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## RESEARCH ARTICLE

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# Total Incapacitation: Colonial-style Counter-insurgency Policing in the Repression of the Protests in Solidarity with Palestine in Germany

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**ABSTRACT:** This article conceptualises total incapacitation policing as a counter-insurgency strategy oriented towards the denial of protest rights to groups that are stigmatized as being extremist because opposed to the dominant *raison d'État* which claim moral superiority in the defence of Israeli security. In order to understand the development of a police strategy of total incapacitation, the analysis aims to fill a gap in social movement studies on repression in Western democracy by starting a dialogue with historical and contemporary analysis of the continuous impact of colonialism in its different forms. In fact, the strategy of total incapacitation is to be connected with a return to the metropolis of forms of colonial policing against the protests by the colonised subject, which go well beyond the policing of protest in the streets. The article first addresses the theoretical approach and methods used, introducing then some general characteristics of the policing of protests in solidarity with Palestine in Germany and then analyse in depth the case of the Palestine Congress looking at the specific strategy of total incapacitation, based upon the denial of the right to protest, the intimidation of protestors in their direct interactions with the police as well as forms of disinformation and stereotyping. It will then attempt to explain the emergence of this strategic incapacitation style of protest policing by looking at the internal characteristics of the police as well as the direct and indirect demands placed upon it by the government and the mobilization of a powerful law and order coalition.

**KEYWORDS:** Policing, Protest, Colonialism, Palestine, Germany

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## 1. Introduction

*“From 12-14 April we are organising the Palestine Congress 2024 in Berlin. As Palestinian, Jewish, German and international activists, we will publicly accuse the German government of aiding and abetting the genocide in Gaza”. So we read in the call for a protest event in Berlin, in April 2024, which was planned as a sort of tribunal in which activists and experts were to provide testimonies about the situation in Gaza. Thought as a symbolic tribunal, as expressed in the slogan “We accuse”, the organizers aimed at creating “a space for organising and networking.” Since the very beginning, the event was stigmatized by the German institutions and mass-media as well as pro-Israel pressure groups as anti-Semitic in nature, notwithstanding the presence of Jewish groups among its organizers, and heavily repressed.*

In this article, I will build on an in-depth analysis of this case of repression to show the complexity of the policing mechanisms, which include not only the police actions in the street, but also the mobilization of moral panic entrepreneurs in different forms of defamation and harassment. In particular, I will locate the policing of this event within the dynamics of control of protests in solidarity with Palestine in Germany. I will do it by looking at what happened in the streets, but also beyond those visible forms of policing.

Research has noted that the styles of protest policing vary in time and space. Gary T. Marx (1979) has listed the following strategies oriented towards repressing social movements: i) inhibit capacity for corporate action; ii) direct the energies of movements towards defensive maintenance needs and away from the pursuit of broader social goals; iii) create an unfavourable public image and counter-ideology; iv) gather information on the movement; v) inhibit the supply of money and facilities to the movement; vi) inhibit the freedom of movement, expression, and action of the movement; vii) create a myth and a fact of surveillance and repression; viii) apply legal sanctions; ix) damage morale; x) de-recruitment; xi) destroy or displace the leaders of the movement; xii) encourage internal conflict; xiii) encourage external conflict with potential allies and opponents; xiv) inhibit or sabotage particular actions. In the analysis of protest policing, della Porta and Reiter (1998) have identified coercive strategies, such as the use of force and/or arms to control or disperse a demonstration; persuasive strategies, such as all attempts to control protest through contact with activists and organisers; and information strategies, such as the gathering of information as a preventive element in the control of protest.

Until the beginning of the 2000s, in Western democracy, policing strategies had been distinguished in those oriented towards ‘escalated force’ and those based on ‘negotiated management’. The former identifies a strategy that does not give much value to the right of citizens to protest and often displays immediate recourse to the excessive use of force, as well as giving precedence to brutal and repressive tactics. The latter, by contrast, is characterized by “a more tolerant approach to community disruption, closer co-operation and communication with the public, a reduced tendency to make arrests (particularly as a tactic of first resort), and application of only the minimum force” (P.D. Waddington 2007, 10). Attention to the policing of protests emerged anew around the repression of the global justice movement, especially of the counter-summits organized transnationally to contest the summits of international organizations. There, escalations in the interactions between the police and protestors developed out of the use of coercion against demonstrators, with the use of fences and no-go areas to isolate diplomats and heads of government from the very sight of protests (Fernandez 2008, 86; della Porta, Andretta, Mosca and Reiter 2006; Fernandez 2008; della Porta, Petersen and Reiter 2006). The analysis of the policing of transnational protests has therefore singled out a policing style of *selective incapacitation*, which is characterized by a number of similarities with the escalated force policing style, but also bears some specific features (Noakes and Gilham 2006; della Porta and Reiter 2006). More specifically, incapacitation takes place through the strict control of the physical space of the protest, with a show of force and the use of various means to impede the protest event or bring it swiftly to an end. Patrick F. Gillham (2011) suggested that strategic incapacitation has been connected to the goal of ‘securitizing society’ by isolating or neutralizing the sources of potential disruption through “(1) the use of surveillance and

information sharing as a way to assess and monitor risks, (2) the use of pre-emptive arrests and less-lethal weapons to selectively disrupt or incapacitate protesters that engage in disruptive protest tactics or might do so, and (3) the extensive control of space in order to isolate and contain disruptive protesters actual or potential”.

These conceptualizations apply to the policing of pro-Palestinian protests in Germany. While elements of escalating policing and strategic incapacitation resonate with the tactics the police deployed at those events, the extensive control of space is here oriented towards a total denial of protest rights based on a dehumanization of protestors. In this sense, the authorities implemented a counter-insurgency strategy against peaceful groups of activists in order to discourage any forms of political and civic protests. I will particularly single out a style of *total incapacitation*, oriented towards the denial of protest rights to groups that are stigmatized as being extremist because opposed to the dominant *raison d'Etat* which claim moral superiority in the defence of Israeli security.

In order to understand the development of a police strategy of total incapacitation, I aim to fill a gap in social movement studies on repression in Western democracy by starting a dialogue with historical and contemporary analysis of the continuous impact of colonialism in its different forms. In fact, the strategy of total incapacitation is to be connected with a return to the metropolis of forms of colonial policing against the protests by the colonised subject. The colonial policing was characterized by a main focus on counterinsurgency with large use of paramilitary equipment and organization while emergency laws, formalized to different degrees, contributed to give the police high level of discretion. A main instrument of colonial policing was based upon the implementation of collective punishment and reprisal, which under the British rule in Palestine went from the massive destroy of buildings and harvests to the mass killing of civilians and the fines arbitrarily imposed to entire communities (Hughes 2009, 19). Policing was characterized by extreme brutality that was used as an instrument of humiliation and intimidation through random cruel punishment. In Palestine, this included the use of human shields with local Arabs tied to the bonnets of lorries, or tied on small flatbeds on the front of trains. or the building of cages in the desert where civilians were kept for days in the sun and the cold with only little amount of food and water.

The anti-insurgent policing was based upon the dehumanization of the colonial subject. Reprisal was based on a conceptions of civilians as complicit which justified the targeting not only of the fighters but also of the civilians which were considered as those on whom they relied for support (Hughes 2009, 19). In Ireland, it was the wild and undisciplined alterity of the native inhabitants that were to be tamed (Ellison and Smyth, 2000). Also in others colonial or quasi-colonial situations this form of policing aimed at insuring order under conditions of lack of consensus to it among the local population. The control of the territory and related population included the building of reserves where the suspect population was secluded, with the possibility to ban and expel suspected individuals.

The process of diffusion of a colonial model of counterinsurgency policing from Ireland to Palestine, India and other small and large colonies intensified during the World Wars. It was after WWII that it then came back to the homeland being used against the enemy inside, defined as *classes dangereuses*—mainly the migrants from the former colonies themselves. Especially after September 11 2001, with the beginning of the vicious War on Terror, colonial style counter-insurgent policing was revisited and updated in its implementation in the metropolis. In fact, “the very concepts of terrorism and public security are deeply entangled with colonial systems of population control” (Hönke and Müller 2016). So, “strategies replicate colonial-era power dynamics, framing security as a project of managing those who deviate from the state’s conception of the ideal citizen” (ibid.). The import of the colonial policing required the construction of the internal Other as a security risk. In the UK, since the 1980s, the “counterinsurgency policing in the dying days of Empire used surveillance, mass incarceration, forced migration and coercive violence against ‘suspect communities’. ... This power of distortion, to portray groups of people as criminal, influences racist stereotypes in the postcolonial period” (Elliott-Cooper 2021). In France as in the UK, a securitarian ideology has been promoted “backed up by discourses that fan public fears to justify more repressive policies, a rise in

police numbers, and the escalating severity of penalties, regardless of whether there is an objective increase in crime and criminality, and often even when they are falling”, with “the geographical segregation of the poorest groups, especially those of Third World” (Fassin 2013).

In what follows, after a short methodological note, I will start by introducing some general characteristics of the policing of protests in solidarity with Palestine in Germany and then analyse in depth the case of the Palestine Congress looking at the specific strategy of total incapacitation, based upon the denial of the right to protest, the intimidation of protestors in their direct interactions with the police as well as forms of disinformation and stereotyping. I will then attempt to explain the emergence of this strategic incapacitation style of protest policing by looking at the internal characteristics of the police as well as the direct and indirect demands placed upon it by the government and the mobilization of a powerful law and order coalition.

