

Court rules dissolution of the Palestine Congress 2024 in Berlin was unlawful

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The ban and dissolution of the Berlin Palestine Congress in April 2024 were illegal. This is shown by the ruling of the Berlin Administrative Court of 26 November this year. The judgment is a resounding slap in the face for the Berlin Senate (state executive) and the Berlin police, who trampled on the right to freedom of expression and assembly.

The full text of the judgment is not yet available, but the court's press release is unequivocal: the police action was "unlawful" and "in any case, disproportionate." There had been no violations of the conditions at the congress, nor any "criminally relevant language." The ruling follows earlier court decisions that also declared bans on entry to Germany and bans on political activity for speakers who had been due to speak at the congress to be unlawful.

What happened: In April 2024 a "Palestine Congress" was planned in Berlin to protest against Israel's actions in the Gaza Strip, at which prominent human rights activists and politicians were to speak. Under the motto "We accuse," the congress was also to address Germany's responsibility in the Israeli genocide.

The organisers included the anti-Zionist Jewish organisation "Jewish Voice for a Just Peace in the Middle East" as well as several left-wing parties, among them the pan-European party DiEM25 of former Greek Finance Minister Yanis Varoufakis, who was also scheduled as a speaker. Jewish Voice had made its bank account at the publicly owned Sparkasse Berlin available for managing the congress funds.

From the outset, the state and federal governments, politicians and the media conducted a virtually hysterical campaign of agitation and slander against the event. The Springer press, the *Tagesspiegel*, the Social Democratic Party (SPD), the Christian Democratic Union (CDU) and the far-right Alternative for Germany (AfD) surpassed each other in warnings about "Israel haters," "anti-Semites" and "extremists." Berlin's mayor Kai Wegener demanded a "firm intervention" and called the event "intolerable."

The authorities and institutions at federal and state level in Berlin used every instrument of repression and arbitrary

action.

The bank account of Jewish Voice, which collected donations for the congress, was frozen. "Security warnings" were issued against Café MadaMe, where a fundraising evening for the congress was to take place; it was ultimately cancelled under pressure.

The Federal Ministry of the Interior imposed a ban on the political activity of former Greek Finance Minister Yanis Varoufakis, which also included a ban on entering Germany and on online participation. The ministry later claimed the ban had applied "only" to entry.

The Federal Police also imposed a last-minute entry ban on Dr Ghassan Abu Sittah, the physician and rector of the University of Glasgow. He was detained on arrival at Berlin Airport, interrogated for three hours and then placed on a flight back to London. He was also barred from delivering his speech online.

Abu Sittah had worked for several weeks during the war with Médecins Sans Frontières in Gaza hospitals and had testified before the International Court of Justice, where Germany is accused of aiding genocide. He had intended to report at the congress on his harrowing experiences in Gaza.

Because the congress was a meeting in enclosed premises rather than outdoors, it did not even need to be officially registered with the authorities. Nevertheless, the organisers contacted the police early on and accepted all official requirements and restrictions.

Despite this, a large police contingent arrived, stormed the event after only a few minutes, and declared it banned and dissolved for its entire planned duration of three days. The police attacked demonstrators protesting the ban with blows, arrests and pepper spray. The federal and state governments welcomed and justified the brutal and authoritarian measures.

Since then, the authorities' actions have, in most cases, been successfully challenged in court. This culminated in the ruling against the congress ban.

The witness hearings had already shown that the police ban on the congress was arbitrary. Responsible for the

overall operation was Stephan Katte, director of the Berlin police. He had been summoned as a witness and questioned extensively by representatives of the organiser, Jewish Voice.

Katte confirmed that there had been no violations relevant to a ban during the congress. He stated that he did not know whether the organisers had been aware of the ban on political activity issued shortly before the congress against the historian Salman Abu Sitta. Nevertheless, Abu Sitta's video greeting was the reason why Katte ordered the building's power supply to be cut. Abu Sitta had said nothing criminal, according to Katte.

As *taz* reported, the police director made no secret during his testimony of his political opposition to the content of the congress. That someone like Abu Sitta was to speak showed, he said, "what kind of spirit the organisers belong to." The "mood in the hall" had been "very emotional and charged." In such cases the police had to intervene consistently. "Otherwise at some point we will have 5,000 people on the streets denying Israel's right to exist," Katte said.

Because the senior police officer so openly advocated arbitrary political action and the preventive suppression of undesirable opinions, the court had no choice but to declare the total ban on the congress disproportionate and unlawful.

Several courts had already issued clear rulings on the authorities' measures:

The Potsdam Administrative Court ruled on 14/15 May 2024 that the refusal of entry for the Glasgow rector, Ghassan Abu Sittah, and his Schengen-area alert were unlawful. It criticised, among other things, that the Federal Police had misused their discretionary powers, that there were no concrete facts indicating any immediate danger from Abu Sittah's participation, and that the interference with freedom of movement and indirectly with freedom of expression and assembly was disproportionate.

Internationally, Abu Sittah's deportation—with reference to his role as a witness before the International Criminal Court—was regarded as an attempt to silence an "important witness to alleged war crimes."

The Berlin Higher Regional Court confirmed in June 2024, on appeal, that the freezing and closure of the bank account of Jewish Voice by the Berlin Sparkasse (a publicly owned institution) were unlawful. The Berlin Regional Court had already ruled in favour of the association, and the Higher Regional Court confirmed that the Sparkasse, due to its public character, is subject to special requirements of equal treatment and the prohibition of acting arbitrarily. Terminating an account solely because of political views expressed within the bounds of free expression was impermissible, the court found.

On 14 July 2025, the Berlin Administrative Court also

declared the political activity ban against Ghassan Abu Sittah unlawful. The immigration authorities had not substantiated any sufficiently concrete danger, relying essentially on past statements by Abu Sittah without context. It had neither seriously considered his role as a doctor in a war zone nor as a witness before the International Criminal Court, and had not properly weighed the rights to freedom of expression (Article 5 of the Constitution) and freedom of assembly (Article 8).

On 6 November 2025, the Higher Administrative Court rejected the State of Berlin's application to appeal, making the Administrative Court's judgment final.

It has therefore now been comprehensively confirmed by the courts that both the measures against the organisers and speakers, and the dissolution of the congress amounted to unlawful arbitrary action against permissible political expression.

Shortly before the Berlin ruling against the congress ban, the Higher Administrative Court (OVG) Münster, on 21 November 2025, overturned a condition imposed by the Düsseldorf police prohibiting any questioning of Israel's "right to exist" at a demonstration. The judges held that disputing this "right to exist" was not in itself a criminal offence and that "critical engagement with the founding of the State of Israel" generally falls under freedom of expression.

It would, however, be wrong to hope for a political change of course or fewer repressive measures. In the meantime, in other cases, the German authorities have shown that they do not care whether their repressive actions violate the law.

In the case of the #Berlin4, in spring 2025, the Berlin state government sought to expel four non-German—from Ireland, Poland and the United States—pro-Palestinian activists for participating in protests, even though specialist officials had warned that this would not be legally tenable. After urgent court applications, all expulsion orders were suspended; the main proceedings are ongoing.

While courts have declared arbitrary state acts against pro-Palestinian protests unlawful, Chancellor Friedrich Merz has announced that he will visit Israeli Prime Minister Benjamin Netanyahu in early December. Netanyahu is still subject to a valid arrest warrant from the International Criminal Court—officially recognised by Germany—for grave war crimes.



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