



Bundesamt für
Verfassungsschutz

Right-wing extremism: Symbols, signs and banned organisations



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Preface

Right-wing extremists often bring their ideas to public attention. They attach particular importance to using certain signs and symbols as well as to wearing clothes typical of the scene. The presentation and use of a number of such signs and symbols has been made a punishable offence by legislature. The regulations under sections 86, 86a of the German Criminal Code (Strafgesetzbuch/StGB) are relevant in this context. These regulations will be elaborated on in chapter 1 of this brochure.

Generally, it has to be taken into account that not all the said signs and symbols have been created by the historic National Socialists or have “exclusively” been used by right-wing extremists. Some signs have only been adapted and may therefore well be innocuous and exempt from punishment in their original context. The runic characters, for instance, used by National Socialists, actually are of Germanic origin. Later, the National Socialists deliberately instrumentalised some of them for their own right-wing extremist symbolism, such as the runic insignia or the “odal rune”.

Individuals who do not belong to the scene often have difficulty in judging whether a certain piece of clothing and the symbols depicted on it are not only an expression of the wearer’s ideas but whether also a statutory offence is constituted. Symbols will be described that fall within the scope of sections 86 and 86a of the Criminal Code as well as clothes and badges the use of which does not constitute a statutory offence but which nonetheless clearly indicate the wearer’s right-wing extremist views.

Many right-wing extremists regard the fact that people remain silent and look away as approval and therefore feel challenged to direct further and often serious attacks against socially underprivileged and minority groups. Hence, in order to effectively counter right-wing extremism, the people’s attention and commitment is required. To this end, information and background knowledge are imperative, which this brochure wants to contribute to.

Table of contents

1	Statutory regulations	11
1.1	Section 86 of the German Criminal Code – Dissemination of propaganda material of unconstitutional organisations	11
1.1.1	Propaganda material	11
1.1.2	Free democratic basic order	12
1.1.3	Concept of international understanding	13
1.1.4	Content of the propaganda material	13
1.1.5	Party and Association	13
1.1.6	Former National Socialist organisations	14
1.1.7	Offences and offenders	15
1.1.8	Social adequacy clause (section 86 subsection 3 of the Criminal Code)	16
1.2	Section 86a of the Criminal Code – Using symbols of unconstitutional organisations	16
1.2.1	Signs	17
1.2.2	Offences and offenders	17
1.2.3	Social adequacy clause	18
1.3	Protective purpose of sections 86, 86a of the Criminal Code	19
1.4	Section 20 of the Act on Associations – Contraventions of bans	19
1.5	Protective purpose of section 20 of the Act on Associations	20
2	Organisations banned pursuant to section 3 of the Act on Associations	20
2.1	Wehrsportgruppe Hoffmann (WSG)	22
2.2	Volksozialistische Bewegung Deutschlands/ Partei der Arbeit (VSBD/PdA, including Junge Front (JF))	22
2.3	Aktionsfront Nationaler Sozialisten/ Nationale Aktivisten (ANS/NA)	22
2.4	Nationale Sammlung (NS) (ANS/NA – surrogate organisation)	23
2.5	Nationalistische Front (NF)	23
2.6	Deutsche Alternative (DA)	23
2.7	Deutscher Kameradschaftsbund Wilhelmshaven (DKB)	24
2.8	Nationale Offensive (NO)	24
2.9	Nationaler Block (NB)	25
2.10	Heimattreue Vereinigung Deutschlands (HVD)	25