## **2. Methodological note**

My research on the policing of pro-Palestinian protests in Germany shows how, also in this country, the police control is based on escalating force aiming at total control of the space, denying protest rights to individuals and groups that are considered as security threats because of they being stigmatized as internal Others. The empirical analysis is based on documents produced by the protestors and public institutions as well as press coverage. In particular, among the official sources, I have analysed about 50 statements by the Berlin police; 15 statements by the Berlin section of the main police union (the Gewerkschaft der Polizei, GdP), and 10 statements of Administrative courts in the state of Berlin. I have selected those statements by searching the websites of the respective organizations by keywords (Israel, Palestine, Gaza, Middle East for the period from October 2023 to November 2025). On the side of the protestors, I have analysed in details about 120 documents produced by the organizations that promoted the protests in solidarity with Palestine in Berlin, the European Legal Support Centre, the teams of lawyers that defended the protestors, the Arrest Press Unit and associations devoted to the defence of human and protest rights (such as Amnesty International). As for the press coverage, I have looked systematically at main dailies (mainly, Frankfurter Allgemeine, Frankfurter Rundschau, Süddeutsche Zeitung, die Welt, Bild, BZ, Berliner Morgenpost, der Tagesspiegel, die Tageszeitung, junge Welt) and weakly outlets (Die Zeit, der Spiegel, Freitag).

## **3. The repression of protests in solidarity with Palestine in Germany**

In Germany, like all over Europe, the Israeli attack on Gaza triggered immediate protests, especially so in the capital, where a large Palestine diaspora live. In particular, the neighbourhoods of Neukölln and Kreuzberg, with a higher presence of migrants often of Arab background have seen in fact a very heavy police presence, with a military occupation of public spaces and racialized stops and search (Grimm et al 2025). The policing of pro-Palestine protests has been characterized by very high levels of repression, particularly so in Berlin.<sup>1</sup> In a special report on the repression of protest in Europe, Amnesty International (2024) depicted the situation in post-October 7<sup>th</sup> Germany as follows:

the authorities pre-emptively banned several gatherings in support of Palestinians, often citing concerns of “public security”, a need to prevent the “public celebration of the Hamas terrorist attacks” of 7 October, and “the increase in antisemitic attacks” in the country. In Berlin, the police banned numerous solidarity gatherings between 11 and 30 October. The decisions cited the unspecified risks of “inciting, antisemitic exclamations, glorification of and incitement to violence, and acts of violence”, based upon “experience from previous years and the recent past, and further findings”. ...

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<sup>1</sup> <https://www.tni.org/en/publication/solidarity-under-siege>

In instances where protests were able to take place lawfully, there were numerous subsequent reports of unnecessary and excessive use of force by police, hundreds of arbitrary arrests, and increased racial profiling of people perceived to be Arab or Muslim.

In a similar assessment, the 2025 Monitor report by Civicus downgraded Germany for the second time in a row, classifying its relation with civic rights as “obstructed”, citing among others the 9,000 legal charges against protestors by the Berlin police alone in the period after October 2023.<sup>2</sup> Moreover, according to the report *Solidarity under Siege* by the Transnational Institute, the “Berlin prosecutors logged about 6,400 cases tied to the war on Gaza over the two years following October 2023, including more than 2,000 incidents at demonstrations (alleged resistance, assaults on police, or chanting possibly banned slogans), with additional police investigations likely still pending. Showing their abusive character, oriented to intimidation (what came to be known as SLAPP, Strategic Lawsuits Against Public Participation), at the time of writing, about half of these cases were dropped before trial, and even when they reached court, many ended in acquittals or small fines, with only three prison sentences without probation and 16 with probation.<sup>3</sup>

A systematic analysis of pro-Palestine protests in Berlin since October 2023 revealed that nearly all events involving police attendance included instances of repression (Grimm et al 2025). The European Legal Support Centre (ELSC), which advocates for Palestine through legal means, documented 202 cases of political repression just between 7 October 2023 and 31 January 2024, with 68 threats of legal action, such as administrative civil rights complaints, as well as 57 cases of harassment, intimidation, or violence against individuals or groups advocating for Palestinian rights; 39 cases refer to permission being denied to access or use specific locations, while in 20 cases Palestine related events were disrupted by physical interference by individuals or groups (Ragab 2024).<sup>4</sup> In the few days between 11 and 20 October 2023, the ELSC listed 600 detentions among those expressing solidarity with Palestine in Berlin alone, alongside a series of criminal and administrative proceedings.<sup>5</sup>

This post-October 7<sup>th</sup> repression builds on previous episodes, including numerous bans on commemorations of the Nakba in Berlin in May 2023, when even dancing *dabke* in public was prohibited. In 2021 and in 2022 arrests were made for the wearing of keffiyehs and the carrying of Palestinian flags, while intellectuals were also silenced (della Porta 2024). Escalating policing was regularly employed during the pro-Palestinian student camps that were organized in several universities from May 2024 onwards, with mass-media outlets and party politicians engaging in a convergent criminalization of not only the activists but also of the academics that called for the right to protest and free speech to be respected.<sup>6</sup> In all these cases, as in colonial policing, the political motivations of the protests are denied while the protestors are stigmatized as emotional and violence-prone.

One of the most dramatic episodes of political repression—which I will focus my attention on in what follows—developed around the “Palestine Congress – We Accuse!”, which was planned to take place in Berlin between 12 and 14 April 2024. The event was organized in the form of a tribunal, with testimonies detailing the violations of human rights in Gaza by the State of Israel and the role played in these events by the German state, including evidence provided by experts

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<sup>2</sup> [https://monitor.civicus.org/press\\_release/2025/germany/](https://monitor.civicus.org/press_release/2025/germany/)

<sup>3</sup> <https://www.tni.org/en/publication/solidarity-under-siege>

<sup>4</sup> [https://res.cloudinary.com/elsc/images/v1685978238/The-Practice-of-Suppressing-Palestinian-Rights-Advocacy-FINAL-PP/The-Practice-of-Suppressing-Palestinian-Rights-Advocacy-FINAL-PP.pdf?\\_i=AA](https://res.cloudinary.com/elsc/images/v1685978238/The-Practice-of-Suppressing-Palestinian-Rights-Advocacy-FINAL-PP/The-Practice-of-Suppressing-Palestinian-Rights-Advocacy-FINAL-PP.pdf?_i=AA)

<sup>5</sup> <https://www.aljazeera.com/news/2024/4/1/we-jews-are-just-arrested-palestinians-are-beaten-german-protesters>; See also, <https://www.middleeastmonitor.com/20240330-berlin-police-crack-down-on-pro-palestinian-demonstrators-assault-woman/>

<sup>6</sup> <https://antipodeonline.org/2024/05/15/policing-palestine-solidarity/>

The way in which the organizers framed the protest was the denunciation of a genocide committed by a specific country; namely Israel. DiEM25, a Europe-wide party coalition and one of the main organizers of the event, points at the reproduction in Germany of the colonial occupation of Palestine by Israel: “*Together with the voices of the Palestinian movement and the international community, we will denounce Israeli apartheid and genocide. We accuse Germany of being complicit. .... Never again for all!*”.<sup>7</sup> Among the main demands listed were an immediate ceasefire; the withdrawal of the Israeli army; the cancellation of all restrictions on humanitarian aid into Gaza; the cessation of all military, diplomatic and economic support for Israel by the German state; a comprehensive military embargo; an end to the criminalisation and repression of the Palestine solidarity movement in Germany; the tearing down of the apartheid walls; the restoration of full funding to UNRWA; full reparations to the Palestinian people by Israel, Germany and other allies of Israel; an end to the use of the IHRA definition of anti-Semitism and the criminalisation of Palestinian organisations and individuals; as well as an end to all deportations. In a speech, which was banned by the police but shared on YouTube which received thousands of views, Yannis Varoufakis stated as follows: “I am incredibly proud to be here amongst Jews and Palestinians – to blend my voice for Peace and Universal Human Rights with Jewish Voices for Peace and Universal Human Rights and with Palestinian Voices for Peace and Universal Human Rights. Being together, here, today, is proof that Coexistence is Not Only Possible – but that it is here!”. Similarly, in his prohibited talk, the rector of Glasgow University, Dr. Ghassan Abu-Sittah, cited Hannah Arendt, saying he stands for the rights of all racialized people, beginning with the Jewish people.<sup>8</sup>

While peaceful in its form and anti-racist in its framing, the initial announcement of the event triggered, a long campaign of demonization and intimidation conducted by the mass media and at an administrative level, including attempts to ban the event and the freezing of the bank account of a Jewish organization that co-organized it. On the day the protest was planned to begin, around 2,500 police officers converged on Berlin to control the 800 or so ticket-holders, whom they eventually dispersed less than an hour after the proceedings had commenced. Dr. Ghassan Abu-Sittah, a Palestinian-British surgeon and rector of Glasgow University, who was to testify about his experience as volunteer for Doctors Without Borders in Gaza, was denied entrance at Berlin Airport as the Berlin police imposed on him a Schengen ban for the duration of one year, which was later declared illegal by the relevant court in Potsdam. Another of the scheduled speakers at the Congress, Yanis Varoufakis, the former Greek Finance Minister and secretary general of the pan-European party Diem25, was also banned from entering the country and from participating in the event via video-link (a court case against this decision is pending). The “Occupation Against Occupation” protest camp, which was set up in front of the federal parliament, was also repeatedly attacked by police, who even went as far as banning the use of any language other than German or English (including Arabic and Hebrew).

