the execution of your arrest, it is better to file it after the action and at another police station than where the events happened.

If **you decide anyway to make statements**, you should limit yourself to facts while being as neutral and precise as possible. For instance you can make a statement on the way you have been arrested by describing precisely the timeline and the eventual incidences of violence. You can require a quick interrogation of the involved police officers in order to avoid them to build a version which whitewashes the truth. You can make a statement by describing the body search you underwent and why you think they are vexatious ; describing the valuable items taken by the police officers and requiring their quick restitution ; describing the breach of your rights (inform your entourage, medical practitioner, lawyer, interpreter...); describing the insults, the treats, the intimidations and the questions of the police officers that you consider inappropriate ; describing the facts you are accused of (while stating that you limit yourself to provide your own version of the facts and refuse to respond to any other question). Therefore police officers may try to ask you questions from your statements in order to induce you to say something you do not want. You should not state that you struggled because police officers might use it to reproach you rebellion.

- **Right related to the record of interrogation**

The police officers (or judges) who interrogate you (in case of judicial arrest) must inform you about the right to obtain a free copy of the wording of your interrogation. You would receive this copy immediately or by one month at the latest.

You have the right not to sign anything. You have the right to review the record of interrogation, and you are not obliged to sign the record after the interrogation. If you disagree to sign it, there must be **no penalty**. In the worst case, the police officers would be unpleasant with you or would try to convince you of signing, or saying that you would go out faster once you will have signed (this is not necessarily true). **Signing a mistaken record may be very harmful.**

If you decide anyway to sign, you have the right to require to **read the record very carefully** (or to make a police officer read it for you) and to make your statements corrected or completed. Most often, the police officers disagree to correct within the wording of the proper answer. They let the contested wording as such and add your corrections separately at the end of the document. It is highly advised to review the record in order to ensure that everything is correct because everything that you say might be used against you!

4. The illegal and arbitrary arrest

An arrest is illegal if there is no legal basis to justify it or if the arrest does not comply with the law.

The arrest becomes arbitrary if the police officer operates it by whim or by reprisals (« you shut up or I pick you up »), or also if he commits a gross fault, if he has a will of both being harm and breaking the law. The police officer does not do commit crime except if the arrest is both unlawful AND arbitrary.

5. General advices in case of arrest and interrogation

During your arrest, stay **calm**, do not seek the conflict, resist to the provocations but be firm against any overflow (attempt at seizure a diary by example). If the police officers go out of the scale of the law and do an obviously abusive and grossly unlawful act, you can resist, even actively, but always with resistance **proportionate** to the unlawful act (you can keep hard the diary but not give a kick to the police officer). Basically, this is not rebellion. The best is to have witnesses and to explain them what is going on, to ask someone to take pictures or record the scene, to write down the details, your name and to collect testimonies.

Killing time during your arrest is often boring. **Try to use your time efficiently**. An arrest is generally frustrating because you have no control over the situation: you do not know when you could use the bathroom nor when you would be freed, you are hungry, thirsty... Be aware of this before.

During your interrogation, say only your name and address. For the remaining, repeat simply: « *I have nothing to declare* » or « *I use my right to remain silent* » (and do not say « I know nothing » because it could be used against you afterwards). Do not let you trapped in a flow of questions firstly insignificant (« *what do your parents do for working?* »). Repeat peacefully « *I have nothing to declare* », or « *I use my right to remain silent* » fifty times if they ask fifty questions. The police officers know this attitude and if they look surprised to make you believe that it is unusual, they know you act legally. If you look stubborn or determined enough, the interrogation will be quickly finished. You also might be put back in jail for some hours to make you softer before another try. Keep the same approach. The arguments of the police officers stating that « *it will worse your case* », « *will extend your custody* », « *offend the justice* »... are only tricks to obtain information. Do not tell to your eventual custody mates about your own life but remind them their rights, inform them about the limits of the administrative arrest... Do not tell too much. Some plain-clothed police officers might be in the jail, some microphones might be hidden or one of your custody mates might be chatty in his own statements. In any case, you should stay polite by defending your right to remain silent, even if some officers provoke you. Otherwise, you might be charged with insults to police officer (or more concretely to get an aggressive response).

It is **ESSENTIAL to sign any document** (record, register...) **only if you are certain that the document corresponds to what really happened**, that the mentioned time corresponds exactly to the precise moment when you were arrested and especially do not sign any blank document or document written in a language that you do not understand. A trivial document may contain your acceptance for a home visit with proper consent, which means a warrantless search at your place and in your absence.

I. What do you risk as sanction?

1. The municipal administrative penalties (MAP)

Municipalities may impose a municipal administrative penalty (MAP) in many cases. In practice, MAP are often imposed. The maximum amount of a MAP is 350€. A MAP cannot lead to a criminal

record

❖ In which cases do you risk a MAP in Ixelles?

