

Follow-up communication: Berlin police suppress expressions of Palestinian solidarity on 15 May 2022

Excellencies,

I am writing to you following my earlier communication sent by email on Saturday, 14 May 2022, entitled: “*Urgent Communication: Imminent Threat to the rights of Freedom of Expression and of Association and the right of non-discrimination in Berlin, Germany*”. In this connection, I would like to bring to the attention of your Excellencies information we have received concerning spontaneous gatherings that occurred on 15 May 2022 in Berlin, Germany.

Testimonies were collected from the following eyewitnesses:

- Josef El-Bohaissi, Advocacy Officer at the Palestine Institute for Public Diplomacy, an independent NGO that aims to shift discourse and policy through people’s engagement and advocacy.
- Majed Abusalama and Ramsy Kilani, both members of Palästina Spricht, an anti-racist movement that brings together Palestinian and non-Palestinian individuals, activists and human rights groups in Germany
- A member of the Jewish Bund Berlin, an alliance of Jewish individuals fighting for social justice.

According to information received:

Incidents occurred in two separate locations in the neighbourhood of Neukölln, Berlin.

1. Incident at Sonnennallee:

A spontaneous demonstration for climate action of just over 50 people occurred in Berlin on 15 May 2022. It started on Columbiadamm next to the public park Hasenheide and was intended to walk through Neukölln. The group included people wearing kuffiyehs or Palestinian-style clothing as well as people chanting “Free Palestine” slogans. The persons present at the scene attempted to register the protest with the police, but the police officers refused and asked the crowd to dissolve shortly after reaching Sonnennallee.

The officers explained that the gathering was not to be understood as a spontaneous assembly for climate action, but rather as a substitute event for the prohibited Nakba demonstrations. Therefore, the gathering was illegal, and those attending it committed a public offence, which may subsequently be subject to a fine.

When the protestors then tried to dissolve the procession in compliance with police instructions, the police officers proceeded to encircle them for a duration of one to two hours, and police officers refused to allow people to leave until they provided their personal details.

2. Incident at Hermannplatz:

In another location in Neukölln, at Hermannplatz, a silent minute took place in commemoration of Palestinian-American journalist Shireen Abu Akleh. Although

people joined individually rather than as part of a group, eyewitnesses estimated the number of people at around 50 to 100 people. After one minute of silence, the people present at the location dispersed.

At that time, police officers encircled separate groups of people, including one of 20 people. Ramsy Kilani was standing outside of this group on his own, when a police officer grabbed his arm and dragged him into the circle of people. They were made to wait for one hour and a half as the police officers encircled them. After that, the officers took the group to an improvised police station on the corner of Hermannplatz and Sonnennallee, surrounded by police cars. The officers there had laptops and other technical devices in their police cars. They told people to stand with their backs against the wall, with their identity cards next to them. Photos were taken of each person individually.

The police officers explained that this information would only be used to confirm that these individuals were, in fact, in this location at the relevant time. They further mentioned that each individual would receive a fine from the police or court for taking part in an unregistered assembly, and that they were forbidden from going in the area of Neukölln until midnight the same day.

Among the individuals present at the scene, Majed Abusalama was talking with two individuals when police approached him. They asked him why he was there, why he was wearing a kuffiyeh and whether he was protesting. He replied that he was taking a stroll, that he was wearing this clothing in commemoration of the Nakba and that he was not protesting. The officers then brutally grabbed his arms and took him aside; Mr. Abusalama told them that he would walk with them and that they did not need to use force. They tied his hands behind his back, put their hands in his face and eyes and injured his shoulder. The officers then searched him, handcuffed him, and detained him in a police car. After more than an hour, the officers released him and told him that he was banned from walking in the neighbourhood. Mr. Abusalama was then admitted to a hospital, where he stayed from around 18:30 to 23:00 and was given painkillers and an arm sling.

In both locations, witnesses reported that police officers mainly apprehended people of seemingly Arab origin as well as people displaying distinct signs of support for Palestinians, such as Palestinian flags, kuffiyehs and clothing with red, green, black and white colours. In some instances, people were also instructed by police officers to remove the Palestinian clothing. In addition, Jewish people were among those detained at Hermannplatz.

3. Authorised demonstration in Mitte:

In addition, it was reported that the police authorised one demonstration in front of the Israeli Embassy, in the district of Mitte. The assembly was organised by the Deutsche Arabische Zentrale für Demokratie und Menschenrechte, on the following topic: “Demo against the murder of the American journalist Shireen Abu Akleh - Journalism is not a crime” (“Demo gegen den Mord an die amerikanische Journalistin Shireen Abu Akleh - Journalismus ist kein crime”). The persons who gave testimonies for the purpose of this communication deny any acquaintance with this group, which is said to be connected to state institutions and leading political parties in Germany. This demonstration was permitted, despite the prohibition of a vigil for the same purposes, organised by Jüdische Stimme für gerechten Frieden in Nahost, on 13 May 2022.

These events evince an arbitrary use of police powers that disproportionately affects people of an Arab background, in particular Palestinians. On 13 May 2022, Ahmed Abed, a German lawyer acting on behalf of Palästina Spricht, had submitted an application for interim measures to challenge the prohibition of the assemblies. The [Berlin Administrative Court](#) and the [Higher Administrative Court of Berlin-Brandenburg](#) rejected these applications. Thereafter, the ELSC wrote to your Excellencies on 14 May 2022 to request a denunciation of the police bans as well as urgent action to hold those responsible for the violations accountable.

In addition, Manu Pineda, member of the Left group in the European Parliament, submitted a [question for written answer](#) to the EU Commission on 17 May 2022. He asked: “1. Does the Commission consider that the banning of these protests in Germany violates Articles 10, 11 and 12 of the EU Charter of Fundamental Rights on freedom of thought, expression, assembly and association? 2. What action does the Commission intend to take in response to this clear violation of rights in a Member State?”.

Finally, Human Rights Watch issued a [statement](#) on 20 May 2022, denouncing the police's ban on demonstrations, including the rationale for the ban, as well as its subsequent brutality towards and detention of demonstrators. Human Rights Watch stated: “A preemptive ban on commemorating an event is an extreme restriction that effectively works as a collective punishment on those who wish to peacefully assemble, based on speculation over potential unlawful acts of a minority”.

I wish to express my continued concern that the above-mentioned administrative measures represent an egregious and targeted limitation of the freedoms enshrined in articles 5 and 8 of the Basic Law for the Federal Republic of Germany (“Grundgesetz”), articles 10 and 11 of the European Convention on Human Rights (“ECHR”), and articles 19 and 21 of the International Covenant on Civil and Political Rights (“ICCPR”).

In keeping with the anti-Palestinian racism expressed in the prohibition order, as highlighted by my communication dated 14 May 2022, the police intervention further demonstrates the targeting of persons on the basis of characteristics linked to their Arab or Palestinian origin, such as the wearing of kuffiyeh-patterned clothing. This amounts to a violation of the right of non-discrimination set out in article 3 Grundgesetz, article 14 ECHR and article 26 ICCPR.

Therefore, I urge you to take the following actions to rectify this unlawful behaviour:

- a) request an explanation from the competent authorities of the City of Berlin for the alleged violations of domestic and international law;
- b) publicly denounce the violations of the rights to freedom of expression, freedom of assembly and the right of non-discrimination which took place on 15 May;
- c) take reasonable 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
25 May 2022