Only on 26 November 2025, the Administrative court in Berlin stated that the dissolution of and ban on the Palestine Congress had been unlawful. According to the judges, “The dissolution and prohibition of the assembly were disproportionate in any case. The restrictions imposed in advance had not been violated until the assembly was dissolved. Nor had the police found any criminal offences of expression. It was not apparent that the police had seriously considered less severe, equally suitable measures and thereby taken sufficient account of the special importance of freedom of assembly and freedom of expression. Such less severe measures – such as excluding individual speakers and participants – would have been appropriate in this case. The police did not demonstrate that this would not have been effective.”<sup>9</sup> The court decision came much too late, as the intimidatory effects of the moral panic campaigns and of a policing oriented to total incapacitation had been successful in cancelling the event.

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<sup>7</sup> <https://diem25.org/palestine-conference-2024-april-12-14-what-we-will-discuss-and-demand/>

<sup>8</sup> [https://mondoweiss.net/2024/04/dr-ghassan-abu-sittah-tomorrow-is-a-palestinian-day/?fbclid=IwY2xjawEtitBleHRuA2FlbQIxMQABHZnQ96\\_BDPkwPTdYsi2lGRRzAG4ig7O7qGXLJvWzsglEg\\_Jo4rb73ZOwZw\\_aem\\_Eg8y4Jg5iunwgnAV2PiYqA](https://mondoweiss.net/2024/04/dr-ghassan-abu-sittah-tomorrow-is-a-palestinian-day/?fbclid=IwY2xjawEtitBleHRuA2FlbQIxMQABHZnQ96_BDPkwPTdYsi2lGRRzAG4ig7O7qGXLJvWzsglEg_Jo4rb73ZOwZw_aem_Eg8y4Jg5iunwgnAV2PiYqA)

<sup>9</sup> <https://www.berlin.de/gerichte/verwaltungsgericht/presse/pressemitteilungen/2025/pressemitteilung.1620365.php>

#### 4. Total incapacitation in protest policing

The colonial style of policing based upon a denial of protest rights characterized the policing of the Palestine Congress, as in the cases of other pro-Palestine protests, as a total incapacitation style was adopted. This included an overwhelming presence of police as a form of intimidation, the imposition of very strict rules that allowed for a total control of the space, with the tight control on language (in content and forms), along with a high level of showing off and eventually use of force.

On the opening day of the congress, 12 April, with thousands of policepersons converging on the capital, the police dispersed the event a few minutes after it began. As one journalist reported in the *London Review of Books*: “Last Friday afternoon, shortly after the Palestinian writer and researcher Salman Abu Sitta had said that ‘the voice of the victim is silenced, denied, condemned and vilified,’ the German police cut the power to the Palästina-Kongress in Berlin... After the power was cut, the room was plunged into darkness. ‘There was no communication, only chaos,’ one of the speakers told me afterwards. ... An officer outside shrugged as attendees pressed him with questions about the legality of cancelling the conference: ‘I’m just following orders’”.<sup>10</sup>

In a public statement, the AnwältinnenKollektiv Berlin (a collective of critical lawyers) thus documented the use of a strategy of total incapacitation by the police:

During the ongoing program, a few minutes after the start of a video message by Dr. Salman Abu Sitta, which was announced in the program, the assembly hall was entered by riot police from Duisburg, who immediately set up in front of the stage and demanded that the video be interrupted. The reason given was that the speaker had been banned from speaking in Berlin. This ban had not been made known to the applicant beforehand, nor was it otherwise known. According to the police, they had only just been informed of it. After the soundtrack continued to play, the door to the premises was forced open and the electricity switched off without using the key that had been offered several times. Despite this escalating police action - the organizer would have adjusted the programme if he had been aware of the police's request - the situation on site remained calm, the stewards had a calming effect on the participants and there were no physical altercations. Cooperation talks were held, with the contact officer of the police forces from North RhineWestphalia providing administrative assistance. It was pointed out that it had already been clarified in court that a prohibition of activity does not apply to the playing of videos of persons located abroad. It was promised that this would be investigated. According to reports, neither the police nor the representative of the public prosecutor's office present were able to identify any criminal content in the statements played. When the registrant nevertheless offered to refrain from playing the video, the problem was raised that the live stream could possibly broadcast criminal statements to the whole world, which would imponderably expand the circle of people who could see them. In response, the applicant offered - in protest against the order - to temporarily refrain from broadcasting the live stream so that the event could continue. This appeared to be a viable compromise. Nevertheless, the overall head of operations decided that the assembly should be dissolved and the congress could not take place. He justified this to a member of the lawyers' collective by stating that a video message had been shown from a person who had been banned from taking part in the event, which in turn had been based on the person's offense of making statements. This (alone) gave him sufficient reason to suspect that if the congress continued, criminal statements would be made that corresponded to those for which the ban on Dr. Salman Abu Sitta had been issued. The fact that no such criminal statements have been made during the course of the meeting so far, that the organizers were not aware of the ban on Dr. Salman Abu Sitta and that they are willing to cooperate, does not change his decision, which he can justify with the particular seriousness of the protected good that the restriction of freedom of expression serves. According to the police director in conversation with the bar, he would not wait until a punishable expression of opinion was made.

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<sup>10</sup> <https://www.lrb.co.uk/blog/2024/april/in-berlin>

After the police cancelled the entire congress, ordering the participants to leave, they used force to clear the space and made several arrests. The harassment included the arrest of a Jewish participant who had accused an official of anti-Semitism after he had made fun of the *kippah* with a melon pattern that the activists was wearing. Another participant claimed that the police forced him to take off a T-shirt he was wearing with the words 'Free Palestine' and a stylized fist in the colours of Palestine. As the *Taz* Journalist Daniel Bax concluded, 'One does not have to approve of the views and individual statements of the organizers and participants of the congress in any way to get the impression that the state has enforced an ominous *raison d'état* with the means of a police state'.<sup>11</sup>

The following days were also characterized by escalating policing, as a demonstration against the clampdown on the conference was organized in front of the city hall of Berlin. Despite the fact that the blocking off of one of the U-bahn entrances along the route of the march made it difficult for protesters to disperse, the police stormed the march, kettling demonstrators. At the 'Occupy Against Occupation' protest camp in Tiergarten, across the street from the Bundestag, the policing style was also characterized by shows of force and the frequent intimidation of participants. As another journalist reported: "at one point they banned the use of Arabic, even for prayers. Police vans lined Scheidemannstraße for most of Sunday. In the early evening, following a performance on the lawn by a Gazan musician whose song lyrics included the legally contested phrase 'from the river to the sea', members of the Kriminalpolizei charged the lawn in search of the rapper". As she critically observed, "A heavy police presence at pro-Palestinian demonstrations isn't new in Germany; nor is police brutality. The weekend's events, however, represent a sharp uptick in suppression. One video shows several protesters being forced to the ground, some placed in chokeholds." (Giovetti 2024).

The control of the space extended to languages, especially those more stigmatized in the colonial tradition. On 19 April, an international wave of criticism developed when Irish protesters were told that they were not allowed to speak or sing in Irish. As the Irish Independent reported, "About 40 activists were attending the '*ciorcal comhrá*' (conversation circle) event as *Gaeilge* [in Irish] when large numbers of police arrived and told them to stop and move on". One Irish protestor, interviewed by the newspaper, denounced the police intervention as follows:

At that camp, especially in the last days of Ramadan, there was a crackdown on any Arabic-speaking, including arresting someone... So we decided to highlight what we see as a really worrying human rights concern. We just had to highlight this by speaking in Irish... The police expressed concern that people might be discussing terrorist activity, or what they call incitement to violence... They were worried that we, in Irish, would say something that glorified terrorism or incited violence and therefore we were required to have an interpreter to clarify that for the police officers there. And because we didn't have one, we were banned from speaking in Irish...

Notwithstanding the activists' care "about the choice of songs because some rebel songs might have some words in them that might be seen as incitement to violence", the police interrupted the performance. After splitting the activists in groups of no more than six individuals, they "told us that they threatened the activists with arrests if we did not vacate the vicinity immediately. As the group moved to a nearby museum, the activist claims that the police "followed us up and down the steps for quite some time. It was very threatening. They were silent, they wouldn't speak to us, they were just following us, maybe 10 or 12 of them in full gear... It was very clear that they were waiting on instructions from their superiors. They were filming us very closely... And at this point, it was just pure intimidation".<sup>12</sup>

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<sup>11</sup> <https://taz.de/Palaestina-Kongress-in-Berlin-aufgeloest/16004209/>

<sup>12</sup> <https://www.independent.ie/irish-news/berlin-police-ban-irish-protesters-from-speaking-or-singing-in-irish-at-pro-palestine-ciorcal-comhra-near-reichstag/a234500393.html>

## 5. Selective and unaccountable negotiation

Negotiations are usually considered extremely important in allowing contentious events to unfold peacefully, while at the same time defending the right to protest (della Porta and Reiter 1998). Although the climate and content of negotiations might vary a lot, the establishment of reciprocal trust prior to and during an event is key for de-escalation. In the case of the Palestine Congress, although negotiation took place, according to activists and observers trust was broken in the most critical moments.

