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

Press Release

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Against state repression – For the fundamental right of assembly and freedom of expression

The criminalisation of the critics of G8 representatives started early and is systematic. This is why, for the past few months, the organisers of the protests, as well as civil liberties organisations, have warned against the government's attempts to criminalise the protests and orchestrate a media debate on violence.

At the beginning of this year, the *Committee for Fundamental Rights and Democracy* announced that it would monitor the political strategies and police actions with regard to the expected protests and would observe the demonstration. Our long-standing experience with mass protest events made us fear that yet again, the actions taken against the protests by politicians, police and security services would violate fundamental civil and political rights.

The numerous police raids carried out on Wednesday 9 May 2007 in social centres and private homes of some of the organisers of the alter-globalisation protests represent the first step of disproportionate state repression. The fundamental rights of freedom of assembly and freedom of expression were thereby massively violated, and German democracy has been severely damaged.

The Federal Criminal Police Authority (*Bundeskriminalamt*) and the German internal security service (*Verfassungsschutz*) have continuously issued "warnings" of terrorist acts and possible violence by elements of the globalisation critics. Yet, on the one hand, they admit that there is no concrete evidence for planned (international) terror acts, and on the other, arson attacks and other incidents are now being used to construct a terrorist organisation. These incidents, however, present no serious threat to the state or an international organisation, and do not therefore justify the charge of terrorism as laid down in Article 129a of the German Criminal Code (*StGB*).

Consequently, there is no legal basis for the activation of the extended police investigation remits linked to this Article – an Article, which, in violation of fundamental rights, criminalises *potential* acts expected in the future. The civil and human rights of those affected by the police raids, however, and also the rights of those whose data has ended up in the hands of police, have been fundamentally violated. All experiences with criminal investigations initiated on grounds of Article 129a show that in more than 90% of cases, no concrete criminal charges follow. In February 2007, before the NATO security conference in Munich, left-wing projects and private homes had already been searched. Here too, public calls for the blockade of the airport in

Rostock-Lage in the context of the G8 meeting were used to legitimise the police action. The call to participate in a peaceful sit-down protest was deliberately misinterpreted by the authorities as a call to commit a crime. The regional court of Munich judged retrospectively that these police raids were illegal. The police, however, achieved their aim, which was to collect and evaluate a mass of data on those organising the protests against the security conference in Munich.

The warnings about violent demonstrators, as well as the criminalisation of protest by way of police raids, destroy any trust in the possibility of effective civil protest. In the “Kavala report” (issue 1/2007), published by the Special Unit (BAO, *Besondere Aufbauorganisation*) set up by the regional authorities for the G8 summit in Heiligendamm, the blockade is already conflated, in the description of the protests of globalisation critics, with property damage and even arson. The magazine describes the protests in Seattle and Genoa without even mentioning the enormous and systematic violence of the police towards the protesters during these summits. And this despite the fact that in Seattle the police were successfully prosecuted for damages to be paid on grounds of the unlawful police encirclement of protesters. Moreover, the reports of the violent police raid on the Diaz school in Genoa would make any democrat shudder, not to mention the proven attempts by police to plant false incriminating evidence in the school during the action.

Those who make empty speeches claiming that peaceful protest is being tolerated and “not affected by the security measures” (BKA president Zierke) whilst at the same time criminalising the protests, have not understood the right to assembly, defined broadly by the Federal Constitutional Court, at places chosen by citizens themselves. Assemblies “represent an element of original and unfettered direct democracy, which is vital for preventing political life from choking to death in everyday routine” (Brockdorf Decision). The necessity to provide security for the G8 representatives cannot lead to shielding them from public criticism. This would turn democracy upside down.

With surveillance, house searches, orders to report to police stations, entry bans and blanket demonstration bans, the multiple forms of structural state violence become visible. We can only call on citizens not to let themselves be prevented from exercising their fundamental right to assembly and freedom of expression. Fundamental rights can only be protected and defended by exercising them. The *Committee for Fundamental Rights and Democracy* will be present from 2 June onwards around Rostock and Heiligendamm to monitor the event with some 25 demonstration observers – for the protection of the fundamental rights of assembly and freedom of expression.

Signed, Elke Steven