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Committee for Fundamental Rights and Democracy *Komitee für Grundrechte und Demokratie e. V.*

Press Release

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The police authority Rostock – not the demonstrators – are severely damaging the reputation of the Federal Republic of Germany

On 16 May 2007, the police authority Rostock passed a general decree, curtailing the right of assembly “on the occasion of the G8 summit in Heiligendamm”. This means that the fundamental rights of assembly and freedom of expression are suspended also outside of the 12 km-long fence – the so-called “technical barrier” – around Heiligendamm. Within the fence, fundamental rights are curtailed to an even greater extent. The rights of assembly and freedom of expression are also suspended in the area around the airport Rostock-Laage from 2.6.2007 onwards.

Such a precipitated banning order has to be based on current and concrete evidence that a direct threat of legally protected interests exists. There is, however, no sign of any evidence supporting this claim. The police announcements so far have predicted peaceful protests, but the police, have also decided not to make publicly available the evidence upon which the general decree is based. The explanatory statement outlining the reasons for the ban lies with the police authority in Rostock and can only be accessed there. In a telephone enquiry, a police spokesman tried to explain the police’s decision not to publicise the reasons given for the decision electronically with the argument that most citizens living around Rostock do not have internet access. In actual fact, only the publication of the explanatory statement enables us to take a critical look at the evidence given, as the published general decree is merely a list of banned areas on sea and land. Furthermore, the general decree was passed at such short notice that a judicial review – if necessary by different authorities – is only possible under great time pressure. The legal check of the evidence situation by the courts has thereby been aggravated.

Because the reasons given for the general decree have meanwhile been published on the website of "gipfelsoli", we want to substantiate our objection to the general decree with a few preliminary counter-arguments:

- The fear of (Islamic) terrorism is consistently stated as a justification for a demonstration ban, even though no concrete evidence exists to support this claim. This reasoning is conflated with the fear that the mere exercise of the right of assembly would disturb the G8 summit. Consequently, the police authority writes that "concrete evidence for a possible planned attack" is not necessary to substantiate the decision. However, the possible interference with the "infrastructure" of the G8 summit cannot be equated with a threat of legally protected interests. Those who write that "localities" are not fit for hosting "several thousand people without leading to blockading situations" make evident that it is not possible violent acts that are the reason behind the decision for a demonstrations ban but that it is the protest itself. Every speculation on threats is not based on evidence; it only serves to justify an unjustifiable state of emergency.
- Next to the abstract threat of Islamic terrorism, arson attacks which took place in the past are listed, even though they did not take place in the context of assemblies.
- Highly undemocratic is also the reasoning that representatives of some states conceive of criticism voiced in demonstrations "as an unfriendly act" and foreign relations could therefore be strained. This is one of the reasons given for the right of assembly being curtailed. The "external relations interests" of the Federal Republic of Germany, however, cannot justify the assimilation of national laws to fit the expectation of police states; on the contrary, they demand to set an example of a democratic handling of protest.
- The right of the German military to use firearms on the airport Rostock-Laage, which also hosts the multi-role strike fighter aircraft "Eurofighter/Typhoon", cannot justify an assembly ban outside of the terrain.
- The ban is directed in particular against the planned demonstrations at the airport Rostock-Laage and the demonstration marching from different starting points towards the fence around Heiligendamm. However, the statement lacks any concrete indication that there is a direct threat of public order and security in this respect. The announcement that "environmental activists, globalisation critics and objectors of war and the death penalty" are also criticising US policy is not sufficient to construct a threat either. The same counts for random citations from the internet and symbolic slogans. As elected representatives of the people, politicians have to be prepared to deal with criticism put forward by citizens.

The police authority is thereby sending out a message to the international community, that when faced with a meeting of high-ranking politicians, fundamental and human rights can be suspended. The right of assembly – protected not only by Article 8 of the German Constitution but also by the European Convention of Human Rights and Universal Declaration of Human Rights – does not apply in Mecklenburg-Vorpommern. Precisely because international attention during times such as these is focused on the issues that are being negotiated by high-ranking politicians, criticism also has to have a chance to receive international attention.

Demonstrations are based on the possibility to generate publicity and receive media attention. They have to occur at places and at times that are related to their content. Only then can they prevent "political life from choking to death in everyday routine" (Brokdorf Decision of the German Federal constitutional Court). Contrary to this decision, the police and the politicians

backing them are discrediting and criminalising the protests step-by-step. The first sign of criminalisation was the preliminary investigations instigated on grounds of a terrorist provision, Article 129a of the German Criminal Code; it was followed by the police raiding private homes and social centres. The recent demonstration bans are creating the basis for a further criminalisation of protest. The action camps are located at the borders of the new demonstration ban zone. Border controls and the interference with travelling to the protests will further contribute to undermining the right of assembly, even at places where it is formally still protected.

Citizens can only resist this form of criminalisation and deterrence by massively exercising their right of assembly and freedom of expression. The *Committee for Fundamental Rights and Democracy* will be present from 2 June onwards around Rostock and Heiligendamm to monitor the event with some 30 demonstration observers – for the protection of the fundamental rights of assembly and freedom of expression.

Signed, Elke Steven (+49 (0) 177 - 7621303)

More on the general decree (in German): [zurallgemeinverfugung.pdf](#)