



Permanent Mission  
of the Federal Republic of Germany  
to the Office of the United Nations and  
to the other International Organizations  
Geneva



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Note Verbale

The Permanent Mission of the Federal Republic of Germany to the Office of the United Nations and to the other International Organizations in Geneva presents its compliments to the Office of the High Commissioner for Human Rights and referring to a communication sent by the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on the rights to freedom of peaceful assembly and of association; the Special Rapporteur on the human rights of migrants and the Special Rapporteur on the situation of human rights in the Palestinian territory occupied since 1967 dated 19 November 2025 - JAL DEU 6/2025.

The Permanent Mission of the Federal Republic of Germany is pleased to transmit herewith the response of the Government of the Federal Republic of Germany.

The Permanent Mission of the Federal Republic of Germany to the Office of the United Nations and to the other International Organizations in Geneva avails itself of this opportunity to renew to the Secretariat of the United Nations (Office of the High Commissioner for Human Rights) the assurances of its highest consideration.

Geneva, 20 January 2026

To the  
Office of the High Commissioner for Human Rights  
Palais Wilson  
Geneva



## **Federal Republic of Germany**

**Response to the Special Procedure communication AL DEU 6/2025 of 19 November 2025 from the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on the rights to freedom of peaceful assembly and of association; the Special Rapporteur on the human rights of migrants and the Special Rapporteur on the situation of human rights in the Palestinian territory occupied since 1967.**

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### **Preliminary remarks by the German Federal Government:**

Germany takes note of the letter by the Special Procedures mandate holders. With regards to the alleged facts and concerns, Germany wishes to express its disagreement with any allegations of unlawful acts by the German authorities. German migration, asylum and citizenship law is in full compliance with international human rights law, European law as well as national constitutional law. It is applied by the competent authorities on the basis of the rule of law and its application is subject to independent judicial review.

Germany would also like to underline that the rights to freedom of expression, of assembly and of association as well as asylum and citizenship are fundamental legal rights in Germany (as enshrined in the Basic Constitutional Law of the Federal Republic of Germany, Grundgesetz) which are protected and defended by all government authorities. However, these freedoms are not unconditional, but instead reach their limits wherever they are directed against the rights of others and violate rules which are necessary for all to live peacefully together in Germany.

As explained in more detail below, Germany sees no evidence that the above-mentioned rights have been violated by the German Federal Government.

Our priority is to ensure that our democratic society is not harmed resulting from the violation of basic rules for a peaceful co-existence of all groups of society. Hate speech, incitement, the promotion and use of violence, criminal offences and support for

terrorist organisations are not protected as human rights and fundamental freedoms and are therefore unacceptable. That is something we should all be able to agree on, particularly in the context of upholding human rights and democratic constitutions.

**1. Please provide any additional information and/or comment(s) you may have on the above-mentioned allegations.**

Concerning the brief remarks in the letter on the handling of the Boycott, Divestment, Sanctions (BDS) movement by German authorities, Germany would like to reiterate its previous statement of 27 February 2025 on Special Procedure communication AL DEU 7/2024. In this statement, Germany presented in detail the legal and factual backgrounds for assessing and dealing with BDS.

**2. Please explain how the suspension of processing asylum applications from Gaza was in accordance with international and European human rights and refugee law.**

The decision to temporarily suspend the processing of asylum applications from Gaza or the Palestinian territories is based on section 24 of the German Asylum Act (*Asylgesetz, AsylG*).

This German legal basis deals with cases in which the determining authority cannot reasonably be expected to make a decision due to an uncertain situation in the country of origin which is expected to be temporary. In such cases, the decision may be postponed by way of derogation from the usual time limits. Otherwise, a decision is made within six months, or 15 months at the latest, with a possible extension of a further three months. In such cases, the Federal Office for Migration and Refugees (BAMF) reviews the situation in the country of origin concerned at least every six months and informs the affected applicants within a reasonable time of the reasons for postponing the decision. It also informs the European Commission of the postponement of procedures for the country of origin in question.

Neither humanitarian law nor European human rights and refugee law contain provisions prohibiting the postponement of decisions on asylum applications if circumstances in the country of origin change. Only Directive 2013/32/EU on common

procedures for granting and withdrawing international protection contains provisions in this respect and the German Asylum Act is entirely compliant with them.

