

Urgent communication: Imminent threat to the rights of freedom of expression and of association and the right of non-discrimination in Berlin, Germany

Excellencies,

I have the honour to address you in my capacity as Programme Director of the [European Legal Support Center](http://www.elsc.support) (ELSC), a human rights organisation that provides free legal advice and assistance to associations and individuals advocating for Palestinian rights in mainland Europe and the United Kingdom.

In this connection, I would like to bring to the attention of your Excellencies, information we have received concerning the prohibition of public gatherings organised by three organisations, Jüdische Stimme für gerechten Frieden in Nahost, Palästina Spricht and Samidoun, on 13, 14 and 15 May 2022 in Berlin, Germany.

According to the information received:

Public gatherings were planned to take place on 13, 14 and 15 May 2022 in the City of Berlin in commemoration of the 74th anniversary of the expulsion of the Palestinians from their homeland. Three applications for interim measures to suspend the prohibitions were [rejected](#) by the Berlin Administrative Court.

The Berlin Police justifies the prohibition by making the claim that an anti-Israel and anti-Semitic atmosphere is likely to occur. [It states](#) that the majority of participants in the demonstration will be from the Arab diaspora and from Muslim-influenced groups, and that “*experience has shown that this clientele currently has a clearly aggressive attitude and is not averse to violent action*”. According to the Police, “*gatherings that critically discuss the fate of Palestinians in Israeli-occupied territories are thus likely to mobilise people who, in specific cases, may be tempted to take actions or make statements that are not compatible with German legislation*”.

In Europe, where freedom of expression and opinion and freedom of peacefully assemblies are guaranteed, this is a worrisome development. I wish to express my concern that these measures represent a blatant, arbitrary and disproportionate limitation to these freedoms as guaranteed by Articles 5 and 8 of the Basic Law for the Federal Republic of Germany (“Grundgesetz”), by Articles 10 and 11 of the European Convention on Human Rights (ECHR), and by Articles 19 and 21 of the International Covenant on Civil and Political Rights (ICCPR). In addition, the allegations and language used in the prohibition are expressed with unjustifiable condescendence toward the German Palestinian community and amount to [Anti-Palestinian racism](#), a form of anti-Arab racism that aim to silence, exclude, erase, stereotype, defame or dehumanize Palestinians or their narratives, in violation of the right of non-discrimination established by article 14 ECHR and article 26 ICCPR.

Therefore, I urge you to take action to: **a)** request an explanation from the competent authorities of the City of Berlin; **b)** publicly denounce the violations of the rights to freedom of expression, freedom of assembly and the right of non-discrimination; **c)** take the necessary steps to ensure that any of the person(s) responsible for the alleged violations are held accountable.

Please accept, Excellencies, the assurances of my highest consideration.

Giovanni Fassina
Programme Director, ELSC
14.05.2022