

Legal situation concerning occupations/ squats

Squatting a house – What does it mean legally?

As a political strategy, squatting has been part of social movements for many years. Once used to gain attention for demands, to claim corporate space and build up open spaces or even to prevent the building of new projects. But what does it mean legally here in Germany and what kind of sentences can occur eventually? Mainly 2 sentences are relevant: trespassings (§ 123 StGB) and property damage (§ 303 StGB)

Trespassing (§123)

Penalized can be the entering of someone else's property against the will of the owner or the stay without his/her invitation.

Actually a squatting can only be terminated by the cops if the owner demands an eviction. A complaint of the owner must exist before comes to a prosecution. Often criminal procedures connected to squatting are stopped later on because of insignificance or small fees have to be paid.

Property damage (§ 303 StGB)

Possible as well are prosecutions because of property damage, as a door, lock or window was broken to enter a building. The mere unauthorized opening is not a crime, if nothing has been broken. Especially when lots of people are participating in squatting it is not easy to prove who did the damage. Usually property damages are punished with a fee or the criminal procedure gets stopped anyhow. The amount of the fee depends on monthly income, previous (serious) convictions and the amount of damage. If a squatting becomes militant (pyro is burned, things thrown out of the window/ from the roof), convictions can get more serious (serious trespassing, § 124 or breach of the peace). This can be the base for the cops to intervene accordingly, which would not be possible without a demand of the owner. So that means, that cops can raid the house because pyrotechnics are used to search for the perpetrator. If you get into any trouble with the cops after squatting, get in contact with the „EA“ (immediate help in case of arrest) or the „Red Help“ (financial support in case of convictions)

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Stay calm – United we stay!