

## **Exile Political Activities**

(from Karawane Hamburg)

### **Sanctions imposed against Exile Political Activity, Freedom of Conscience and Right to Demonstrate by means of new racist laws under the Schröder-Fischer Regime**

Since the revision of Article 16 (right to asylum) in the Basic Law in 1993, the possibility of asserting the right to protection against persecution and the right to asylum has been reduced to a minimum by means of legal regulations and the perversion of law corresponding to the political and economic interests of the ruling class. In the 90s, Refugee organizations, opposition groups in exile and migrant organizations were forced to lead a bitter struggle and unrelenting campaigns for the right to asylum of activists. Many campaigns and activities also simultaneously pushed through in order to expose the collaboration between the German state and the state undertaking the persecution of its citizens. Just those political activists who did not yet have asylum were threatened with deportation. Political activity in exile and the danger of persecution which arises from it upon deportation could be cited towards the recognition of asylum in the courts. In many cases however the courts rejected the recognition of asylum.

Following the intention of the government to minimize the granting of asylum, sweeping arguments are often employed to the effect that: political activity in asylum is not important since the persecuting state has no capacity to engage in surveillance of political exiles and can therefore have no knowledge of this, that political activities in exile are supposedly only "tactics" to gain asylum, that there is no knowledge that anything had happened to deported applicants for asylum (this would also be claimed even for countries where proven cases of persecution after deportation had occurred). The possibility of taking up the fight for political exile against the desire of the state to deport has been severely truncated by, among others, paragraph 28 in the AsylVfG. § 28 „Nachfluchttatbestände“ states that when someone begins political activities in exile, these will not lead to the right to exile. When the first legal proceedings have finally been negatively decided upon, the political activities in exile will not, as a rule, be taken up in the second. The insertion of "as a rule" allows the possibility of exemptions.)

With § 28:

1. Political activity in exile is defamed as merely self-serving towards the recognition of asylum.
2. indirect political involvement is penalized and the fundamental human rights to political activity, freedom of conscience and freedom to demonstrate are taken away.
3. the Geneva Convention is violated since only the necessity for protection is discussed and not the reasons which have given rise to the danger or persecution. The latter is of no importance.

The fact of the matter that the state must look into the dangers of political persecution remains even

though previous cases have shown that it is only reluctant to do so and can only be forced by means of massive pressure. One of the main lines of attack of refugee organizations and of the Karawane is the defence of the right to political asylum and these must be strongly intensified in order to attain any degree of success.

### **The Togo Campaign Example:**

The Togo opposition were very directly and openly threatened at the Expo 2000 in Hannover (the visit of Eyadema) and also at the protests in Paris in which there were direct confrontations with embassy employees of Togo, This later led to protection against deportation.

Since September 2000, refugees from Togo together with the Karawane have undertaken a campaign for "support of the struggle against the dictatorship in Togo and against the German policy of deportation." Various protest and educational actions took place, including the four-day hunger strike in Berlin in 2004. During a trip to West Africa in 2004, the spokesperson of the campaign learned that Togolese military personnel were looking for him armed with photographs of gatherings of the opposition in exile in Deutschland. This exposes as a lie the argument of the authorities that the Togolese secret service is in no position to surveil the exile scene. Despite frequent protests at the foreign affairs department and the handing over of information on the current state of persecution in Togo, the foreign affairs department has refused to correct its false assertions on Togo. The objective of a stop to deportations to Togo could not be attained during the campaign. Even today, under the escalating situation under the son of the dictator and new ruler, the German authorities have refused implementing a general policy of protection. Numerous deportations are being worked on with redoubled zeal.

According to the authorities, alone in Mecklenburg-Vorpommern around 300 (but according to the Togolese opposition 500) refugees from Togo are being threatened with deportation. An

administrative court in Greifswald, which had given recognition for asylum to some Togolese was closed down in 2004 and only Schwerin remains which has rejected almost 100 % of the applications for asylum of the Togolese. In spite of everything, the campaign of the Togolese opposition involving the intensive participation of numerous Togolese refugees have succeeded in obtaining asylum for a significant number of cases. Admittedly appeals to the contrary of the German authorities have also increased. In almost all cases, the citing of continuing political activities in exile was successful. The last successful applications for asylum in February 2005 were still conducted under the previous legislation. There are as of yet no concrete experiences with the politically motivated, and violative of the Geneva Convention, clause §28 of the new legislation. By means of clause § 28, the objective of the German state is to inhibit political activity and to completely eliminate political asylum.

In connection with Iranian applicants for asylum (CPI of Iran, monarchistic group), the administrative court of Göttingen released a decision on 2.3.2005 which recognized political activity in exile because of the actual existence of the danger of persecution and because of the fact that those affected were already politically involved before their political participation increased during exile. According to the court, these cannot be used against them. The exclusion of the political activity in exile as irrelevant to the application for asylum concerns only those persons who attempt to "provoke persecution from a position of safety" in the security of their country of residence.