

PRESS RELEASE, 16 September 2019

Another German Court rules in favor of supporters of BDS Movement

On Friday 13 September 2019, the Administrative Court of Cologne (Verwaltungsgericht Köln) instructed the City of Bonn to admit the German-Palestinian Women’s Association to the annual Bonn Culture and Encounter Festival (“*Vielfalt! – Bonner Kultur - und Begegnungsfest*”). The City had excluded the association because of its support for the BDS Movement for Palestinian rights. According to the Court, the City of Bonn has “*not even remotely*” demonstrated that any justification for this exclusion exists.

The German-Palestinian Women’s Association had filed a case after the City of Bonn had excluded it from the festival “*Vielfalt! Bonner Kultur und Begegnungsfest*” that will take place on 29 September 2019, due to its support for the Palestinian civil society-led campaign for Boycotts, Divestment and Sanctions (BDS) Movement which seeks to end Israel’s violations of international law and Palestinians rights.

On 14 May 2019, the City Council of Bonn had adopted a motion named “*No place for the antisemitic BDS movement in Bonn*”. The motion calls upon all municipal institutions in Bonn to deny facilities to BDS groups and to refrain from supporting events of the BDS campaign, or of groups pursuing BDS goals.

In its ruling, the Court of Cologne clarified the status of this and other anti-BDS motions: “*The motions of the Bonn City Council, as well as the motions of the parliament of North-Rhine Westphalia (20 September 2018) and the German Bundestag (17 May 2019), don’t constitute legislative acts, but are political resolutions or expressions of political will. These motions alone cannot justify, from any legal perspective, the restriction of an existing legal right.*”

The Court stated that the exclusion of the Women’s Association from the festival on the grounds of its support for the BDS Movement constitutes “*unequal treatment*” (“*Ungleichbehandlung*”), which is “*not even remotely justified*”. The Court thus found the conduct of the City of Bonn in breach of the principle of equality set out in Article 3 of the German Basic Law, while also violating the association’s right to freedom of opinion and expression under Article 5 Basic Law.

Freedom of speech includes the freedom to discuss and promote boycott campaigns and is also protected under Article 10 (freedom of expression) and Article 11 (freedom of assembly and association) of the European Convention of Human Rights (ECHR), which Germany has integrated into its national legislation.

With its decision, the Administrative Court of Cologne follows two earlier rulings by the [Administrative Court of Oldenburg](#) (Case 3 A 3012/16) and the [Higher Administrative Court of Lower Saxony in Lüneburg](#) (Case 10 ME 48/19), which also protected access of BDS activists to public facilities initially denied by local authorities.

The German-Palestinian Women's Association was represented by the Berlin based Attorney Ahmed Abed, who filed the urgent complaint before the Administrative Court of Cologne, asking the Court to enable the group to participate in the Bonn Culture and Encounter Festival. The legal action was carried out in cooperation with the European Legal Support Center ([ELSC](#)) and with the support of The International Association of Democratic Lawyers ([IADL](#)).

Among the documents filed by Attorney Abed was an expert opinion by Prof. Moshe Zuckermann, emeritus professor at Tel Aviv University, Israel. In his opinion, Prof. Zuckermann argues that anti-Semitism, anti-Zionism and criticism of Israel are three distinct categories which must be treated separately, and that the attempt to portray the BDS Movement as anti-Semitic is “manipulative and guided by ideological interests”.

The Bonn Culture and Encounter Festival is a public event, which highlights the cultural and linguistic diversity of the city and where intercultural organizations as well as cultural, music and dance groups present their work and activities.

Two other local organizations, the German-Palestinian Society and the Palestinian Community of Bonn, were excluded from the festival on the same grounds as the German-Palestinian Women's Association. They also sued the City of Bonn. The Administrative Court of Cologne is expected to rule on their case in the coming days. All three associations participated in the festival in previous years.

Editorial note, not for publication:

For more information about this case, please contact ELSC coordinator Giovanni Fassina via ELSC.press@gmail.com.