



STATEMENT BY BÜRGERBEWEGUNG PAX EUROPA

OSCE Supplementary Human Dimension Meeting

Supplementary Human Dimension Meeting on the Rule of Law in the
Promotion and Protection of Human Rights

Session 1

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Copenhagen (1990) clearly stated that "participating States must ensure effectively the rights of the individual to know and act upon human rights and fundamental freedoms, and to contribute actively, individually or in association with others, to their promotion and protection."

The OSCE reaffirms this by calling human rights defenders "the lifeblood of a vibrant civil society and the essence of any democratic society. They are our collective conscience."

BPE recalls these words and strongly urges OSCE participating States, in particular the government of Germany, to heed them. Unfortunately, there are currently many cases that point to a worrying trend: more and more human rights defenders in Germany are physically attacked, harassed, and intimidated by both left-wing groups and the judiciary.

Some cases in point:

Michael Stürzenberger, who leads the absolutely peaceful and legal protests against a planned Islamist center in Munich on behalf of the political party DIE FREIHEIT, has been repeatedly taken to court by left-wing groups. Without a doubt, Stürzenberger is a human rights defender:

he opposes the introduction of sharia law in Germany, a law that is diametrically opposed to the provisions of the United Nations Declaration of Human Rights.

Stürzenberger has been holding weekly rallies to educate the public about the implications of a „mega-mosque“ in the center of Munich, financed by a foreign entity (Qatar). Week after week, Stürzenberger and his colleagues are physically attacked, spat upon, pelted with raw eggs and called all kinds of names ("Arschloch" [asshole], "idiot", Nazi, and more).

After harassment by the leftist-Muslim alliance, one of the participants was provoked into verbal retaliation and was immediately sentenced by the court to a fine of 450 euros.

However, the name-calling by the leftist-Muslim alliance has not led to any legal consequences for the perpetrators. The judiciary denied the cases, arguing lack of evidence, despite video and the testimony of police present at the scene.

Another case concerns the former secretary general of the party DIE FREIHEIT, who was sentenced to a fine of 1,200 euros, later raised to 2,400 euros, simply for using his middle finger to express his feelings. In the case of leftists and Muslims protesting Stürzenberger's rally, there is no prosecution.

There appears to be a clear two-tier system present today: on the one hand, the judiciary prosecutes non-Muslims defending the universality of human rights, the rule of law, democracy. On the other hand, the leftist-Muslim alliance are permitted to show brutal photos and films without police action. Those defending human rights are required to immediately remove the smallest depiction of blood on posters. There are those who are permitted to scream expletives at peaceful demonstrators. There are others who react and are immediately hauled before a judge to be fined.

It appears that there is a blatant lack of equality before the law for those who peacefully resist proponents of sharia law and those who advocate values incompatible with Western notions of human rights.

This leads to a loss of confidence in the judiciary and the rule of law. Defenders of human rights need to be afforded protection. Even the independence of the German judiciary seems doubtful. As noted in the Annotated Agenda, "it falls on the courts to ensure that no one is above the law."

We call on the government of Germany to ensure that

- civil society actors as well as human rights defenders are treated with respect and allowed to contribute to the promotion and protection of universal human rights.
- the protected right to peaceful assembly is upheld even if the views of those attending and supporting the rally or demonstration do not conform with those of the state.

- ensure that the law is applied equally so that perpetrators on both sides of a conflict are sentenced or acquitted for the same "crime".

We also remind the government of Germany that "participation in public assemblies is a political right ... to voice discontent." (OSCE Handbook on Monitoring of Peaceful Assemblies) Public assemblies are particularly important at times of political tension. By allowing peaceful protests to turn violent and failing to identify the perpetrators of the violence, the government of Germany is clearly not adhering to its commitments.

Sources:

<http://www.pi-news.net/2013/07/munchen-ist-dieses-plakat-volksverhetzend/>

copies of judiciary denials available upon request