The negotiations between the police and the organizers were in fact revealed to have been selective and unaccountable. According to the statement issued by the *AnwältinnenKollektiv Berlin*, the initial agreements were not respected by the police, thus breaking the relationship of trust with the protest negotiators:

In the run-up to the event, there were several security talks between the organizers, the lawyers' collective and the police with the aim of protecting the event, as required by law, and holding it without disruption. These talks went very well, at no point did we have reason to assume that there were intentions to ban or restrict the event, despite pressure from politicians and the media. The program and the planned speakers were discussed and confirmed with the police on the morning of the congress on 12.4.2024. The police measures that were then ordered during the congress were therefore like being taken by surprise and contradict the principle of cooperation. The principle of cooperation is enshrined in the Berlin Freedom of Assembly Act and forms the basis of all discussions between the organizer, lawyers and police.

However, they noted that available information was not communicated to them. This happened, most critically, for the event that brought about the termination of the congress:

The fact that Dr. Salman Abu Sitta would send a message of greeting to the congress was generally known. It had also been communicated in the exchange of information with the police on 8 April 2024 that any contributions played would be checked in advance for possible criminal content and that all speakers would be informed about the legal situation in Germany. This was also repeated to the overall incident commander. An offer was also made to make the video recordings available to the police for review. This was also not accepted. In doing so, the police behaved in a completely disproportionate and unconstitutional manner.

Misinformation also emerged in relation to the ban imposed on Yannis Varoufakis. According to a communique issued by his party after the police had broken up the congress, on 12 April, during a demonstration against the police ban, a police officer had approached the organisers, including the supervising lawyers, to inform them that a 'Betätigungsverbot' (that is, a prohibition to act) had been issued against three of the speakers, Yanis Varoufakis, Ghassan Abu-Sittah and Salman Abu Sitta:

Asked what the precise meaning of the said Betätigungsverbot was, the same police officer answered: "Prohibition to enter Germany but also from participating in conferences via video-link or recorded messages." The same police officer then added that if any speech is given by "any of these three persons", physically or by electronic means, the police would forcefully dissolve the demonstration. At that point, the lawyers present asked the police officer for information of which law the ban on Varoufakis and the other two speakers was based. The police officer replied that it was not a police decision, but a decision by the Federal Ministry of the Interior. When the lawyers asked to be given something in writing about this Betätigungsverbot, he refused.

DiEM25 also denounced the fact that, after the events of 12 and 13 April, the lawyers of Yanis Varoufakis were informed by the press department of the Berlin police that they had no knowledge of a ban and suspected that the police officer at the demonstration had 'miscommunicated', while the Federal Ministry of the Interior neither confirmed nor denied the fact that a 'Betätigungsverbot' had been issued. Accusing the German

authorities of having “dug themselves into a deep hole of farcical authoritarianism,”<sup>13</sup> the document added that during a press conference on 15 April, the spokesperson for the Interior Ministry had refused to comment on “individual cases”. On the same day, a statement was issued that claimed that “The Federal Police has not issued a travel and residence ban against your client within the meaning of § 11 AufenthG.” However, the following day, they received the following confirmation: “In the context of a possible participation as a speaker at the Palestine Congress 2024 in Berlin, your client was the subject of an alert for national refusal of entry pursuant to Section 30 (5) BPolG in conjunction with Section 6 (1) sentence 2 FreizügG/EU, limited to the period of the event from April 10 to 14, 2024.” (ibid.).

A strategy of total incapacitation also characterized the days and weeks leading up to and following the Palestine Congress, through harassment of the organizers and attempts at preventing the protest event from taking place. A major attempt at blocking organizational resources can be seen in the decision taken by the Berliner Sparkasse bank in March 2024 to freeze the funds of the Jewish Voice for Peace, which was accompanied by the unusual (and unexplained) request to provide a full list of the names and addresses of the organizations’ members, among other documents. As the bank account was used to receive donations in support of the congress as well as the funds from the sale of tickets, the decision was denounced as “a clear move to starve the organisation of its funds and thus its ability to function, but it will not succeed.”<sup>14</sup> As the group stated, “In 2024, Jewish money is once again being confiscated by a German bank: Berliner Sparkasse freezes Jewish Voice account”.<sup>15</sup>

More generally, the search for a venue for the event (which had to take place as an indoor meeting) was actively discouraged by the police. The lawyers mentioned “the ‘security warnings’ issued by the police against the Cafe MadaMe, where a fundraising evening for the Palestine Congress was to take place and was cancelled under pressure and the intimidation attempts against the landlord of the hall for the Palestine Congress: various authorities were called in to find alleged deficiencies in fire protection and the permission to use the hall”. As a journalist for the London Review of Books wrote, the organizers “had to relocate at the last minute after the initial venue, a café in Kreuzberg, received a phone call from the police regarding ‘security concerns’ for the event and felt pressured to cancel. The conference’s event space in Tempelhof reportedly received similar calls. ‘Are these the methods of the mafia or are these the methods of democracy?’ asked Jüdische Stimme’s chair, the composer Wieland Hoban” (Giovetti 2024).

According to other testimonies, participants were also blocked from reaching the announced venue as the Berlin police cordoned off with police cars and barriers the street where the congress had to take place and intercepted potential participants even before the event started. Additionally, the police restricted attendance to 250 participants at short notice, despite the fact that 800 people had bought a ticket for the event. They also classified the congress as a “public assembly”, thus imposing restrictions similar to those that apply to a demonstration. These tactics of de-resourcing and harassment continued on 12 April in the congress venue. This involved a two-hour fire safety and permit check for the building, which the police only commenced at the very time set for the start of the event.

De-resourcing also happened in terms of media coverage of the protest as the police used their own list of journalists admitted to the event, rather than the one drawn up by the organizers, allowing some journalists to enter against the organisers’ wishes while prohibiting others that had been included on the organizers’ list from entering. A journalist so testified, “I had a press ticket but was denied entry by the police on the grounds that I was a freelancer and neither a German citizen nor working with a German media outlet. I later learned from several of the organisers that the police had a separate media list, and let ‘their’ members of the press in through

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<sup>13</sup> <https://diem25.org/chronicle-of-the-betätigungsverbot-against-yanis-varoufakis/>

<sup>14</sup> <https://diem25.org/diem25-collects-donations-for-palestine-congress-after-judische-stimme-bank-account-suspended/>

<sup>15</sup> <https://twitter.com/JSNahost/status/1772930994053493027>

a back door without the organisers' knowledge" (Giovetti 2024). Moreover, they prohibited participants from using their keffiyehs to hide their faces from journalists that had engaged in personal defamation.<sup>16</sup>

## 6. Misinformation

The policing of protests involves the collection of information on the organizers and the events. Generally speaking, the collection of information is filtered through pre-existing police knowledge and stereotypes which often tends to distinguish between 'good' and 'bad' protestors (della Porta and Reiter 1998). In the case of the Palestine Congress, as in colonial policing, police interventions seemed to have been based on pre-existing stereotypes about the assumed dangerous nature of the event rather than on a collection of intelligence on the actual risks. The bases for the denial of protest rights was the undocumented definition of the protestors as Hamas supporters. This was in spite of the fact that participants came from the secular Left and that Jewish organizations took part in promoting the event. In fact, in many instances police decisions seem to have been based on misinformation.

First of all, the police acted on misleading assumptions that assigned specific pro-Hamas meanings to slogans and symbols, which in reality have broader and more complex signifiers. Thus, the use of the slogan "From the river to the sea, Palestine will be free" was considered to express support for terrorism. So, for instance, a police press release was issued on 13 March in relation to a search that had taken place in an apartment in Berlin and the seizure of three phones, two computers and a hard disk drive belonging to a woman who was accused of "having published criminal content relating to Hamas and the current Middle East conflict via social networks in four cases since October 2023, e.g the slogan 'From the river to the sea'".<sup>17</sup>

The banning of a number of intellectuals and politicians from entering the country was also based on unspecified claims of connivance with terrorist organization. With reference to the online intervention by Salman Abu Sittah, the Berlin police wrote on X that: "A speaker was connected to the 'Palestine Congress' who is banned from political activity. There is a risk that a speaker who has already made anti-Semitic or violence-glorifying public statements in the past will be connected repeatedly."<sup>18</sup> While no anti-Semitic statement was to be found in the speech itself, the narrative of a convergence between the Left and violent Islamism was widespread also in the police discourse (della Porta and Grimm forthcoming).