2.11	Freundeskreis Freiheit für Deutschland (FFD)	25
2.12	Wiking-Jugend e. V. (WJ)	26
2.13	Freiheitliche Deutsche Arbeiterpartei (FAP)	26
2.14	Nationale Liste (NL)	27
2.15	Direkte Aktion/Mitteldeutschland (JF) emerged from the Förderwerk Mitteldeutsche Jugend (FMJ)	27
2.16	Skinheads Allgäu	27
2.17	Kameradschaft Oberhavel	28
2.18	Heide-Heim e. V. (Hamburg) together with Heideheim e. V. (Buchholz)	29
2.19	Hamburger Sturm	29
2.20	Blood & Honour Division Germany (B & H) together with the youth organisation White Youth	30
2.21	Skinheads Sächsische Schweiz (SSS), (Skinheads Sächsische Schweiz-Aufbauorganisation (SSS-AO) and Nationaler Widerstand Pirna (if SSS has renamed itself accordingly))	30
2.22	Bündnis nationaler Sozialisten für Lübeck	31
2.23	Fränkische Aktionsfront (F.A.F.)	32
2.24	Kameradschaft Tor Berlin (KTB) including Mädelgruppe Kameradschaft Tor Berlin	32
2.25	Berliner Alternative Süd-Ost (BASO)	32
2.26	Kameradschaft Hauptvolk and its youth organisation Sturm 27	33
2.27	Alternative Nationale Strausberger Dart-, Piercing- und Tattoo Offensive (ANSDAPO)	33
2.28	Schutzbund Deutschland	34
2.29	Sturm 34	35
2.30	Collegium Humanum (CH) together with Bauernhilfe e. V.	35
2.31	Verein zur Rehabilitierung der wegen Bestreitens des Holocaust Verfolgten (VRBHV)	36
2.32	Heimattreue Deutsche Jugend – Bund zum Schutz für Umwelt, Mitwelt und Heimat e. V. (HDJ)	36
2.33	Mecklenburgische Aktionsfront (M.A.F.)	37
2.34	Frontbann 24	38
2.35	Freie Kräfte Teltow-Fläming (FKTF)	38
2.36	Hilfsorganisation für nationale politische Gefangene und deren Angehörige e. V. (HNG)	39
2.37	Kameradschaft Walter Spangenberg	40
2.38	Widerstandsbewegung in Südbrandenburg	41
2.39	Nationaler Widerstand Dortmund (NWDO)	41

2.40	Kameradschaft Hamm (KS Hamm)	42
2.41	Kameradschaft Aachener Land (KAL)	43
2.42	Besseres Hannover	44
2.43	Nationale Sozialisten Döbeln	45
2.44	Nationale Sozialisten Chemnitz (NSC)	46
2.45	Freies Netz Süd (FNS)	46
2.46	Autonome Nationalisten Göppingen (AN Göppingen)	47
2.47	Sturm 18 e. V.	48
2.48	Altermedia Deutschland	49
2.49	Weisse Wölfe Terrorcrew (WWT)	49
2.50	Phalanx 18	50
2.51	Combat 18 Deutschland (C18 Deutschland)	51
2.52	Nordadler	51
2.53	Sturmbrigade 44/Wolfsbrigade 44	52
2.54	Nationale Sozialisten Rostock (NSR) with its branch Baltik Korps (BK)	52
3	Individual decisions based on sections 86, 86a of the Criminal Code and section 20 of the Act on Associations	53
3.1	Illustrations (portrait) and busts of Adolf Hitler	53
3.2	The so-called 'Reichskriegsflagge' (German Reich war flag)	53
3.3	Pre-constitutional publications as defined by section 86 (2) of the Criminal Code	54
3.4	Public use as defined by section 86a of the Criminal Code	54
3.5	Distribution as defined by section 86a of the Criminal Code	54
3.6	Short-term presentation of pieces of uniforms	55
3.7	Trade in antiquarian books printed during the NS era (with an NS symbol imprinted on the cover)	55
3.8	Use of the Celtic cross	55
3.8.1	Celtic cross as a symbol of the banned Volkssozialistische Bewegung Deutschlands/ Partei der Arbeit (VSBD/PdA)	55
3.8.2	Celtic cross in T-shirt imprints	56
3.9	Sewn-on triangular Obergau sleeve badges	56
3.10	SS death's head symbol	57
3.11	Life rune	57

3.12	Odal rune	58
3.13	Slogan “Ruhm und Ehre der Waffen-SS” (Glory and Honour to the Waffen-SS)	58
3.14	Triskele	59
4	Signs of former National Socialist organisations (a selection)	60
4.1	Flags	60
4.2	Insignia	60
4.3	Badges of honour	62
4.4	Uniforms and their parts and other objects	63
4.5	Slogans and forms of greeting	65
4.6	Songs	65
4.7	Depictions not liable to prosecution (Rejection of the NS ideology)	67
5	General identification features of right-wing extremists	67
6	Online distribution of signs and symbols typical of the scene	71
7	Closing remarks	73
	Annex I	74
	Annex II	80
	Annex III	84

1 Statutory regulations

1.1 Section 86 of the German Criminal Code – Dissemination of propaganda material of unconstitutional organisations

Section 86 of the Criminal Code makes individuals who disseminate propaganda material of unconstitutional organisations subject to prosecution. This regulation reads as follows:

(1) Whosoever within Germany disseminates or produces stocks, imports or exports or makes publicly accessible through data storage media for dissemination within Germany or abroad, propaganda material

- 1. of a political party which has been declared unconstitutional by the Federal Constitutional Court or a political party or organisation which has been held by final decision to be a surrogate organisation of such a party;*
- 2. of an organisation that has been banned by final decision because its activities are directed against the concept of international understanding or which has been held by final decision to be a surrogate organisation of such a banned organisation;*
- 3. of a government, organisation or institution outside the Federal Republic of Germany active in pursuing the objectives of one of the parties or organisations indicated in Nos 1 and 2 above; or*
- 4. propaganda material the contents of which are intended to further the aims of a former National Socialist organisation*

shall be liable to imprisonment not exceeding three years or to a fine.