Most of acts may be subject to a MAP, as show those extracts from the municipal bylaws of Brussels. In view of the circumstances, your behaviour... the police officers or municipal agents will decide if they impose you a MAP regarding the many possibilities available to them:

- « Except with prior authorization granted by the competent authority, it is forbidden to draw any sign or to write down anything through any product on the public space. »
- « It is forbidden to throw at a person anything that can inconvenience him or soil him »
- « The delivery and/or sale of leaflet, print-out, advertising samples, writing, engraving, pictures or drawings on the public space is subject to prior authorization granted by the competent authority when this delivery or sale in certain places or at certain times might impede the road traffic, disturb public order, harm the cleanliness of streets and cause traffic jams. »“
- « It is forbidden to affix, to make affixed or to hang posters, leaflets or stickers in any place of the public space or in any open-air place visible to all, without being granted by both the competent authority and the landlord of the place, or without compliance with the conditions determined by the competent authority in the authorization document. »
- « Unless authorized to do so, the followings are forbidden on the public space : 1. Performances and/or vocal, instrumental or musical sound productions ; 2. The use of loudspeakers, amplifiers or any other device creating or reproducing sound waves ; 3. Parades and funfair music ; 4. Any performance or artistic, divination or esoteric activity. It is also forbidden to set up any sound equipment or ultrasonic equipment which may inconvenience any person located nearby the equipment. »
- « Unless authorized to do so, it is forbidden to conceal one's face on the public space, by the use of make-up, masking or any other means. »
- « Unless authorized to do so as referred to in the following article, it is forbidden to generate a crowd on the public space that would impede the road traffic or inconvenience the public space users, or to participate in. » « Any gathering, exhibition, entertainment or procession, of any kind on the public space is subject to the authorization granted by the competent authority. »
- « It is forbidden to climb a fence, trees, poles, constructions or any equipment ».
- « Any person is forbidden to: impede the access to public or private buildings. »

❖ What is the procedure to inflict a MAP?

- The civil officer thinks a SAC is appropriate and communicates it to the offender with a registered letter within a period of 6 months after the finding of the facts.
- The person suspected to be the perpetrator of the facts **can develop his defence** (for instance, if the deadline of 6 months between the moment where the audition report is authenticated and the receipt of the MAS is missed) **within 15 days** of the notification of the letter. It has to be done in writing, with a registered letter or orally (except in case the fine is lower than 70 euros).
- The civil officer can decide to impose an administrative fine after the period of defence of 15 days or within those 15 days if the suspected person informed that she/he didn't contest the facts, or after the oral defence. He informs the suspected person about the decision with a registered letter.
- The person judges as being responsible **can appeal the civil officer's decision within the month** following the notification of the decision about administrative fines, to the Police

Tribunal by way of unilateral application.

2. *The criminal prosecutions*

For a same offence, **one cannot inflict both a MAP and criminally prosecute you in the same time**. In practice, MAP's are generally imposed, excluding any criminal prosecution.

- **Rebellion**

Rebellion is a kind of **resistance against the civil police that acts to execute the law with violence** (even light, a muscular contraction when a police officer touches you is enough) or threats. It is an offence that is sanctioned by imprisonment from 8 days 'til 6 months and by a fine of 156 to 1200 euros.

You are not insurgent if you resist harmless (you stay on the ground without moving and crawl, etc.), you lock yourself up in a shelter, you run to escape an arrest, you scream clearly fanciful threats. But you are considered to act as a rebel if you flounder and try to escape while a police officer holds you; if you punch a police officer without it being self-defence, you run with violence into a police barrier.

You are considered to be a **rebel with aggravated circumstances** (3 months to 2 years imprisonment) **if you act in "gang"** (2 persons is enough); if you are armed (even a sign, a bolt: "any machine, any instrument, utensil or cutting, sharp or blunt object that men could have used to kill, harm or punch, even if it hasn't been used").

Of course, police officers use and abuse of the accusation of rebellion, and the consequence is a very complex jurisprudence. On one hand, harmless resisting by lying down on the ground can't be considered as rebellion, but on the other hand we have seen militants prosecuted "because they stiffened" when the police grabbed them. Nevertheless, this abusive interpretation is withdrawing: the physical reaction of the militant has to be directed to the police officer to be considered as rebellion.

- **Outrage and violence against an officer of the police force**

If you have caused **outrage with actions, words, movements or threats to an officer** of the police force in service, you risk 15 days to 6 months of imprisonment and a fine of 300 to 1800 euros.

If you **have punched an officer** of the police force in service or performing his duties, you risk an imprisonment of 2 months to 2 years and a fine of 300 to 3000 euros. If the knocks have caused **bloodshed, a wound or a disease**, the culprit will be condemned to an imprisonment of 6 months to 5 years and a fine of 1200 to 3000 euros.

It is not forbidden to film or to take picture of a police officer, but it is advised to act quickly in order to avoid an arrest and/or to have your equipment destroyed, which often happens in Brussels. If a police officer confiscates or damages a photo camera/camera of an innocent person, it is an abuse and you can lodge a complaint (it is better if you have witnesses). Warning: It is legal to film/take picture of a police officer but not to publish it on the internet. You cannot publicly use those images (except if you hide the face of the police officer).

