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Urgent appeal against ban on Keffiyehs at the Buchenwald Memorial: activist fights back against attack on anti-fascist commemoration

On 18th August, the Higher Administrative Court of Thuringia (OVG) ruled negatively on an urgent appeal filed against the ban on Keffiyehs at the Buchenwald Memorial, a former concentration camp during German fascism, built in 1937. On 1st August, the anti-fascist activist Anna M. filed a petition at the Lower Administrative Court in Weimar for a temporary injunction against the said ban. However, after the lower court ruled against her, the activist lodged an appeal with the Higher Court of Thuringia who also ruled negatively.

Buchenwald is historically significant for the courageous resistance of its prisoners, many of whom were political detainees from across Europe. Led by communists, they formed the International Camp Committee, organized resistance within the camp and eventually took up arms against the German fascists (from the arms factory where they were forced to work) and freed themselves. This prevented the camp's total extermination and led to the capture of many fleeing fascist guards. Approximately 278,000 people were imprisoned at Buchenwald, 56,000 were killed or died as a direct result of their imprisonment. In April 1945, shortly after liberation, survivors held a memorial service and swore the Buchenwald Oath, affirming their enduring commitment to anti-fascism.

On 6th April 2025, Anna M. was banned from the memorial site for wearing a Keffiyeh. Later in July, the memorial published a 'manual on problematic symbols', which identified those symbols that could not be worn at the memorial site. It placed the Keffiyeh as well as other Palestinian symbols alongside fascist symbols.

Ahead of a planned visit to mark the anniversary of the murder of Ernst Thälmann—a renowned anti-fascist and leader of the Communist Party of Germany, who was killed at Buchenwald on 18th August 1944—Anna M. initiated legal proceedings against the foundation operating the memorial. The accusations: violations of her constitutional right to freedom of expression (Article 5 of the German Constitution) and the prohibition of arbitrariness (Article 3 of the German Constitution).

She explains: *"As an anti-fascist, I am committed to the Buchenwald Oath, which emphasizes international solidarity and the struggle for a peaceful world, and defines anti-fascism as an ongoing social responsibility. Therefore, anti-fascist commemoration in the midst of a genocide cannot exclude it."*

Her lawyer, Roland Meister, adds: *"A true conclusion from the Holocaust means taking responsibility for human rights and dignity today. Wearing the Keffiyeh as a sign against genocide in Palestine does not violate the dignity of the victims of Fascism – on the contrary: it expresses their cause, as stated in the Buchenwald Oath."*

This view is shared by the chairman of *Jüdische Stimme (Jewish Voice for just Peace in the Middle East)*, Wieland Hoban. In a statement, he sharply criticized the court's reasoning: *"The lesson from previous genocides should be the determination to prevent further ones. Without reference to the present, 'never again' is an empty phrase."*

Court follows argumentation of the memorial

The President of the Lower Administrative Court initially recommended to withdraw the petition, as wearing a Keffiyeh *"can be understood as an expression of exclusion of Jews, at least in the current political context."* The petitioner and her lawyer, however, did not comply and instead submitted further detailed statements to refute the allegations made by the court and the memorial.

The memorial, which explicitly claims to judge better than large Jewish organizations what constitutes as an appropriate commemoration of the victims of German fascism, resorted to ahistorical narratives in their statement before the court: *"Historically, the Keffiyeh has been associated with anti-Jewish and anti-Western positions since the time of the Nazi dictatorship."* At the same time, it defends the wearing of pins with the Israeli flag by its employees as apolitical.

After public criticism of the mentioned 'manual on problematic symbols' the director of the Buchenwald memorial Foundation acknowledged the criticism and announced that it would be revised and that the section on alleged "Israel-related anti-Semitism" would be deleted for the time being. However, the memorial's statements repeated positions from the 'manual'.

With considerable delay – on 14th August – the Lower Administrative Court (Ref. 8 E 3431/25 We) ruled against the petition filed by Anna M. An appeal was lodged immediately at the higher court the day after. Thereafter, the Thuringian Higher Administrative Court (Ref. 3 EO 362/25) also took its time and issued a negative decision late in the afternoon of 18th August.

The substantive arguments of the petitioner – the connection between the current genocide and remembrance of the Holocaust, the actual significance of the Keffiyeh, the Buchenwald Oath, and the lawsuit against Germany before the International Court of Justice (ICJ) for aiding and abetting genocide – were not addressed. The courts also ignored the argument regarding the Violation of the Prohibition of Arbitrariness. In doing so, the court deemed lawful the memorial's explicit positioning in favour of the Israeli government – as expressed in the 'manual' cited by the court - or the cancellation of the invitation to Jewish philosopher Omri Boehm to attend the 80th anniversary of the liberation, after pressure from the Israeli government – while at the same time, ignoring the profound infringements of the petitioner's right to freedom of expression.

Lawyer Roland Meister is appalled: *"In view of the ongoing genocide, it is disgraceful how the foundation is using the accusation of anti-Semitism and making it clear that it does*

not accept any responsibility for German history. [...] The positions taken by the foundation's management are incompatible with the mission of a public foundation. If it were to take human dignity as its yardstick and consider the suffering of the victims, it would have to be grateful that our client is commemorating the victims by wearing a Keffiyeh."

The result is an indication of the repression and reinterpretation of anti-fascist positions by the German state and the German judiciary.

"We cannot allow the memory of our anti-fascist fighters to be left to those who dishonor their legacy" explains Anna M.

As this court ruling was just on the urgent appeal, there is still the option to file a lawsuit against the Keffiyeh ban in the main proceedings.

The documents from the summary proceedings have been published on the Kufiya Network website (<https://kufiya-netzwerk.de/klage-gegen-kufiya-verbot-in-buchenwald-eingereicht/> - in German)