

Michael Ebeling  
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xxx  
Deutschland/Allemagne  
xxx

Politie Brussel HOOFDSTAD Elsene  
Kolenmarkt 30  
BE-1000 Brussel  
Belgien/Belgique

Via fax (0032) 22 79 77 74 and e-mail at info@polbru.be

Hannover, 29 August 2011

Manifestation "Freedom not fear" on 17 September 2011 – cooperation II

Dear Mr. Gerseau,  
dear Mr. Messian,  
dear sirs and madams,

thanks to Mr. Gerseau for calling back on Saturday and Sunday (yesterday).

For several times I was asking for those laws, who determine the rules of open air demonstrations in Belgium – yesterday you sent me six fax pages containing articles 30 to 40 of a Belgian law. Thank you for that, too. Unfortunately I can not recognize what the name of the law is.

The law has been sent in French and Dutch language which I am not able to speak or read, therefore I used google-translation to transform it into German and English language – please apologize any further misunderstanding that might come out of that reason.

I am sorry that the phone call from yesterday did not end with consensus but I hope that we have a constructive and cooperative meeting on coming Wednesday, 31 August 2011 in Brussels.

I am taking two days off and I am driving more than 1000 kilometres only to enable this cooperation meeting and I am sad, that you could not make possible to meet already at 13:00 as I have asked for at several times, because – and I told you that, too – I asked another person from our organisation team to join that meeting and this person has to do her job and is only being able to join a meeting at lunch time from 13:00 to 14:00.

I like to repeat some of your arguments and points of view mentioned at our yesterday phone call – if I did get anything wrong, than please correct me in written form.

- With only (about) 200 people on a demonstration it is not proportionate to block big streets because of this protest. It would be different if we would be 10.000 people.
- We will not be allowed to use the footpath because by doing that we will cause a traffic blocking effect, too.
- Because of our topic we are not allowed to protest within Brussels city because our topic is European politics centred and not Belgium topic.

Let me say clear:

- Representing the open group of organizing people I offered four more alternative routes to the track of our protest march, I already gave you the link where you can find these tracks in the internet but you will find it explicit attached to this letter, too.
- I am willing and ready to discuss the detailed form of the protest route on Wednesday. We do not demand that one specific track shown at my announcement from 4 August 2011.
- We are willing to have a peaceful and harmless protest march in the name of Article 12 of EU fundamental rights charter and Article 11 of EU convention of human rights (ECHR).
- It is not our aim to block traffic or any other infrastructure of Brussels.
- We do not expect that streets have to be blocked because of our protest march.
- But it is our aim to send a clear and strong message of our concerns.
- Our aims and topics do not have only a European character. Talking about data retention, passenger name records, a free internet, the right to speak anonymous, fundamental rights and the danger behind facebook and data storage of other "social networks" is something, that concerns "normal people" from Belgium as well as politicians. We want to bring our concerns to the people and we want to tell them, what our opinion about all these developments are. Therefore I do not accept any fundamental prohibition of protesting in the centre of Brussels without valid reasons.
- Quoting jurisprudential literature: *"Article 11(1) of the ECHR protects various forms of assemblies, their preparation and their realisation: assemblies of a public or private character, open air as well as in-door assemblies, stationary assemblies or processions, short or long-lasting assemblies. Freedom of assembly is not only protected in private premises or on private property. Rather, public places are of importance for the Implementation of freedom of assembly, since they effectively facilitate collective expression."*
- A static manifestation is less significant than a protest march and we like to speak to as much people as possible in Brussels to give a strong sign of our concerns. Therefore we announced a protest march and not a static manifestation.
- I do not accept the accusation of "misunderstanding the police's arguments by intention".

Since being in contact with you I was asking if there is any need to announce our demonstration to any other people or authorities than yours and requested you to tell me, if there is anything else to do. I did not get any reply on that.

However:

If I do not misunderstand article 31 of that text from your fax, there is also the need to inform the mayor of Brussels. I sent an announcement of our protest and some background informations to Mr. Thielemans today, also informing him that there is already a contact between me and you.

Thank you so far for your patience and efforts.

Kind regards,

Michael Ebeling

# Attachment

Alternative tracks of protest-march "Freedom not fear", Brussels, 17 September 2011

