



STATEMENT BY INTERNATIONAL CIVIL LIBERTIES ALLIANCE

OSCE Supplementary Human Dimension Meeting

[Supplementary Human Dimension Meeting on the Rule of Law in the Promotion and Protection of Human Rights](#)

Session 1

Vienna, July 11, 2013

Peaceful assemblies, be they demonstrations, rallies or pickets, are oftentimes controversial in nature. OSCE instruments affirm this fundamental right and protect the right to organize and attend assemblies and acknowledge that these assemblies form an integral part of a vibrant society. Participation in peaceful assemblies give a voice to those without access to legislative bodies, reflecting local opinion, and expressing the view of those not represented in the media and government.

In this respect, ICLA brings to the attention of OSCE and ODIHR as well as Germany as a participating State the following case:

Starting in mid-July 2011, the German political party DIE FREIHEIT has been peacefully collecting signatures from citizens of the Munich to demand a referendum on

whether an Islamic center is to be built in the center of Munich. Apart from being constantly harassed by counter-demonstrators, the organizers face fierce opposition from the office of the mayor, and even the mayor himself. On the part of the mayor, this constitutes blatant interference, which not only is unacceptable, but also against the law. The municipal code clearly states that all parties in the municipality must be treated equally and must be given equal opportunity to present their cases in all publications and events. The mayor openly exhibits his open distaste vis a vis the citizens' initiative organized by a party he disagrees with. He does this by mailing letters to the citizens of Munich to convince them not to sign the initiative and does not allow the other side a voice as required by the municipal code. At the end of the letter, the mayor writes the following:

By claiming that they [DIE FREIHEIT] address topic not addressed and censored by the established media and the established democratic political parties, the right-wing populists are using a pattern of arguments which is also found among right-wing extremists.

In addition, the mayor routinely has flyers handed out warning people not to sign the petition because the “party [DIE FREIHEIT] is unconstitutional”, “they are right-wing extremists”, “do not sign [a petition] for a brown party”. Furthermore, a group which closely interacts with the mayor's political party, has published a flyer with information and instructions on how to repeal a signature already made.

Finally, the mayor has posters affixed bearing the message that those in charge of the citizens' initiative are being “watched by the Bavarian office for the protection of the constitution. Think carefully about whether you want to support this initiative.”

ICLA reminds Germany of its obligations as an OSCE participating State with respect to freedom of peaceful assembly and makes the **following recommendation to ODIHR**:

- to strongly consider establishing a monitoring project before the end of the deadline for the citizens' initiative to observe first-hand the lack of peacefulness of the counter-demonstrators as well as the lack of support or, at least, equality as required by the municipality code.

- to compile a report for ODIHR so that these events may be included in the “worst practices” so that occurrences like the ones described and which are contrary to OSCE commitments are prevented from happening in the future.

Sources:

<http://www.pi-news.net/2013/07/das-undemokratische-verhalten-des-munchner-oberburgermeisters-christian-ude/print/>

Letter by Mayor Ude:

Seite 1: **[/wp/uploads/2013/07/Ude-Brief-an-Munchner-Bürger.jpg](#)**

Seite 2: **[/wp/uploads/2013/07/Ude-Brief-an-Munchner-Bürger-2.jpg](#)**

Municipal Code:

<http://www.gesetze-bayern.de/jportal/portal/page/bsbayprod.psml?nid=s&showdoccase=1&doc.id=jlr-GemOBY1998V11Art18a>

Poster affixed on the orders of the mayor's office:

[/wp/uploads/2013/07/m1220001-mittel-2.jpg](#)

[/wp/uploads/2013/07/m1220002-mittel-21.jpg](#)

Poster calling on the repeal of signatures:

[/wp/uploads/2013/07/tragen-sie-sich-aus-1.jpg](#)

[/wp/uploads/2013/07/tragen-sie-sich-aus-2.jpg](#)

More information about the project “Zentrum für den Islam in München (ZIE-M)

<http://www.bayern.diefreiheit.org/zie-m/>