Legal support

“Legal support” is a term used to describe a person or small of team of people, who support people taking action which is likely to result in arrest by:
- ensuring that activists know their rights if they are arrested;
- monitoring and recording arrests and police behaviour;
- liaising with police and lawyers to help arrested activists in custody;
- giving activists emotional and practical support.

“Legal supporters” do not have to be lawyers, and they do not have any status in law. Although legal observers don’t need legal expertise, they should be familiar with the laws governing demonstrations in the relevant country, and with police responses to “public disorder” (actions and demonstrations).

The methodology described here is based on observing and supporting demonstrations, mainly in the UK and USA. Every country will be different, but this guide should help you to provide support to arrested activists before, during and after arrest. This type of support can be absolutely vital in helping activists feel empowered and supported when they are arrested.

Legal support group roles

The number of people involved in the legal support group will depend upon the size of the action and the number of arrests expected. If your action or group is small, one person could take all of these roles. If it is a larger action then you will need a team in which the roles are split up among you. A legal support team might organise to have someone in the ‘back office’ using the telephone, legal observers attending the action, someone coordinating the collection of those arrested after they have been released, and someone responsible for ensuring people are supported emotionally.

Before the action:
- You need a dedicated mobile phone (some activists choose not to use their personal number, by purchasing a ‘clean’ sim card). This will be the legal support number for contact with activists, police and lawyers. Someone needs to be responsible for this at all times.
- Prepare a legal briefing for the action, so that activists are fully informed of arrest procedure, what they should expect to happen at the police station, likely offences, likely outcomes, bail and first court hearing. This information can be presented at a pre-action meeting, or produced as a leaflet.
Ensure activists know their rights under arrest. The easiest way to do this is to prepare and distribute a small card, sometimes called a ‘bust card’, and encourage all participants to carry it. This should include basic detention rights under applicable law. For example, if arrestees have the right to silence, or the right to see a lawyer, then state this on the card.

The bust card should include phone numbers to ring after arrest. You should include the name and number of a supportive lawyer; and the legal support telephone number if arrestees have the right to have someone notified of their arrest. Activists may also want to write the number in marker on their arms so it is not taken from them when they are arrested.

Each person putting themselves at risk of arrest (even if they do not intend to be arrested) should fill out a form for the legal support team that includes: their legal name and contact information, who should be contacted in case of arrest, and relevant medical information. This information should be held off-site from the action.

During the action:

Unless your action is covert, the most crucial aspect of legal support is provided by the legal observer or observers. They should watch the action/demonstration, but not take part in any way. They should record who is arrested — when, why,
where and by whom? This information should be collected in a list of arrested people to make it easier to find out where they have been taken, and when they are released. Videos and still photos of the action are helpful in documenting arrests, and especially important if your rights are violated.

Legal observer/s should also record any violent behaviour or unlawful actions by the police, recording if possible the identity of the police officer/s involved, and collecting statements from witnesses, in case the affected or injured person wishes to later complain against the police.

After arrests:

- If an arrestee wants to contact the legal supporters from the police station, they should ask the police to use the legal support telephone number. The legal support team should use this phone to call police stations to find out who is detained. Whether you get this information depends on the police.
- Make a definitive list of who has been arrested, where they are held, and when/whether they are released. Compare this to the Legal Support Forms people filled out. If people are not released, call their support people listed on the form and set up jail support (see ‘jail support’, p140).
- Contact the police station and, if necessary, contact lawyers; ask supporters to wait outside the police stations until the last of the arrested people are released by the police.
- Provide practical support (food, drink, transport, warm clothing) and emotional support.
- You should find out if released people have been charged with an offence, or remain under investigation, and add this to the list. If people remain in detention make sure they have access to a lawyer.
- You might need to organise transport to collect people released from police custody.
- Coordinate defendants’ meetings after the action to help prepare for prosecution.

Responding to violence

The story in the box opposite illustrates how different people will have different experiences of the police and the legal system. While some entering that
base would not expect a bullet, others would have legitimate fears for their life. Someone’s ethnicity, race, gender identity, class, age, or a whole host of other social characteristics can mean people encounter greater levels of direct violence or discrimination than others, be it during actions, as they are arrested, or while in custody. It is important to talk as a group, recognising that some people may be treated differently, and for legal observers to be ready to respond appropriately. Be ready for the unexpected, too; for example, when being removed from a blockade, able-bodied men may be treated more roughly than their elder, female counterparts. When in custody, detainees will often be expected to conform to a traditional gender structure; for those who don’t fit into such a structure the experience can be extremely difficult.