Similar misinformation was revealed in the case of the already mentioned one-year Schengen ban imposed on another speaker Ghassan Abu Sittah. After the Federal police had issued a ban valid within all the Schengen territory, Dr Abu Sittah was also denied entry to France, where he was to give testimony in the French parliament. The Potsdam Administrative Court (VG), which has jurisdiction over the entry bans imposed by the Federal Police as it has its headquarters in Potsdam, later issued a temporary injunction to delete the entry ban from the Schengen Information System (SIS) stating that the federal police had been unable to prove that Abu Sittah had committed or was planning to commit a "serious criminal offence" and to present any concrete evidence of their accusation that had intensive contacts with members of the left-wing Palestinian terrorist organization PFLP.<sup>19</sup> In July 2025 the Berlin's Higher Administrative Court has dismissed the city migration office's appeal against Administrative court had confirmed that the ban had been disproportionate as his criticism of Israeli military actions did not threaten the "free democratic basic order".<sup>20</sup>

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<sup>16</sup> <https://mondediplo.com/outside-in/german-police-palestine-congress>

<sup>17</sup> <https://www.aa.com.tr/en/europe/berlin-police-arrest-pro-palestinian-woman-for-writing-from-the-river-to-the-sea-on-social-media/3165593>

<sup>18</sup> <https://www.fr.de/politik/yanis-varoufakis-news-krieg-in-israel-hamas-palaestina-kongress-berlin-einreiseverbot-fuer-93017945.html>

<sup>19</sup> <https://taz.de/Nachspiel-zum-Palaestina-Kongress!/6010953/>

<sup>20</sup> <https://taz.de/Palaestina-Kongress-in-Berlin!/6100913/>

## 7. Government signalling

The police framing of the Palestine Congress as a security risks resonated with a vision by the political elites of pro-Palestinian protests as a threat to the German *raison d'être*, embedded in the defence of Israel (della Porta 2024). In general, as in colonial policing, what is at stake is an assumption of the moral superiority of the colonizers over the colonized. While the police enjoy some degree of discretion, especially during moments that are considered as particularly critical, governments and other institutions can have a strong influence in setting the stage for police intervention. As Roger Geary (1985, 125-26) observed long ago, “Of course, constitutionally the police are supposed to be a neutral law enforcing agency independent of political influence. However, there seems to be little doubt that the Government does influence the policing of industrial disputes both in terms of overall approach and in terms of particular operational decisions”. Rather than police antagonism, often what determines repression is political antagonism, in the sense that the government orders the police to engage in an antagonistic style of control based on political considerations (Fillieule and Jobard 1998). While in the past centre-left governments were considered to be more tolerant of protest, law and order campaigns on the Right can push them towards more intolerant policies.

In the German case, the police philosophy has been rooted in a conception of a police of the government rather than a police force for the citizens. While the former has been challenged in some moments (from the student protests in the late 1960s to the environmental protests in the 1980s), the strengthening of the defence of protest right with the so-called Brockdorf decision by the constitutional court has been challenged during various waves of protests (Winter 1998). In recent years, the traditional mistrust of the police towards protests and a conception of the self as obedient to the political government re-emerged, especially in the policing of transnational protests (Malthaner and Teune 2022). In parallel, governments at different territorial levels have considered the police to be an administrative branch under their control. The conception of a *wehrhafte Demokratie*, as a democracy that defends itself against assumed dangers, has re-emerged at different stages in order to justify states of exception *vis-à-vis* perceived enemies. While the degree of police discretion remains high in routine protest policing, protests that are considered to be most critical from a political perspective have seen a more decisive political intervention on policing strategies.

It has been especially in the control of pro-Kurds and pro-Palestinian protests that elements of colonial policing have re-emerged. Given Germany's strong strategic ties with Israel, the post-October 7<sup>th</sup> policing of pro-Palestinian protests has been the subject of heavy political pressure to adopt a total incapacitation style. The stronger the evidence of human rights violations and the more widespread the consideration that the Israeli military intervention in Gaza constituted genocide against the Palestinians, the more the entire party system converged on a denialist position that defended the Israeli intervention in the name of Israel's right to self-defence (della Porta 2024). In Berlin, the different constellations of parties in power in the federal government (the centre-left coalition of SPD, Green and FDP) and in the state government (where the SPD is in a coalition with the CDU) has increased the convergence of the main political parties (including the far right AfD) against any form of solidarity with Palestinians or criticism of Israel. The issuing of parliamentary resolutions listing non-violent political networks such as BDS or criticism of Israel (including the use of terms such as ‘apartheid’ or ‘genocide’) as anti-Semitic has exercised a great deal of influence on the policing of protest, making the requests by the government to the police quite explicit (della Porta 2024). As the *AnwältinnenKollektiv* observed about the repression of the Palestine Congress, “The impression is also growing that the police were subject to political pressure, which caused them to knowingly act unlawfully.”<sup>21</sup>

The definition of the event by the authorities built upon the colonial stereotype of insurgent challenges against state security, denying political agency to the protestors. Loud political demands for the adoption of an incapacitating style of policing could in fact be heard by both the Berlin state government and the federal government in relation to the Palestine Congress. After the Federal Government Commissioner for Jewish

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<sup>21</sup> <https://www.sozone.de/2024/04/erklarung-des-anwaeltinnenkollektivs-zu-aufloesungund-verbot-des-palaestina-kongress-wir-klagen-an-geplant-vom-12-4-14-4-2024-in-berlin/>

Life in Germany and the Fight against Antisemitism, Felix Klein, had called for Salman Abu Sitta to be denied entry to Germany (Michael 2024), the main parties converged on a sort of demonization of the protesters as both the national and the state governments vehemently attacked the organizers of the events, depicting them as anti-Semitic and supporters of Hamas. As early as 15 March, about one month before the event, the daily newspaper *Der Tagespiegel* reported that the Interior Ministry had insured that the Berlin security authorities were in "close contact" in order to share information and plan a response to the event:

"On the basis of reliable findings, a decision will then be made on possible measures - up to and including a ban," said spokeswoman Sabine Beikler. With regard to possible entry bans, Beikler explained that the federal authorities could check whether visas are refused, entry bans are imposed or people are refused entry. After entry, the immigration authorities could issue a ban on political activity in relation to the event if public safety and order were at risk. Interior Senator Iris Spranger (SPD) explained: "Groups that try to poison our social coexistence with anti-Semitism and hostility towards Israel must expect consequences." The Senate Chancellery announced that the police would "intervene in the event of anti-Semitic statements glorifying violence, calls for the annihilation of Israel or other content relevant to criminal law in public spaces".<sup>22</sup>

A few days later, on 18 March, the same newspaper published an article with the headline "Anti-Semites of the world want to gather in Berlin". The article stated that "The Senate believes that anti-Semitic groups are behind a planned Palestine congress. ... The Berlin security authorities are targeting the Palestine Congress planned for mid-April and are considering legal action, including a ban. Activists from the anti-Israel campaign Boycott, Divestment and Sanctions (BDS) and radical splinter groups want to bring thousands of opponents of the Jewish state to Berlin for the anti-Semitic meeting from April 12 to 14". Thus, a "further strategic networking of anti-Israeli and anti-Semitic individuals and groups" was feared by the State Secretary "very, very thoroughly." As the journalist stated, "regardless of the legal options, the Senate will do everything in its power to prevent crimes such as incitement to hatred and the use or dissemination of symbols of banned organizations, as well as the dissemination of hatred and incitement against Israel and the Jewish population. Anyone who attempts to poison social coexistence with anti-Semitism and hostility towards Israel must expect consequences". According to the *Tageszeitung*, the Federal Minister of the Interior connected the event to the banned Samidou and Hamas, stating that "The security authorities are keeping a very close eye on compliance with the bans. We are keeping a close eye on the Islamist scene."<sup>23</sup>

While a preventive ban of the event was found to not be legally justifiable, the political campaign continued. On Friday 12 April, the mayor of Berlin, Kai Wegner, tweeted that it was "intolerable" that the conference was set to go ahead as planned. Immediately after the Palestine Congress was closed down, the mayor of Berlin wrote on social media: "we have made it clear which rules apply in Berlin". This was a sentiment echoed by the SPD Minister of the Interior, Nancy Faeser, who stated that "we do not tolerate Islamist propaganda and hatred against Jews"<sup>24</sup>. Furthermore, the mayor of Berlin "thanked the police for their decisive action against a 'hate event': 'hatred of Israel has no place in Berlin'.. Federal interior minister Nancy Faeser went further, saying 'those who spread Islamist propaganda and hatred of Jews must know that it will be prosecuted quickly and consistently.'<sup>25</sup>

The alleged Islamist challenge had been one of the main frames mobilized by Faeser in the repression of the pro-Palestine protests. As a press release by the Ministry for Internal Affairs and the Fatherland affirmed, "In Germany, 'Samidoun' made a public appearance in particular through demonstrations at which the right of Israel to exist was systematically denied and anti-Israel and anti-Jewish agitation was carried out, especially with the slogan 'From the River to the Sea, Palestine will be free'. The

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<sup>22</sup><https://www.tagesspiegel.de/berlin/kongress-der-terrorverharmloser-in-berlin-diese-redner-sollen-fur-die-israelfeindliche-veranstaltung-zugesagt-haben-11363842.html>

<sup>23</sup> <https://taz.de/Palaestina-Kongress-in-Berlin!/6004299/>

<sup>24</sup> <https://mronline.org/2024/04/16/berlin-police-raid-and-shut-down-conference-opposing-gaza-genocide/>