Furthermore, it should be noted that while the decisions on asylum applications are postponed, the applicant continues to be entitled to the full rights of any asylum applicant during asylum procedures for the full duration of the postponement. This includes in particular the right to legally stay in Germany as well as social benefits in accordance with the German Asylum Seekers' Benefits Act. (Asylbewerberleistungsgesetz, AsylbLG).

**3. Please indicate whether the German authorities consider that UNRWA's effective protection of Palestinian refugees in Gaza has ceased, thus triggering eligibility for refugee status and/or subsidiary protection for applicants in Germany.**

In view of the current situation in Gaza, it may be assumed that protection/assistance through UNRWA has ceased there. However, as prescribed by German law, the competent authorities determine on a case-by-case basis (a) the applicant's eligibility for asylum, refugee status and/or subsidiary protection, (b) whether a deportation ban is in place, and (c) whether and to what extent an applicant may claim to be protected by UNRWA.

It is possible to grant refugee status (*ipso facto*) to persons who have received help from UNRWA. If protection/assistance through UNRWA had already ceased at the time when a person left the territory, it may be possible to grant that person *ipso facto* protection status. It is also examined on a case-by-case basis whether a person may enter another UNRWA area of operations (i.e. the West Bank including East Jerusalem, Jordan, Lebanon or Syria) in order to receive protection/assistance there. If an applicant protected by UNRWA claims a need for protection on the basis of residing in the Palestinian territories, this does not constitute sufficient grounds to allow that person to enter a specific country, e.g. Germany.

**4. Please provide information on the number of Palestine solidarity activists and supporters, including protesters (broken down by gender and age) who were (1) banned from re-entering Germany or (2) deported from Germany, on grounds such as "Staatsräson", "public safety threats", "support for**

**Hamas”, or “ongoing security investigation by the domestic intelligence service (“Verfassungsschutz”) for alleged involvement with the Palestine solidarity groups/organizations”. Please indicate how many such people are citizens of European Union Member States and the citizenship of other individuals.**

The law of assembly as well as the police laws and their implementation as well as the implementation of immigration law are the responsibility of the *Länder* (German federal states) and the requested data is not collected by the Federal Government.

**5. Please explain how the deportation and re-entry ban of Palestine solidarity activists and supporters is consistent with international and European law, including the prohibition on arbitrary expulsion and the right to due process in expulsion (including sufficient disclosure of the facts and reasons for decisions) and the obligation of non-refoulement. Please indicate how deportation orders against Palestine solidarity activists and supporters justified by *Staatsräson* are proportional in relation to the serious impacts of deportations.**

Decisions on deportation and issuing re-entry bans are always taken based on an assessment of the individual circumstances of each case and on the basis of the applicable national laws, which comply with the law of the European Union and international human rights law, especially regarding due process and non-refoulement.

German law contains a regime for European Union citizens and another for citizens of third countries, since European Union citizens enjoy the right to free movement within the European Union. Deportation measures or re-entry bans against European Union citizens require that the personal conduct of the individual concerned represents a genuine, present and sufficiently serious threat to one of the fundamental interests of society. Justifications that are isolated from the particulars of the case or that rely on considerations of general prevention are not to be taken into account. It has to be noted that “*Staatsräson*” does not constitute a legal category and is not taken into account to justify an expulsion in accordance with the German national laws.

On appeal, independent courts will assess whether the statutory requirements set out in Article 27 of the Directive 2004/38/EC and in section 6 of the Freedom of Movement

Act/EU (*Freizügigkeitsgesetz/EU*, FreizügG/EU) were respected when the decision was taken. Before a decision is taken by the competent authority, the person concerned has the right to be heard. A concise statement of reasons has to be given along with the administrative act, and access to the respective administrative files is granted to appointed legal counsel and, in case of appeal, to the court.

In addition to judicial review, the European Commission exercises scrutiny over the administrative practice of German authorities that is subject to European Union law.

With respect to the expulsion of third-country nationals, German law requires weighing the interest in their departure against their individual interest in remaining in the federal territory, taking into account all the circumstances of the particular case. Statutory law provides that, when weighing these interests and taking into account the circumstances of the individual case, consideration is to be given in particular to the length of the foreigner's stay, his or her personal, economic and other ties in the federal territory and in the country of origin or in another state prepared to receive the foreigner, the consequences of expulsion for the foreigner's dependants and civil partner, and whether the foreigner has abided by the law. These statutory requirements resemble the case-law of the European Court for Human Rights. A forced return may only be ordered provided that no deportation ban applies and deportation would not be contrary to the well-being of a child, to family ties or to the foreigner's health, thus implementing the respective provision in Article 5 of the Directive 2008/115/EC.