Legal resistance and self-defence

Does the offence of hit and run exist?

Trying to escape from police officers who want to arrest you, without any violence or threat is not considered as an offence. If you are pursued because of serious acts or because the police thinks you are going to perpetrate serious violence's against people, they are allowed to impeach your escape by force. If you try to escape when the police is trying to arrest participants of a peaceful action or demonstration, you normally do not risk to be punished, except in the municipalities where fines are inflicted to persons who refuse to obey police orders (MAP of maximum 2050 euros). Reprisals of police officers in order to punish you from fleeing would be abusive.

When are you allowed to legally resist?

If a police officer commits a serious and obvious illegality (enter a house without a search warrant, or approval from the inhabitants, knocks on a demonstrator on the ground...), you have the right to impeach him, even with violence. This violence has to be proportional, that is strictly necessary to avoid illegal action from the police officers (you can close the door on them or make a human chain, but you cannot punch them to prevent them from coming in).

All this is what the theory concerns, because, in practice, it is the tribunal that decides if the illegality was sufficiently obvious to let you resist (the police will certainly provide a compelling version of the facts that turn them into her advantage). Before you act, be sure that the illegal action of the police officers is to be proven afterwards.

Can you invoke "self-defence" against a police officer?

Yes, but the legal conditions are very strict, you have to gather evidence and testimony. One can respond to an attack (conditions apply cumulatively):

1. If there is any violence,
2. Accompanied by serious threat (not only against the countering person but against several persons),
3. Actual or imminent (otherwise they are called reprisals),
4. Unfair (illegal, discretionary, which is not the case if the police uses the force within the legal conditions),
5. Directed to people and not goods,
6. Proportionate (one cannot respond to a shove by a knock with an iron rods).

- **Physical damage and graffiti's**

In case of graffiti's or physical damage of the property of others, you risk between 1 and 6 months of imprisonment (1 year in case of recidivism) and a fine of 156 to 1200 euros.

- **Distribution of flyers and signs**

If you contribute to the publication or the distribution of some kind of flyers in which there is no mention of the real name and of the residence of the author or of the printer, you risk an imprisonment of 8 days to 2 months and/or a fine of 156 to 120 euros.

- **Harassment**

You can be prosecuted for harassment if you have had a behaviour that seriously affected the

tranquillity of the concerned person and if that person lodges a complaint about it. Harassment is condemned by an imprisonment of 15 days to 2 years and/or a fine of 300 to 1800 euros.

- **Concealment of the face**

You risk to be punished by a fine of 90 to 150 euros and/or an imprisonment of 1 day to 7 days if you go in public places with a totally or partly concealed or masked face, so that you couldn't be identified.

- **Noise**

If you are guilty of noises or night disturbances that disturbs the tranquillity of the inhabitants, you might be punished by a fine of 60 to 120 euros and/or an imprisonment of 1 to 5 days.

- **Serious hindrance of circulation**

If you have meanly hindered the train, car, river or sea circulation, with any object that would be an impediment to the circulation or to the use of the modes of transport, you might be punished by an imprisonment of 8 days to 3 months and a fine of 156 to 6000 euros; or because of another action, you might be charged with a penalty of 8 days to 2 months and a fine of 156 to 3000 euros.

- **Violation of the residence/private place**

If you break in or enter an accommodation by climbing where others are living, you will be punished by an imprisonment of 15 days to 2 years and by a fine of 156 to 1800 euros.

- **Dissemination of substances that seem to be dangerous**

Anyone who would have disseminated substances, which are not dangerous but that seem to be dangerous, will be punishable by an imprisonment of 3 months to 2 years and by a fine of 300 to 1800 euros.

3. Civil prosecutions

In Belgium, if you commit a fault (any criminal offence or reckless behaviour can be considered as a fault), which causes a damage, you can be prosecuted in a civil trial, which can lead to your conviction to repair the damage integrally, which can equate to a high amount of money (material degradation, hospital and health costs, moral damages, ...) A civil condemnation can be combined to a criminal condemnation if there is a damage to repair. However, a civil condemnation does not lead to a criminal record, only the payment for the reparation of damages caused.

In case of blockage: the main risk in case of blockage is to be arrested administratively for disturbing public order. However, you might be criminally prosecuted for serious hindrance to traffic, for rebellion if you refused to leave the place you are blocking and for material degradation if you used and damaged urban property. You can also be criminally and civilly prosecuted for any other criminal offence that might occur during a blockage: blocking an ambulance, injuries of a civilian or a police officer, etc. All those possibilities are also applicable to lock-on, guardian angels and to persons nearby supporting the blockage.

4. For foreigners

Possibilities of Municipal administrative penalties, criminal and civil prosecutions are the same for foreigners.

OBSPOL: If your rights have not been respected, or if you have been victim of police violence, we advise you to testify on the Observatory for police violence website. They will not be able to help you with your case but this platform constitutes a forum for police violence testimonies and a way to raise political awareness: <https://www.obspol.be/>.