(2) Propaganda material within the meaning of subsection (1) above shall only be written materials (section 11(3)) the content of which is directed against the free democratic basic order or against the concept of international understanding.

(3) Subsection (1) above shall not apply if the propaganda material or the act is meant to serve civil education, to avert unconstitutional movements, to promote art or science, research or teaching, the reporting about current or historical events or similar purposes.

(4) If the guilt is of a minor nature, the court may order a discharge under this provision.

1.1.1 Propaganda material

The definition of the term “propaganda material” within the meaning of section 86 (2) of the Criminal Code solely refers to “written material”.

According to a decision made by the German Federal Court of Justice in Criminal Matters (Bundesgerichtshof in Strafsachen/BGHSt), “written material” is an expression of thought by letters, images or signs, meant for being copied and disseminated otherwise. Who, however, only writes to

and for a single addressee, does not produce written material within the meaning of section 86 (2) of the Criminal Code (BGHSt 13, 376).¹

According to section 11 (3) of the Criminal Code, written material is equivalent to:

- **Audio media** containing certain electronically stored sequences of notes that can be made perceptible to the ear through technical aids, e.g. records, compact cassettes, and CDs.
- **Visual media** containing technically (e.g. electronically) stored information (image sequences, diagrams, texts) that can be made perceptible to the eye through technical equipment, such as video tapes, CD-ROMs or DVDs.
- **Illustrations**, i.e. reproductions of the outside world immediately perceptible through senses of sight or touch – in particular photos, slides and, normally, also films.
- **Depictions**, i.e. any creation lasting for a certain length of time that – perceptible with the senses – expresses an idea or a thought, e.g. abstract paintings, sculptures, data storage media, screen texts, but also symbols within the meaning of section 86a of the Criminal Code.

Current opinion has it that on principle only post-constitutional writings, i.e. writings produced from the effective date of the German Basic Law (Grundgesetz/GG; cf. 3.3), shall fall under section 86 of the Criminal Code, because the definite democratic state under the rule of the Basic Law is protected under section 86 of the Criminal Code.

With pre-constitutional writings, section 86 of the Criminal Code shall only apply if the reprint updates their contents through forewords, additions, postscripts or by a cover (BGHSt 29, 77) or if reprints of National Socialist publications or records are adopted without any changes.

1.1.2 Free democratic basic order

The Parliamentary Council did not specifically define the legal term “free democratic basic order”; so it was left to jurisdiction to specify it.

The Federal Constitutional Court Decision (Bundesverfassungsgericht; BVerfGE 2, 1)² of 23 October 1952 on the Sozialistische Reichspartei (Socialist Party of the Reich), the so-called SRP ruling, stipulates the following in this context:

The free democratic basic order as defined by Art. 21 (2) of the Basic Law is an order which to the exclusion of any tyranny and arbitrary rule is a constitutional power structure on the basis of the people’s self-determination according to the will of the particular majority and freedom and equality. The basic principles of this order at least include:

- *respect for human rights as outlined in the constitution, especially*

1 Decisions of the German Federal Court of Justice in Criminal Matters, quoted according to volume and page (translation).

2 Decisions of the Federal Constitutional Court, quoted according to volume and page (translation).

an individual's right to life and right to develop his/her personality,

- *popular sovereignty,*
- *separation of powers,*
- *responsibility of government,*
- *lawfulness of the public administration,*
- *the independence of the courts,*
- *multi-party principle and*
- *equal opportunities for all political parties with the constitutional right to form and exercise political opposition.*

In the Federal Constitutional Court's final decision of 17 January 2017 (2BvB 1/13) in the framework of the proceedings to ban the NPD, the free democratic basic order is defined in a reduced form, with the core elements of human dignity, the principles of democracy and the rule of law referred to. This decision is not a direct deviation from the SRP ruling described above, however, it differentiates between the indispensable integral elements of the free democratic basic order and its subordinate elements. In this decision, the Court explicitly emphasises that ensuring the state monopoly on the use of force also is an indispensable component of the principle of the rule of law.

1.1.3 Concept of international understanding

The "concept of international understanding" means the peaceful co-existence of peoples on the basis of an agreement without the use of violence.