<sup>25</sup> <https://mondediplo.com/outside-in/german-police-palestine-congress>

glorification of HAMAS terror following its terrorist attacks on Israel since October 7, 2023 is particularly serious.”<sup>26</sup> Also immediately after the police intervention to close down the event, a spokesperson for the Federal Ministry of the Interior told *Die Tageszeitung* that the Palestine Congress attracted Islamists and Jews-haters, stating that "Anti-Semitic and Islamist crimes will not be tolerated."<sup>27</sup>

Generally speaking, there was a lack of political allies for those who organized the congress. As a journalist from *Le Monde Diplomatique* observed in relation to the march that took place on the day after the forced closure of the event by the police, “most notable was who was not in attendance. Seemingly, no elected politician of any major party, however lowly their office, saw any reason to participate. ... Instead of a broad spectrum of democratic parties expressing justified outrage at the illiberal actions of the police, the only political parties in attendance were a small spectrum of mutually ideologically opposed, mostly revolutionary, leftist groups.”<sup>28</sup> The only party to criticize the institutional decisions was *Die Linke*, as the former party leader Bernd Riexinger took to X to call the ban on Varoufakis "a serious violation of democratic principles and freedom of opinion".<sup>29</sup> Among the few civil society organization to denounce the repression, Amnesty Germany called for an independent investigation into the policing of the Palestine Congress in Berlin, stating that freedom of expression and freedom of assembly apply "to all people, even if they criticize German and Israeli government policy", and that the limit is "marked by criminal acts and not by politically unpopular statements."<sup>30</sup>

Indeed, the events surrounding the Palestine congress led some observers to criticize what they saw as a lack of a culture of *Rechtstaat*. As Ralf Michael (2024) observed, references to mere emotions, either in the mainstream or among opponents, often support a call by political actors to break with legal constraints: “It is ‘unacceptable that a so-called Palestine Congress is to take place in Berlin,’ the governing mayor had already declared before it began, as if his personal capacity for suffering had a legal character. ... This is wrong because the constitutional state does not prohibit hatred, but can or must intervene in the event of illegality. ... (Incidentally, what was essentially Islamist about the Palestine Congress organised by left-wing secular or Jewish organisations is a secret of the ministry.)”

## 8. Defamation by media

A defamation of the Palestine Congress as promoted by an evil alliance between Islamist and the Left was further spread by the mass media that also aligned on a colonial narrative of the protests as representing security threat rather than political dissent. The policing of protest is influenced by the media, even though the outcome of the presence of journalists and media attention can vary, as it has the potential to push the police towards more or less tolerant behaviour (della Porta 1995).

In line with a general trend of alignment with the *raison d'État*, the mainstream media and institutions presented the promoters of the initiative as pro-Hamas, terrorism deniers, Israel haters and anti-Semites. In parallel with what took place at the political level, there was also a convergence within the mass media on the stigmatization of the protest organizers that not only involved the right-wing and scandalizing media, but also those outlets that in the past had been considered progressive, high-quality newspapers. As one journalist critically observed,

Anti-Palestinian hit pieces in self-described liberal and even left-wing legacy outlets are doing their best to defame the congress and get it cancelled, with the notoriously pro-Zionist *Der Tagesspiegel* publishing mendacious, over-the-top headlines ... and the once respected taz going even

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<sup>26</sup> <https://www.bmi.bund.de/SharedDocs/pressemitteilungen/DE/2023/11/exekutiv-2311.html>

<sup>27</sup> <https://taz.de/Palaestina-Kongress-in-Berlin/!6004299/>

<sup>28</sup> <https://mondediplo.com/outside-in/german-police-palestine-congress>

<sup>29</sup> <https://taz.de/Nachwehen-des-Palaestina-Kongresses/!6005527/>

<sup>30</sup> <https://taz.de/Nachwehen-des-Palaestina-Kongresses/!6005527/>

as far as character assassinating individual speakers, such as renowned British-Palestinian surgeon Ghassan Abu-Sittah who the “ignorarrogant” author of a particularly vile, anti-Palestinian propaganda piece titled “No forum for hatred” refers to as someone who “disseminated the anti-Semitic narrative of a child-murdering Israel.”<sup>31</sup>

By March 2024, most daily newspapers had already published articles claiming in alarmed tones that the promoters of the event were Israeli-haters, anti-Semites, Islamists and supporters of Hamas. To take just one example, on 15 March, *Der Tagespiegel*, one of the main daily newspapers in Berlin, published an article entitled “Congress of terror trivializers in Berlin: These speakers are said to have confirmed their attendance at the anti-Israel event”. The article stated, “Israel haters want to gather thousands of like-minded people in the capital ... Activists from the anti-Israel boycott campaign ‘Boycott, Divestment and Sanctions’ (BDS) and radical splinter groups want to bring thousands of opponents of the Jewish state to Berlin next month. ... The organizers want several thousand Israelophobes to proclaim their solidarity with all forms of ‘resistance’ against Israel at the congress. According to an internal preparatory meeting, one of the main aims is to declare that it is ‘justified to fight’”.<sup>32</sup> Similarly, *Die Tageszeitung* stated that “Anti-Israel and terror-glorifying groups have called for a nationwide ‘Palestine Congress’ in Berlin from April 12 to 14”, portraying the Jewish Voice for Just Peace in the Middle East as an “anti-Israel association isolated within the Jewish community” which “repeatedly attracts attention by trivializing terrorism in relation to 7 October”. It was also noted as a scandal that “The organizers of the ‘Palestine Congress’ accuse Israel of ‘apartheid’ and ‘genocide’ in Gaza and accuse ‘German complicity’. In an internal preparatory meeting, it was said that the ‘media blockade’ in Germany was to be broken with speakers from abroad. Furthermore, ‘resistance’ against ‘the occupation of Israel’ was considered legitimate in principle. At the event, thousands of opponents of Israel are to express their solidarity with Palestine and jointly adopt a resolution. This should formulate the vision of a Palestine from the river to the sea, i.e. a Palestine that extends over the entire territory of present-day Israel as well as the West Bank and the Gaza Strip. There would no longer be any room for the Jewish state.”<sup>33</sup>

The article also carries statements from so-called experts, such as Kim Robin Stoller, Chairwoman of the International Institute for Education, Social and Anti-Semitism Research (IIBSA), who warn about the congress being “a catalyst for anti-Semitism, hatred of Israel and the promotion of Islamism and terrorism” by bringing together “sectarian leftists” with people that have connections in the milieu supporting Hamas and the Muslim Brotherhood, including groups “who described October 7 as ‘resistance’ and those involved as ‘guerrilla fighters’ who had ‘broken out of their ghetto’ or had contacts with people from terrorist organizations or supporters of Hamas or the PFLP in the past”. In the same article, it is reported that the “Friends of the Memorial to the Murdered Jews of Europe” had also called for a ban as they viewed the event as “discriminating against the Jewish community and undermining the fundamental values of our society”.<sup>34</sup>

The mainstream media also launched specific campaigns against some of the most prominent participants. So, *Die Tageszeitung* described Doctor Ghassan Abu Sittah as follows: “Among other things, he spread the anti-Semitic narrative of ‘child murderer Israel’ on Instagram. The Israeli military is deliberately killing Palestinian children in its ‘genocidal war’ because they are ‘a deadly threat to the Zionist project’”. Again *Die Tageszeitung* accused activist Salah Said (whose house was searched three times and cell phones and other data saving devices were confiscated) as sharing “ Hamas propaganda on Instagram claiming that the Israeli hostage Yagev Bukhshtav had starved to death because Israel was starving the Gaza Strip and not allowing medical supplies in. Hamas repeatedly uses such accusations as psychological warfare.”<sup>35</sup>

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<sup>31</sup> <https://english.almayadeen.net/articles/opinion/how-germany-s-pro-genocide-establishment-is-trying-to-cancel>

<sup>32</sup> <https://www.tagesspiegel.de/berlin/kongress-der-terrorverharmloser-in-berlin-diese-redner-sollen-fur-die-israelfeindliche-veranstaltung-zugesagt-haben-11363842.html>

<sup>33</sup> <https://taz.de/Palaestina-Kongress-in-Berlin/!5997635/>

<sup>34</sup> <https://taz.de/Palaestina-Kongress-in-Berlin/!5997635/>

<sup>35</sup> <https://taz.de/Palaestina-Kongress-in-Berlin/!5997635/>

In contrast, the counter-protest against the congress was presented as peaceful and legitimate. On the day of the march, according to a report by a journalist, “the B.Z. news display in the U-Bahn announced the break-up of a conference of ‘Israel haters’ – its initial report on the congress called it a ‘conference of antisemites’”. The tabloid newspaper *Bild* titled its article on the event, “No place for anti-Semitism! Peaceful protest against congress of Israel-haters.”<sup>36</sup> Also, the pro-Israel Central Council of Jews, which has previously protested against the Jewish Voice for a Just Peace, expressed support for the dissolution of the congress, calling it “nothing more than an exhibition of anti-Zionism.”<sup>37</sup>

## 9. Concluding: the policing of the Palestinian Congress in context

In this article, I have analysed the policing of protest at the Palestine Congress in Berlin in April 2024 as an instance of total incapacitation. The policing in the street was based on high levels of control, and a constant show of force, orientated at reducing the right to protest. Negotiation was both partial and contradictory, with the focus instead placed mainly on attempts to reduce the organizational resources of the protest promoters and to discourage others from participating in the event. The information released by the policing bodies tended to confirm a number of stereotypes about the organizers as representing a danger to the state. The most significant moments in the implementation of a style of policing based on total incapacitation in relation to the event were singled out in: a) the attempts to take away organizational resources and the intimidation of the managers of potential avenues for the protest events; b) the constraints and subsequent closure by force of an in-door event, in the form of a congress; c) the imposition of strict prohibitions on forms of protests, symbols and even language; d) the involvement of 2,500 police-officers to police 800 participants (a number that was subsequently restricted to 250); e) the ban on the entry (even extended to pre-recorded talk online) of at least three intellectuals, one of whom was the leader of a political party during an electoral campaign; f) the lack of transparency in information gathering; g) mistrust in negotiation; h) the misleading labelling of a left-wing coalition including Jewish activists as anti-Semitic and Islamist.