**6. Please detail the factual and legal grounds for the deportation order against Cooper Longbottom, Kasia Wlaszczyk, Shane O'Brien and Roberta Murray. Please indicate what safeguards have been accorded to each individual to uphold their rights to be free from arbitrary expulsion and to due process, and explain how such orders conform with international law, including in relation to their right to freedom of peaceful assembly and expression.**

The peaceful exercise of the right to assembly, which is, *inter alia*, protected in the German constitution, as well as the exercise of the similarly protected freedom of opinion do not lead to measures with respect to persons' residence statuses. Nevertheless, criminal acts and acts of violence are not covered by absolute protection but can be sanctioned to ensure public security, public order and the rights of others.

During the occupation of the Free University of Berlin (FU) on 17 October 2024, a hooded group of approximately 20 persons which was prone to violence intruded into a building of the FU. According to police findings, doors were damaged using crowbars and points of entrance to the building were barred using cable ties, cupboards, etc. Employees of the university locked themselves into their rooms out of fear. During the occupation, the occupiers also caused further massive damage in the building.

After these incidents, the competent authorities of the *Land* of Berlin ordered a termination of stay in Germany against four persons. Since the Federal Government is not involved in these decisions and appeal proceedings, which are ongoing, no statement on the four persons named can be provided. The loss of entitlement to the right to freedom of movement within the European Union was based on the Freedom of Movement Act/EU and the expulsion decision was based on the German Residence Act (*Aufenthaltsgesetz, AufenthG*). The Federal Government has no reason to doubt that the Berlin authorities acted in accordance with these laws.

As is the case for all measures terminating a legal stay in Germany, an assessment of each individual case (e.g. a person's social, professional, and cultural integration, the purpose of the stay and its duration), as well as all information available (e.g. criminal reports, other findings of police authorities and an individual criminalistic prognosis of violence and danger) must be provided. As set out in the answer to question 5, the needs for protecting public security and order of the Federal Republic of Germany has to be balanced against the specific danger posed by a person.

Without exception, decisions determining the termination of stay are issued within a legal procedural framework that is in conformity with the rule of law and international human rights law. The persons against whom decisions terminating their stay were taken in connection with the incidents at the FU of 17 October 2024 were heard, and their mandated legal counsels were granted access to the respective files before the decisions were made. Written information on the right to appeal was provided along with the respective orders.

Since the four persons appealed against the decisions, the respective procedures at the administrative courts are pending as of now.

**7. Please provide information on the number of Palestinians (disaggregated by gender and age) who had their citizenship refused or revoked in connection with their citizenship test or declaration of loyalty.**

The requested information cannot be provided because there is no data available.

According to the Nationality Act (*Staatsangehörigkeitsgesetz, StAG*), decisions rejecting applications for naturalisation will only be collected statistically from the reporting year 2025 onwards, but the reasons for rejecting applications for naturalisation will not be covered. Withdrawals of naturalisations are recorded in the register for decisions on nationality matters, but entry in the register does not include the reasons for withdrawal or the country of origin of the person concerned.

**8. With reference to the Principles on Deprivation of Nationality as a National Security Measure, please explain how the revocation of citizenship of Palestine solidarity activists is in line with international law, including the right to nationality, the right not to be arbitrarily deprived of nationality, and the right to re-enter one's country of nationality.**

Loss of the German nationality which is in principle permissible under Germany's Basic Law (*Grundgesetz, GG*) may only occur if one of the situations of loss set out in section 17 of the Nationality Act is fulfilled.

