

Berlin district court punishes woman calling for freedom for Palestine

Justus Leicht
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On August 6, the Berlin-Tiergarten district court sentenced a young woman of Iranian origin to a fine for shouting the slogan “From the river to the sea, Palestine will be free.” The young woman was convicted of “approval of criminal offences” and fined €600.

On October 11 last year, 22-year-old Ava M. had a registered demonstration against violence at Berlin schools in front of the Ernst-Abbe-Gymnasium in Berlin-Neukölln banned by the authorities. Two days earlier, a teacher at the school had hit a 15-year-old student in the face because he had shown solidarity with a younger student. The teacher had previously snatched a Palestinian flag from the hands of the older student, who then confronted him. Nevertheless, the student was suspended, not the teacher. Numerous protest demonstrations were subsequently banned, and the police took extremely harsh action against students and parents, as reported by the *World Socialist Web Site*.

This was the context in which Ava M. shouted the slogan. According to a report in *Junge Welt*, she explained that she stood by her call for “a secular state without oppression” in Israel/Palestine. Her family consists of Iranian communists who were persecuted, which had also shaped her politically.

The 22-year-old spoke out against “all forms of sexism, racism and antisemitism” and “for an end to the war, the occupation and the violence.” Ava M. is said to belong to the left-wing women’s group Zora, which has already faced severe police terror for its solidarity with Palestine.

In a notorious speech two days before the banned demonstration, Israeli defence minister Yoav Gallant announced he intended to deliberately starve the entire Palestinian population: “I have ordered a complete siege of the Gaza Strip. There is no electricity, no food,

no fuel, everything is closed.” Gallant went on to say: “We are fighting against human animals, and we are acting accordingly.”

The International Court of Justice cited this in its decision that it was “plausible” that Israel was committing genocide in Gaza. The court ordered measures that are binding under international law, which Israel has since openly defied. In the meantime, the chief prosecutor of the International Criminal Court has applied for an arrest warrant for war crimes against Gallant and Israel’s Prime Minister Netanyahu.

This is the first time that a German court has ruled that using the slogan “From the river to the sea” is a criminal offence. According to *Legal Tribune Online*, orders of summary punishment had been issued before, but without a hearing. Administrative courts had judged the slogan differently in the run-up to demonstrations—some had allowed it, others had banned it. The only thing case law agrees on is that it depends on the respective context.

This was also the view of the Berlin district court. But it did not want to take into account the context of the violence against Palestinians at the school as the immediate cause of the demonstration, nor the context that Israel had unleashed a war with the declared intention of destroying Gaza, nor the personal context of the young woman’s family history. District Judge Birgit Balzer considered the only context to be the attack by Hamas and other Palestinian armed groups on Israel on October 7, 2023.

The slogan “From the river to the sea” (i.e., from the Jordan River to the Mediterranean) could “only mean denying Israel’s right to exist” the court ruled—but the right of apartheid and occupation of a foreign state is not protected in the German Criminal Code. According to the judge, the formula is to be understood as

meaning that the goal of a free Palestine was also being “violently pursued.” In fact, the International Court of Justice recently ruled that Gaza is under illegal Israeli occupation.

It is therefore unclear whether the judge generally considers violent resistance to an illegal occupation to be a crime. However, this would contradict the official German propaganda against Russia for the occupation of parts of Ukraine—and German arms deliveries to Ukraine.

According to some observers of the trial, in her oral verdict the judge also ranted about atrocity propaganda about rapes and decapitated babies, which has been shown to be false. In addition, she apparently invoked the concept that it involved a “German affair of state,” according to which Germany must always stand up for the security of Israel—which, however, is not contained in any law or constitutional article.

The judge’s assessment that the slogan could only be understood as support for the Palestinian attack of October 7 due to the proximity in time of four days is simply an insinuation. And there is certainly no evidence that Ava M. would have supported the killing and kidnapping of unarmed civilians in Israel on October 7—not to mention the already refuted atrocity propaganda.

The district court did not address another legally controversial issue. Since the Interior Ministry banned Hamas as an organization in Germany on November 2, some lawyers have argued that the slogan “From the river to the sea” can also be prosecuted as the use of the symbols of banned organisations under Section 86/86a of the German Criminal Code. In its ban order, the Interior Ministry classified the widespread slogan in all languages “as a symbol of Hamas.” This accusation was not made against Ava M. however.

The hundreds of civilian victims of October 7, a breakout from the “world’s largest open-air prison” and illegally occupied territory, are undoubtedly tragic. However, unlike the opinions of the German criminal court judge, they are not a justification for the occupier to raze the territory they have illegally occupied to the ground in return, killing, torturing and expelling its inhabitants. The oppressors are responsible for the violence, as the WSWS has stated from the outset. It is not a criminal offence to stand up for freedom and equality for all people against occupation and apartheid.

But that is precisely the precedent that is now to be created.



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