Returning to the main classification of policing styles presented in the introduction (based on della Porta and Reiter 1998), the policing of the Palestine Congress can be seen to have been oriented towards total incapacitation, with the use of high degree of force, frequent intimidation and intense surveillance. The use of communication was confrontational and negotiations were marred by mistrust. As the very administrative court ruled, the police intervention was in fact unlawful. Using Marx’s (1979) categories, this style of policing was oriented to repress protests by inhibiting the supply of money and facilities, damaging morale, discouraging recruitment, displacing leaders and creating an unfavourable public image.

In fact, the policing of the Palestine Congress was embedded in a broader trend of denial of protest rights to criminalized groups that resonate with the colonial legacy of counter-insurgent policing. First of all, a broad arsenal of laws and regulations have been activated within an assumed state of exception to deny normal protest rights to pro-Palestine protests. Reports by human right organizations pointed at the vast array of legal instruments used to outlaw protests and harass activists include the use of assembly and public order laws to ban or restrict demonstrations. Frequently applied paragraphs of the criminal code are §86a (use of symbols of unconstitutional organizations), §123 (trespassing), §130 (incitement to hatred), §140 (approving of crimes), §§113–114 (resisting or assaulting police officers), §125 (breach of the peace) and §20 Associations Act (Violations of prohibitions), §86a and §20 charges for display of logos of banned groups, §130 (on Holocaust denial or incitement against minorities). The slogan “From the River to the Sea, Palestine will be free,” has been criminalized--leading to immediate arrests, notwithstanding several courts declared it not liable to

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<sup>36</sup> <https://www.bild.de/regional/berlin/berlin-aktuell/kein-platz-fuer-antisemitismus-friedlicher-protest-gegen-kongress-der-israel-has-87863370.bild.html>

<sup>37</sup> <https://mondediplo.com/outside-in/german-police-palestine-congress>

prosecution.<sup>38</sup> Entire protests have been declared as in support of Hamas if a participant shouts “Allahu Akbar” (“God is great”) or “Free Palestine” (Ragal et al 2025).

As in the policing of racialized subjects, the police intervention is based on high and highly militarized use of force. The grassroots initiative Arrest Documentation Unit has documented disproportionate and unlawful police violence on anti-genocide protests in Berlin (Ragab et al 2025), singling out preemptive show of force (with ration of up to 6 police officers per protestor) and intimidation through the use of special units not wearing individually identifiable badges, as otherwise mandated by Berlin law (Ragab et al 2025), frequent forceful dispersal methods. Observers from various human rights organizations stigmatized the disproportionate use of batons, pepper spray, aggressive “snatch arrests”, punching, strangling, and body-slammings of pro-Palestine protesters. A report on the policing of the Nakba77 rally in Berlin collected evidence of police pulling activists by their hair, using painful arm twisting compliance holds, whipping them by their heads, pressing knees on detainees’ necks, beating people while in police vans, blocking paramedics from assisting to wounded people, leading observers to note that the police seemed to treat the protestors as enemies that must be crushed (Regal et al 2025).

In my own analysis of 50 protest events related with the Middle East conflicts in Berlin between October 2023 and December 2025, based on the public reports of the Berlin Police, I noted some general trends that resonate with the colonial counter-insurgency policing sketched above. First of all, there is an attempt at a total spatial control, with rules outlawing utterances such as slogans, posters, tattoos, as well as behaviors (such as playing drums, firing pyro-technique, using clothes to protect privacy, filming journalists), and putting constraints on languages (only German and English allowed), as well as bans on activists that are in some cases not even allowed to participate. Contrary to the principle of de-escalating strategies, the implementation of these various constraints implies an immediate punishment that often is applied to the entire population of protesters. So, in cases of the use of slogans, the carrying of posters or even the wearing of symbols that the police considers as “anti-Israel” or supporting terrorist groups (including the very widespread “from the river to the sea, Palestine will be free”) or of chants in Arab or in, say, Irish, the police enters the crowds to arrest alleged violators, often using painful and humiliating forms for blocking individuals (including through punching). The collective punishment is frequently used through the early dispersal of the protests, with the kettling of groups of activists and the use of force (including confrontational forms of pushing and showing). The show of force is visible in the deployment of very high number of policepersons (with an average proportion of 1 policeperson per 2 protestors) as well in the use of anti-riots gears and intense surveillance. Protests frequently ends up with high numbers of people wounded as well as identifications, legal charges, and arrests, for a broad range of violations of laws on public order but also on terror (for the showing of triangles in jewelry or tattoos or the use of slogans such as “From the river to the sea” or “Yalla, Yalla, Intifada), incitation to racial hater (for slogans and posters hostile to Israel), resisting arrests, damages of property (graffiti) as well as laws regulating issues going from copyrights (for pictures or drawing on posters and tShirts) to care and education of minors (against parents who took their siblings to protests). Reports by Arrest Press Unit, Alliance of Internationalist Feminists and Palestinians and Allies continuously point at the Berlin Police “beating the protestors, often targeting their heads, causing numerous serious injuries” and employing during arrests pain holds, choking tactics, and deliberately covering the eyes, mouths, and faces of detainees.<sup>39</sup>

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<sup>38</sup> Among others by Amtsgericht Mannheim, 2023; Amtsgericht Gelsenkirchen, 2024; Amtsgericht Tiergarten, 2024; Hessischer Verwaltungsgerichtshof, 2024; Landgericht Mannheim, 2024; Verwaltungsgericht Bremen, 2024; Verwaltungsgericht Frankfurt, 2024; Verwaltungsgericht Münster, 2023; Landgericht Berlin, 2025; Amtsgericht Tiergarten 2025 (Ragab et al 2025).

<sup>39</sup> <https://www.palaestinaspricht.de/news/statement-policeviolence-protest-24072025>

Surveillance of social media often lead to criminal indictment, even for statements that paraphrase or satirize the phrase "from the river to the sea". Homes and offices of activists and organizations have been raided (Serhan, 2024), with confiscation of digital equipment. The German Domestic Intelligence Services (Bundesamt für Verfassungsschutz) and the police heavily surveil social media activities. Indeed, with reference to the use of slogans such as "From the river to the sea", a specific increase in surveillance has taken place in the social media sphere, with websites being blocked but also "Bans, police raids, house searches, and arrests as a result of social media policing and criminalization are accumulating with regard to Palestine solidarity in Germany" (Thompson and Tuzcu 2024). Additionally, police video operators record protestors on camera, singling out those who led the chanting or the most engaged while interpreters are used to single out phrases deemed illegal (Ragab et al 2025). To justify frequent seizures of activists' mobile phones, the police refers to data protection law, privacy or even "Kunsturhebergesetz," that is, right to copyright of their own faces (Ragab et al 2025). Border controls have been used in violations of EU free movement with frequent harassment and even detention at German airports during entry and exit from the Schengen Zone. In September 2024, as German authorities reintroduced controls on land borders, they specifically made mention of "the situation in the Middle East" (European Commission, 2025).

While the choice of a total incapacitation style in dealing with peaceful protests in solidarity with Palestine might have been facilitated by characteristics of the police organization, such as the use of units from different states and specialized branches, militarization and tradition of a 'police of the government', as has been noted, the policing of what was seen as a critical event was heavily influenced by the demands that were placed on the police itself. Indeed, total incapacitation as a style of policing was encouraged by campaigns launched by the mass media and politicians alike which convergence in calls for cancellations of events they denied legitimacy to. Research on the policing of social movements has identified a tendency to use harsher styles of protest policing against social and political groups that are perceived as greater threats to political elites, as they are more ideologically driven or more radical in their aims (see della Porta and Fillieule 2004; Earl 2003; Davenport 2000, 1995). Additionally, police repression is more likely to be directed against groups that are poorer in material resources and in political connections (Earl, Soule and McCarthy 2003; della Porta 1998). In the case of the Palestine Congress the image of the protesters, spread not only by the police but also by political institutions and the mass media, was one that characterized them as posing a danger to the state. The focus of the protesters on the genocide perpetrated by Israel and on German complicity certainly challenged both mainstream narratives and established interests. The labelling of the protesters as "bad demonstrators" was facilitated by the fact that they were often young, from a migrant-background, located themselves on the Left of the political spectrum, and were relatively isolated in the mainstream public sphere (della Porta 2004).

