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Written statement* submitted by Association of Iranian Jurists Defending Human Rights, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[10 February 2024]

* Issued as received, in the language of submission only.



Violations of the Right to Freedom of Speech and to the Freedom of Peaceful Assembly in Germany

Recently, the right to peaceful assembly for German citizens protesting in support of the Palestinian people has been disregarded. State and city governments across Germany have banned public gatherings with presumed pro-Palestinian sympathies. These repressive measures also penalise demonstrations such as 'Youth against Racism' and 'Jewish Berliners against Violence in the Middle East'. The police have provided no credible defence for these decisions. Virtually all cancellations, including those banning gatherings organised by Jewish groups, were justified by the police in part on the basis of the "imminent danger" of "inflammatory, anti-Semitic shouts". These claims were used to "suppress legitimate and non-violent political expression, which may include criticism of the Israeli regime.

Germany is among the countries in Europe that have taken highly restrictive measures against actions, symbols, and expressions of solidarity with the State of Palestine, jeopardising the fundamental rights of freedom of expression". On 11 October, an internal memo from the national German news outlet, ARD, was sent to all staff and journalists informing them on how to report on Israel's war on Gaza. Sent by an anonymous staffer to German journalist, Tarek Baé, the memo is riddled with anti-Palestinian and pro-Israel sentiments that include trivialising Palestinian civilian deaths and advising staff not to use phrases such as "escalation" or "spiral of violence" that would contextualise Hamas' attack on Israel.

This is not the first German news agency to proactively create guidelines for their journalists. The German media giant, Axel Springer SE, which has famously enshrined support for Israel in its mission statement, fired an employee who questioned the company's firm stance. Initially reported by The Intercept, 20-year-old apprentice K.R. questioned the company's Israel policy through internal channels and posted a video online disputing parts of the Israeli military's narrative of Hamas' attack on 7 October.

State repression is not new, it is the result of years of anti-Palestinian discourse being purported in German media and institutions. But now it has reached a new level of dehumanisation and legal violations. Attempts to oppose these arbitrary restrictions are met with indiscriminate brutality. Germany has banned the vast majority of pro-Palestine protests and dozens have been detained following marches in Berlin and other German cities. Restrictions on protests, including those organised by Jewish groups, have been justified in part because of the "immediate threat" of "inflammatory, antisemitic shouts".

As reports and videos emerged of police brutality and a disproportionate use of force, groups such as the Campaign for Victims of Racist Police Violence (KOP) issued statements of condemnation.

Authorities have targeted people with immigrant backgrounds across Germany, harassing, arresting and beating civilians, often on the flimsiest of pretexts. The Berlin neighbourhood of Neukoelln, home to large Turkish and Arab communities, is now an area occupied by the police. Armoured vehicles and armed riot police patrol the streets, on the lookout for spontaneous expressions of support for Palestinians or symbols of Palestinian identity. This shows that while the German government while claiming to support human rights and democracy in the international community, it denies its citizens their basic rights.

States must ensure that the right to freedom of assembly is protected, especially when those gathered are protesting against human rights violations.

Emphasised that Palestinians in Gaza have been suffering under Israel's illegal occupation and 16-year illegal blockade for over 75 years. Israel's escalation of military attacks on a people under its occupation puts the Palestinians in Gaza at an even more urgent danger of ethnic cleansing. It threatens to pave the way for a regional escalation of the war, with even more devastating consequences.

Even in the face of mounting evidence of war crimes committed by Israel, it is obvious that Germany is supporting the Israeli regime and, instead of respecting international law, is participating in the mass ethnic cleansing of the Palestinian people.

Recommendations

These violations of the right to freedom of peaceful assembly are unacceptable and must be punished immediately.

- As civil society, we call on to monitor these developments and demand full accountability for human rights violations in connection with the protests. This includes that you conduct thorough, independent and transparent investigations into the violations and provide victims with access to effective remedies and reparation in Germany.
- We call on to publicly condemn these violations and to work with the government to develop measures to ensure the right to peaceful assembly and to respect and protect this fundamental human right.
- We call on the Human Rights Council to fully investigate these disturbing circumstances, to publicly highlight these violations of global standards and to take effective protective measures in close co-operation with national authorities. It is of utmost importance that national laws and practises comply with international standards protecting the right to peaceful assembly. We emphasise the need for immediate action to protect this fundamental human right and call for those who violate it to be held accountable.
- We believe that states must refrain from abusively restricting the right to protest, for example through the misuse of counter-terrorism or national security measures. Rather, they should facilitate access to public space and ensure the smooth running of protests without undue use of force by law enforcement agencies.

<https://www.newarab.com/analysis/inside-germanys-far-reaching-anti-palestinian-crackdown>