An unlawful naturalisation may be withdrawn within ten years of its notification if the administrative act has been obtained by fraudulent deception, threat or bribery or by intentionally inaccurate or incomplete information which was essential for its adoption. This provision is in line with European and international law requirements: pursuant to Article 7 (1) (b) and (3) of the European Convention on Nationality of 6 November 1997, a State Party may provide in its domestic law for the loss of nationality *ex lege* or at its own initiative if the nationality of the State Party has been acquired by fraudulent conduct, false statements or the concealment of a substantial fact attributable to the applicant. Pursuant to Article 8 (2) (b) and (4) of the UN Convention on the Reduction of Statelessness of 30 August 1961, a person may be deprived of the nationality of a Contracting State if that nationality has been acquired through false declarations or fraudulent acts; such power granted to the Contracting State shall be exercised only in accordance with a statutory provision conferring on the person

concerned the right to full judicial protection by a court or other independent body. The withdrawal of naturalisation may be possible, for example, if the applicant has misled the authorities about the existence of a legal naturalisation requirement.

Under section 10 (1) sentence 1 no. 1 of the Nationality Act, the applicant is entitled to naturalisation in Germany only if he/she confirms their commitment to the free democratic constitutional system enshrined in the Basic Law and declares that they have not pursued or supported any anti-constitutional activities. Furthermore, with an Act of 22 March 2024, pursuant to section 10 (1) sentence 1 no. 1a of the Nationality Act, the applicant must acknowledge Germany's special historical responsibility for the National Socialist regime and its consequences, in particular for the protection of Jewish life, as well as the peaceful co-existence among peoples and the prohibition on conducting a war of aggression (commitment to Germany's special historical responsibility). An Act of 22 March 2024 introduced changes to the Nationality Act, which now expressly provides in its section 11 sentence 1 no. 1a that naturalisation is not allowed if there are concrete grounds to assume that such a commitment to Germany's special historical responsibility is incorrect in substance.

These legal changes ensure that only those who are committed to the values of a free democratic constitutional system may be naturalized. The commitment to Germany's special historical responsibility for the National Socialist regime of injustice and its consequences is a fundamental principle in the Federal Republic of Germany. This objective is also reflected in the questions contained in the naturalization test on Jewish life in Germany, Israel's right to exist, and anti-Semitism, which applicants for naturalization can use to demonstrate the required knowledge of the legal and social order and living conditions in Germany. However, the case-law of courts and practice of the competent authorities already required that the commitment to be made for naturalisation is substantively correct before this change entered into force, i.e. the commitment must be based on an inner conviction and should not merely constitute a formal naturalisation requirement.

Statements of solidarity with the Palestinian people alone – without the occurrence of additional circumstances such as criminal acts of violence, hate crime or hate speech – do not justify the withdrawal of naturalisation. If actual evidence justifies the assumption that a terrorist organisation is being supported, i.e. if there are anti-constitutional or extremist ambitions, or if the assumption is justified that a substantively incorrect

commitment to Germany's free and democratic order or to Germany's special historical responsibility has been made and thus naturalisation has been obtained through deceptive behaviour, a withdrawal decision may be justified depending on the circumstances of the specific case.

In addition, such a decision may be made in the case of explicit calls for or approval of violent acts against the State of Israel – in particular calls for the annihilation of Israel or for the establishment of a purely Palestinian state on the present territory of the State of Israel.

However, German law requires such a decision to be made on the basis of an overall assessment of all information regarding the activities and statements of the applicant made known to the nationality authority and obtained during a personal interview, as well as all relevant circumstances. Mere doubts about the personal opinion of a person without proven objective facts cannot be invoked against the applicant.

**9. Please explain how the measures detailed in this letter are consistent with the rights to freedom of expression, peaceful assembly, and association, including the requirements of legality, necessity, proportionality and non-discrimination, and the principle of content-neutral restrictions.**

The rule of law is enshrined in Article 20 (3) of the Basic Law; the legislature is bound by the constitutional order and the executive and the judiciary are bound by law and justice. The International Covenant on Civil and Political Rights (ICCPR) is as directly applicable as other national laws in Germany. It guarantees that human rights are observed by all public authorities when applying other relevant national laws and that they are considered in the legislative process and applied by courts when making decisions in each individual case.

Germany would like to emphasise again that the rights to freedom of expression, peaceful assembly and freedom of association enshrined in Articles 19, 21 and 22 of the ICCPR are not granted unconditionally. Any restriction of these rights is considered to be compatible with Articles 19, 21 and 22 of the ICCPR if it has a statutory basis that meets certain requirements – such as being limited to a specific purpose – and if the specific restriction is necessary, proportionate and reasonable. These requirements are met by the respective requirements under German national law when restrictive

measures are taken. For a detailed explanation of the legal basis for the measures concerned, please refer to the answers provided above.

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