Research has often pointed at the ways in which police stereotypes affect a selective repression of those groups that are considered as "bad demonstrators" or bad citizens tout court (della Porta and Reiter 1998). This applies to the policing of pro-Palestinian protestors who are considered as on the one hand emotional and on the other terrorists. In Berlin, home of the largest Palestinian diaspora in Europe, "protests were banned on the grounds of supposedly 'imminent danger' as well as 'glorification of violence', thereby constructing Palestinians as a violent threat" (Thompson and Tuzcu 2024). As Amnesty International also denounced (2024), the ban on the first protests "was based on stigmatizing and discriminatory stereotypes of expected participants", those the Berlin police described as being "from the Arab diaspora, in particular with Palestinian background... [and] other Muslim-influenced circles... from the Lebanese, Turkish and Syrian diaspora", characterized by a "tendency towards violent acts". Amnesty went on to criticize the fact that "This characterization exposed the authorities' institutionalized racism against a whole demographic group". Intimidation has in fact especially targeted residents with migration background who risk being deported. According to the cited report by the Transnational Institute, migration lawyers have denounced that "even a single family member's presence at a demonstration can lead to renewed scrutiny of the entire household,

particularly when the individual is a young Arab man. Accusations often rely on ‘guilt by association’ tactics, such as attending a protest where others chanted banned slogans.”<sup>40</sup>

The orders issued by Berlin police in intervening at protests in solidarity with Palestine often refer to the assumed “high emotionalisation” of participants, or the potential use of “antisemitic slogans” as justification for a general ban on demonstrations. One such ban reads: “due to the high emotionalisation of the demonstrators and the overall tense situation, an unfriendly course of the demonstration as well as the chanting of anti-Semitic slogans is highly likely” (Polizei Berlin, 2025). In denouncing the blanket ban on events to commemorate the Nakba in May 2023, Amnesty International (AI) called the wording of the Decision of the Berlin State Police Directorate both discriminatory and stigmatizing, as it characterized young people “from the Arab diaspora, in particular with Palestinian background” as well as those from countries with a majority Muslim background in general as having a “clearly aggressive general attitude and tendency towards violent acts” (Ragal et al 2025).

The assumptions that Palestinians are highly emotional and violent is explicit for instance in the commemoration of the Nakba, which has been systematically denied since 2022. The Palestinian scholar Anna Younes has reconstructed the cancellation of two protests organized on 11 May and 12 May 2023 in Berlin as following a logic of settler colonialism, including “the transfer of carceral, surveillance, policing, and military technologies used in the process of the settler colonization of land and people, to other countries. This entails policing structures among law enforcement *and* civil society, racializing policies, and the production of high-value technology for the purpose of capital accumulation in imperial times” (Younes 2023). As part of the ban, the limitations on the right to public assembly were quoted in relation to the “immediate threat to public safety” as well as to a stereotypical assumption of the high emotionality of the Palestinians. Calling out the one-sided pro-Israel narratives in the ban, when describing the clashes on the Al-Aqsa Mosque in April 2023 and the Nakba celebration in previous years as anti-Semite due to their “distinctly militant appearance to outsiders due to aggressive 'Allahu Akbar' chants,” the police ban states the assumption that the “gathering in thematic connection with the historic 'Al-Nakba Day' is likely to lead to a massive intensification of the already existing considerable emotionalization within the Palestinian diaspora against the background of the unabated conflict and military confrontations in connection with the current events in East Jerusalem and the Gaza Strip.” This “high emotionality” is then taken as a predictor for violent developments, as “Even a high degree of emotionalization of the participants of a meeting, however, does not provide a justification to act violently.” In addition, citing the IHRA definition of anti-Semitism, the ban warned that “Propagation of the non-existence and annihilation of the state of Israel in words and pictures is, according to all common definitions of antisemitism, to be considered the most concise expression of hostility towards Jews.” Indeed, as Younes (2023) has noted, “Settler coloniality’s grip on land and people turns the Palestinian native into an intruder and a threat to German national cohesion as well as a danger for border politics way beyond Israel.” In fact, “Settler coloniality turns the political category of the ‘Native’ into the political category of an ‘Intruder/Invader’ and thus inverts political-economic and historical realities. The bodies set up to be ‘space invaders’ are then also seen as a dangerous and potentially terrorist Others, seeking revenge upon an otherwise ‘innocent’ and ‘indigenized’ (settler) community“ (ibid.).

Following the stigmatization of entire communities, repression was particularly heavy in areas where migrants and citizens with migrant backgrounds live. The use of racial profiling in the preventive policing of local areas has been identified in the neighbourhood of Neukölln in Berlin, which is characterized by a significant presence of Palestinian and Arab populations as well as number of Jewish residents. The police in the area brutally and pre-emptively stopped “anything that could look like a gathering of a few people. They were stopping people wearing kaffiyeh, they were stomping on candles for candlelight vigils that were taking place, and they were tear-gassing people, including children” (Dische Becker 2024). In the Autumn of 2023, after the Berlin Senate had advised school principals not to allow any public display of Palestinian identity, it was reported that “The people who lived in the neighborhood, including Jews, felt that it was like an occupation

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<sup>40</sup> <https://www.tni.org/en/publication/solidarity-under-siege>

dynamic, where there were even checkpoints and pre-emptive scanning of people who had any display of Palestinian identity or solidarity with Palestinians” (Dische Becker 2024).

Resonant with the colonial move of erasing the very identity of the racialized targets, the display of Palestinian symbols has thus been repressed. In early November 2023, the administration of the University of Kassel ended a vigil that students had organized to commemorate a fellow student, Yousef Shaban, who had been killed by the Israeli army in Gaza, after a student refused to take off Palestinian clothing<sup>41</sup>. As one activist recalled, “I was even forbidden to walk inside the city for 24 hours because I was wearing a keffiyeh”.

Total incapacitation resonates with what lawyers have called a “penal law of the enemy,” which was fully applied to colonial subjects. The strategy of space fortification reflects the relevance of a conception of prevention as isolation from the danger (and the dangerous ones), through a reduction of rights (to demonstrate, movement, privacy) of those citizens that are considered to be potential enemies. The assumption is that “the implementation of the rights as well as the security of the included pass necessarily through the expulsion from those rights of the excluded, that is those who do not deserve them, who are marginals” (Pepino 2005, 262). A situation defined as an emergency is dealt with through the use of strategies that have been tested in the public order control of what are seen as street enemies (migrants, petty criminals). If this emergency right deviates from the principles of universal rights, instituting a dichotomy between citizens and enemies in the control of protest, the political rights of the citizen are subordinated to the security of certain groups. Militarization is therefore justified by “states of exception”, which foresee the use of the army, among other things. As in the case of the policing of the Congress for Palestine, the rule of law seemed to have been superseded by the perceived *raison d’État*.

The policing of the Palestine Congress, and more in general the policing of protest against the Israeli genocide in Germany, can indeed be taken as an illustration of a return to the metropolis of colonial counter insurgency policing. In general, the global war on terror “used existing emergency practices rooted in colonial laws, alongside militant counterinsurgency, to classify, subdue and criminalize dissent” (Berda 2020) by adapting “colonial and settler-colonial practices of security laws for population management, particularly mobility restrictions, surveillance and political control” (Berda 2020). In the ‘War on Terror’ “the adoption of military-standard surveillance pre-emptively targeting civilian domains within states of legal exception and bio-political securitization takes place and is normalized closely imitate Israeli experience and doctrine” (Graham and Baker 2016), including the idea of a preventative war. This happened through the monitoring of a population that, as in the colonies, is defined as fundamentally inferior, with the enhancement of two sets of laws and practices: “laws for the rulers and laws for the subject populations. In the United States and Europe “immigrations from less affluent to more affluent parts of the globe created a ‘mobility regime’ of suspicion that conflates crime, immigration, and terrorism” (Berda 2013). Counter-posing individuals as illegitimate and risky versus legitimate and at risk, policing aims at the “containment of ‘lawless subjects’, from which any ‘at risk’ population might be in need of protection” (Stockmarr 2016). Since 9/11, the US presented the global war on terror as part of “a global effort spearheaded by the USA that became ‘the war for civilization’, similar to earlier ‘civilizing missions’ undertaken by imperial forces to ostensibly ‘restore order’, establishing extensive policing powers” (Berda 2020). The definitions of a dangerous population is based on this conflation of a security threat with a political threat (Berda, 2013).

In summary, the analysis of the German case has made it possible to observe a number of dynamics in the approach to protest policing oriented to the total incapacitation of protestors that are seen as unworthy of civic and political rights. While the German case is not unique in the use of moral panics aimed at racializing and excluding, it certainly represents an extreme example within what is assumed to be a democratic country. Similar paths have emerged, especially in those countries that have been more supportive of settler colonialism in the area (on the US, see della Porta 2025). In fact, similar strategies of total incapacitation have been used

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<sup>41</sup> <https://www.hessenschau.de/politik/vertrauen-missbraucht-kasseler-uni-praesidentin-bricht-gedenkfeier-fuer-in-gaza-getoeteten-studenten-ab-v1,gedenkveranstaltung-yousef-shaban-kassel-102.html>

in colonies in particular, but also more recently in the control of anti-colonial forms of protests. Where total incapacitation has been used, as in Germany, it has not halted protests from taking place; on the contrary, it has pushed movements toward more inward-facing strategies, such as care provision, knowledge production and legal defense (Mauthofer and Grimm 2025).

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