

German high court upholds police ban on G8 summit protest

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8 June 2007

On Wednesday, the federal constitutional court, Germany's highest court, confirmed the police ban of a demonstration against the G8 summit scheduled to take place June 7. Protesters had planned to carry out a so-called Star March to the Baltic resort of Heiligendamm where leaders of the world's largest economies are currently meeting.

The decision by the constitutional court represents a fundamental attack on the democratic right of free assembly. The court came to its decision while acknowledging that the original demonstration ban imposed by police, and then confirmed by a state court in Mecklenburg-Western Pomerania, was unconstitutional. Instead the judges argued the outbreak of violence in Rostock June 2 was sufficient to justify the ban.

An increasing body of evidence suggests that the acts of violence last Saturday in Rostock were initiated or encouraged by police provocateurs. On the evening prior to the court's ruling a group of five police officers, dressed in the manner of the "black bloc" anarchists, was apprehended and unmasked by demonstrators at the security fence surrounding Heiligendamm. The undercover policemen had been seeking to incite protesters to commit criminal offences.

Plans for the star-shaped march were originally announced last October 30, but in discussions held this May 10 between police and protest organizers, police representatives declared that the planned march could not be held. The authorities declared that an area comprising approximately 40 square kilometers around Heiligendamm had to be kept free, enabling roads in the vicinity to be used. In response, the organizers declared that they had no intention of blockading the summit and proposed alternative routes. One week later

the police banned both the protest march and the proposed alternative routes.

The demonstration organizers then filed an appeal against this prohibition with the administrative court in Schwerin, which decided in their favour. The court ruled that the prohibition was entirely inappropriate. However, the higher administrative court of Mecklenburg-Western Pomerania reversed this decision and ruled that demonstrations could only take place in neighboring towns.

The federal constitutional court ruling Wednesday stresses the fundamental importance of the basic right of assembly and stipulates that neither the original police ban nor the Mecklenburg-Western Pomerania court decision could be regarded as duly constitutional.

It goes on to point out that the fundamental right of assembly protects the interest of the organizers to conduct protest "in the closest possible proximity to the symbolic area—in this case, the G8 summit." Otherwise the purpose of the assembly would be rendered invalid. The text continues by noting that the sensibilities of foreign politicians "are not sufficient to justify limitations to the right to freedom of speech and assembly." The "constitutional protection of the right to criticize power" is "not limited to criticism of domestic ruling powers." This clause appears to be aimed against the Mecklenburg-Western Pomerania court, which justified its decision by arguing that one of the reasons for the prohibition was protecting the "international reputation of Germany."

Drawing on previous rulings, the constitutional court declared that the freedom of assembly must be guaranteed for peaceful participants even if a minority commits violent acts. As the court notes: "Otherwise minorities would be able to transform the protest against the will of the other participants into illegal

demonstrations”; in practice, many large demonstrations could be banned, namely all those in which it becomes known that a section of the participants harbor violent intentions.

In fact, however, all these pompous statements simply dress up the reactionary decision eventually made by the court. The latter goes on to justify the ban of the protest by citing precisely the intentions and actions of “a violent minority.” Here the court mentions the figure of 2,000, which has been suggested by the police.

The judges in Karlsruhe then take five paragraphs to justify their ban on the demonstration based on “findings” by the police about alleged planned rioting. According to the police “there is the danger that the planned star march could become a particular point of attraction for militant disruptors.”

Wagging their finger, they then go on to lecture about the consequences of, “according to the police, several hundred police officers” injured, and “considerable damage to property” on June 2 in Rostock. The figures given by the police of injured and damage caused are not challenged by the court, which also fails to examine what role the police could have played in the escalation of the violence. The court also has nothing to say about the hundreds of peaceful demonstrators who are victims of police clubs, water cannon and teargas.

According to the Karlsruhe judges, the demonstrators must simply accept the fact that they will not be able to exercise their democratic rights and be forced to march kilometers away from the objects of their protest.

The arguments employed by the constitutional court can be used to justify bans on demonstrations on the basis of possible violent activity of a minority. This discussion has particularly sinister implications under conditions where there is now growing evidence that the German security forces were actively involved in the riots in Rostock. The decision represents a fundamental attack on the right to assembly and gives the state the means to suppress any demonstration that it declares to be threatened by the activities of a minority.

In another development, a German court began handing down harsh sentences to protesters involved in the clashes with police in Rostock. A German man and a Spanish citizen were found guilty of attempted grievous bodily harm and disturbing the peace and

sentenced to nine months in prison without parole, a court spokeswoman told the media. A Polish man was given a six-month suspended citizen and another Spaniard was sentenced to 10 months in prison.



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