**Legal observers can respond to violence by:**
- documenting violence when it occurs;
- making sure the police know that they have been witnessed;
- not leaving those being treated violently alone;
- lawyers can monitor conditions and make sure detainees are treated respectfully;
- groups can act in solidarity with victims of violence by refusing to cooperate until everyone is treated equally, demanding that individuals are not left isolated, and making sure those likely to be targeted by the police are not the last to be processed.

Sometimes, official channels — like police complaints procedures — can be used to make sure that a particular officer is reprimanded after the fact. Some activists feel empowered by making sure some form of justice takes place.

**Remember:**
- Legal observers and support team are not lawyers, so should not give legal advice.
- Legal observers are not there to liaise with the police, but to observe their actions.

**More information**
Examples of how legal support has been organised all over the world
- (UK): http://greenandblackcross.org/legal
- (UK): www.activistslegalproject.org.uk
- (US) http://www.midnightspecial.net
- (Egypt) https://www.newtactics.org/tactic/utilizing sms facilitate communication between detainees and human rights groups provide
- (South Korea) http://eng.minbyun.or.kr/
- (Chile) http://oddchile.blogspot.co.uk/
- (Australia) http://home.vicnet.net.au/~ptchang/about.htm

*
Jail support (MOC-Spain experience)

Prisoner support groups

The experience of MOC (Movimiento de Objeción de Conciencia) in helping people in prison is based on the civil disobedience campaign against obligatory military service — the campaign of *insumisión* 1971-2002 in which thousands of *insumisos* were jailed. During this period, various ways of supporting prisoners were suggested and tried. One of the most valued, without a doubt, were the ‘support groups’.

Let’s imagine a concrete case in order to illustrate how these groups function. Bixente Desobediente is an *insumiso* who will have to serve a sentence of two years, four months and one day. He needs to convene a meeting with people close to him (family, friends) plus someone from the movement. The first meeting is attended by his partner, his sister, three friends from the neighbourhood, a university pal, a cousin, a guy he met at an anti-militarism discussion group and a neighbour. This group reviews his decision to be an *insumiso*, discussing his motives and the consequences it could bring. As not all of them understand concepts like civil disobedience, nonviolence, direct action, and antimilitarism, the group looks at these too. In the following meetings, they establish goals, and after much brainstorming and discussion, they come up with the following objectives:

1) Emotional support

Supporting Bixente emotionally is important during his time before his trial, in court itself and in prison. One suggestion is to hire a bus so that everybody who wants can go to court and witness the trial. Other suggestions are to visit Bixente in prison and encourage others to write letters. The idea is that he should not feel alone and has continual contact with supportive friends. This support should also extend to those close to him, such as his parents.

2) Logistic support

Both before his trial and in prison, Bixente will need material support. Before his trial, he goes into hiding to avoid arrest and pre-trial detention, so people need to bring his things from his previous place of residence to his current location so that he is not caught. In prison, he needs books and paper to continue his studies. This is also part of the work of the support group.

3) Political work

The MOC, the movement to which Bixente belongs, is in charge of the political work. However, the support group can also collaborate with this work, joining in protest actions organised by MOC — especially those connected with his trial and imprisonment. At the same time, the groups can reach out politically in the places that Bixente is known — his neighborhood and university — to make the most of the action. Also the support group can put together an email list to keep people informed about his case and a webpage with information about
Bixente’s case, antimilitarism, war tax resistance to military spending, peace education, and links to related pages. Every now and then, Bixente will write a letter that can be circulated. The support group should coordinate with the MOC — for instance, one member attending MOC meetings — and check that their actions are in line with the MOC’s overall campaign.

The support groups are a great help, not only for the prisoner, but also for the movement. They share the work and also serve as contact points for people to join the movement. Coordination between the political group and the support group, and with the prisoner is essential. Stable, frequent communication is important. The political criteria come from the political movement, not from the prison; however visits to the prison by members of both groups is important for the development and coordination of the political work.

*