VENICE CAMP - legal information

Before the trip:
EU citizens
Bring a valid travel document when you come to Venice, for ID purposes.
CAREFUL: the right to cross Italian borders and to stay for EU citizens can be restricted only for public security or crowd management reasons.
In these cases you may be prevented from crossing the national border or, once inside, you may be taken to the border by the police.

NON-EU citizens:
In order to come to Italy you need a valid passport or another document with a valid VISA. If you are staying for a period shorter than 3 months in Italy, a valid VISA from another EU country is acceptable.

During your stay in Venice:
Our climate camp takes places less than 1 km from the Film festival (Mostra del cinema di Venezia) which is a very important for the city, involving VIPs from cinema and culture. This is why we expect major police presence around the camp and throughout the island (including at the waterbus stops). So if you are asked for documents by the police during your stay at Lido NOT DURING THE ACTIONS we suggest you to simply cooperate and proceed as quietly as it is possible.

There will be lot of security controls not related to the camp and we do not want to offer them a chance to create problems, even before participants reach the camp.

Here are answers to some frequently asked questions, if you additional queries or if you don’t understand something or need more details on legal issues, write to us at:
venicecamp.legalteam@gmail.com
You will find us at the camp from the 4th of September next to the Media Center.

What should I do if police (or other public authority like military or Guardia di Finanza or Carabinieri) asks me to show ID?
It is recommended to show the document or at least to give correct information about yourself.
Some information about:
For Italian and EU citizens there are no laws regarding refusal to show ID (it is different for non EU citizens - see below).
But according to the T.U.L.P.S. art 294 (a collection of Italian laws about public order) Italian police has the right to ask for ID,
If the police think that you are a dangerous person or that you could be involved in something suspicious (of course Italian police could think that participating in our climate camp is suspicious) and you refuse to show your ID, you can be held at a police station in order to establish your identity. At the police station they can take pictures of you and/or fingerprints. **They are allowed to keep you for a maximum of 24 hours.**

Italian law (art 651 Italian criminal code) regarding refusal to provide information about your own identity when requested by the police or other public authority. So if you are stopped by the police you have to provide **CORRECT** information about yourself (name, surname, nationality). 

**NB:** if you give false information (like nicknames) you could be charged for another crime according to art. 496 c.p. relating to wrong or false information on personal identity.

**NON EU CITIZIENS**
You are obliged, while in Italy, to always have your ID papers with you. Eligible documents to prove your identity are:

- ID card
- passport
- drivers licence or boat licence
- fire arms licence

Refusal to show your ID to the police or to other public authority is a crime under art 6 co 3 TU n286/1998 which is an Italian law on immigration. The police also has the power to take you to the police station, and are allowed to take photos and fingerprints. **They are allowed to keep you in custody for a maximum of 24 hours.**

**FOR EVERYONE :**
How should I behave if the police stop me during a demonstration or an action and they want to know who I am?
If you hit or threaten or use any kind of violence that makes him or her do something beyond their duties you can be charged of a crime under article 336 cp and punished with imprisonment (from six months to five years). The same if you resist or object to a police order during their service using violence or threats.

**BE CAREFUL :** several times judges said that you could be accused of this crime even if you only insult (quite badly) the police or if you try to escape (“badly”) from a police officer who tries to restrain you.
Of course it is difficult to mark a line between what is “very badly” and what isn’t, which depends on the discretion of the trial judge. And on how bad is the repression about the whole action.

Passive resistance is not a crime, like lying down on the ground, refusing to stand up, putting your hands up etc, not even if your behavior obliges the officer to use violence to get you up and/or take you away.

You commit a crime if you “assault” the police not if you try to defend yourself or if you limit yourself to passive behaviour.

Am I allowed to cover my face during a demonstration or an action or in public places (including street, squares etc)?

In Italy we have very strict laws about misrepresentation. Laws for public security say that it is forbidden to participate in public demonstrations or actions in any public place (streets, squares, cinemas, theatres, beaches etc.) using protective helmets (like those used for driving motorbikes), with your face entirely or partially covered by anything that would make it more difficult to recognize who you are.

This includes: masks, scarves, balaclava etc.

Even if you are not doing an action but are in a public place, it is forbidden to use any mask (or whatever) which allows other people to see only your nose and eyes. This is punishable with a fine from 10 to 103 euros.

This law is old, but it is still used sometimes especially in tense context for public security like at the Lido during the international film festival and our camp is just one km away.

What should I do if I get stopped by the police or if I get arrested?

There is huge difference between getting stopped and being arrested. In the first case (stopped) police think you could be involved in any crime and that you could run away. In the second case the police have to get you while you are committing the crime (example: if the police find you and hold you while you are hitting a cop) or if you just did so and you are trying to run away from the scene.

IN BOTH CASES YOU HAVE THE RIGHT TO:
- give the name of your representative (lawyer);
- have information about what you are charged of
- have a person who can speak your language or at least English if you can understand what they say to translate for you. ASK FOR THIS, EVEN IF THEY DON’T OFFER IT.
- not say anything and not answer any questions
- see the report leading to your arrest or being stopped.
- tell your family or friends where you are (so if you have no phone, use a phone at the police station).
- have urgently medical care if you need it

In a maximum of 96 hours from the moment you have been taken you have to be brought before the judge so he (or she) can confirm or not your arrest or custody.

If you decide to answer to police’s questions you have the right to ask to do so before a judge. Please decide this only after you have consulted a lawyer and only if he or she suggests this.

Whatever happens, if you are taken by the police, either arrested or in custody, you must contact our legal team at the toll-free number provided at the camp.

Please do this even if you have your own lawyer and you want to be defended by him or her, in your home country, for two reasons:
- always better if you have the support of a local counsellor
- we can more easily contact people on your behalf if you ask us to do.

Please feel free to contact us even if you are not arrested or taken into custody but you are not sure of how to behave in a tricky situation and you think we can help you. But in order to be able to provide all the activists the best service possible, please limit your calls to cases of real need.

Please be aware that the Italian police is not as “polite” and well-behaved as they are in some other European countries. Therefore be careful: they could not know or ignore your rights, they could hurt you (even very badly) during the action and during your stay at the police station. Lucky for you we expect them to focus their attention on well-known Italian activists.

Anyway here some tips:
• pay attention during meetings at the camp when the actions are explained
• choose BEFORE joining the actions if you want or don’t want to participate and once you have chosen, carefully follow the instructions given at the camp.
• if you are taken by the police CONTACT OUR LEGAL TEAM AS SOON AS POSSIBLE
• if you are taken and held at the police station don’t expect them to respect your rights and be ready to ask for them
• if you are traveling with a group and after the actions or during the camp you can’t find one or more of them, contact our legal team as soon as possible.