1.1.4 Content of the propaganda material

If the content of the propaganda material is directed against one of the principles stated under 1.1.2, i.e. if an aggressive tendency manifests itself in the propaganda material itself (e.g. the claim for "state discrimination" of people or for a European state on the basis of an "Aryan race community"), it constitutes a criminal offence. Neither the author's or the perpetrator's motives nor the purposes of other persons involved in the production and dissemination of propaganda material are relevant. It does not suffice if written material contains NS thought, unless this is directed against the free democratic basic order with an aggressive tendency.

1.1.5 Party and Association

According to section 2 (1) of the Law on Political Parties (Parteiengesetz/PartG), **parties** are:

alliances of citizens who continuously or for a prolonged period want to take influence on the political decision-making process in the Federation or in a federal state and want to send delegates to the Bundestag or to a state parliament, if in line with the factual circumstances, in particular according to the extent and the strength of their organisation, their membership and their

occurrence in the public, they sufficiently ensure seriousness of their objectives. [Translation]

The dissemination of a party's propaganda material is liable to prosecution, if either the Federal Constitutional Court has declared this party unconstitutional according to Art. 21 (2) of the Basic Law in conjunction with sections 13, 43 to 47 of the Federal Constitutional Court Act (Bundesverfassungsgerichtsgesetz/BVerfGG), or the Federal Constitutional Court has determined that the alliance is a surrogate organisation of a party that has already been banned.

An alliance is referred to as a surrogate organisation if it continues pursuing unconstitutional activities in place of a banned party, irrespective of whether the organisation is newly formed or an already existing organisation is being continued as a surrogate organisation (section 33 of the Law on Political Parties).

The declaration that a party is unconstitutional just happened twice in the history of the Federal Republic of Germany:

- in 1952, against the Sozialistische Reichspartei (SRP, Socialist Reich Party, Federal Constitutional Court Decision 2, 1 et seqq.) and
- in 1956, against the Kommunistische Partei Deutschlands (KPD, Communist Party of Germany, Federal Constitutional Court Decision 5, 85 et seqq.).

Regardless of their legal form, **associations** as defined by the Act on Associations (Vereinsgesetz/VereinsG) are all associations that have been formed on a voluntary basis for a prolonged period and with a common purpose by a majority of natural or legal persons who have devoted themselves to an organised development of objectives. In case of an association as defined by the Act on Associations, the administrative authorities shall be responsible for declaring its actions unconstitutional.

If an association is represented in several federal states, the Federal Minister of the Interior and Community shall impose the ban.

If the association is represented in just one federal state, the Interior Minister of the particular state shall impose the ban.

Section 86 (1) no. 3 of the Criminal Code refers to propaganda material of governments, associations or institutions outside the territorial scope of the Basic Law. In this context, it suffices if part of the association is active outside the Federal Republic of Germany.

In this case, for instance, an association can be a political party. Institutions, however, can also be intelligence services or entities – set up on a non-permanent basis – as well as congresses or committees.

1.1.6 Former National Socialist organisations

Section 86 (1) no. 4 of the Criminal Code is directed against propaganda material the contents of which are intended to further the aims of a former National Socialist organisation.

The Nationalsozialistische Deutsche Arbeiterpartei (NSDAP, National Socialist German Workers' Party) itself as well as its entire structure and affiliated associations can be referred to in this context.

It should be noted that the Wehrmacht (unified armed forces of Nazi Germany) cannot be described as an organisation relevant within that meaning.

1.1.7 Offences and offenders

In principle, section 86 of the Criminal Code makes the dissemination of propaganda material of unconstitutional organisations a punishable act.

Disseminating propaganda material means that the material is made accessible to a larger group of people. It suffices if the offender makes the material available to one person and expects that this person will pass it on to a larger, unspecified number of individuals.

The dissemination of propaganda material in Germany as well as other relevant preparatory activities of an individual before disseminating such material at home and abroad are liable to prosecution.

Whosoever produces, stocks, imports or exports propaganda material or makes it publicly accessible through data storage media for dissemination within Germany or abroad shall also be liable to prosecution.

In detail:

Manufacture:

This includes the writing, issuing, printing and copying of publications.

Storage:

This comprises the possession of propaganda material intended for a specific purpose. The mere storage does not suffice to constitute a statutory offence.

Importation:

Importation means any transfer of propaganda material across the borders to the Federal Republic of Germany, with the importer being whosoever arranges or carries out the transfer.

Exportation:

Exportation means any transfer of propaganda material across the borders to the Federal Republic of Germany to any foreign country. Also the transit of propaganda material through Germany (Germany as a transit country) is liable to prosecution.

Making propaganda material available through data storage media:

Data storage media shall be equivalent to written material (cf. section 11 (3) of the Criminal Code). Accessibility has to be public, i.e. an unlimited number of individuals have to be enabled to gain information, as far as they have access to the data storage media (e.g. Internet).



Insignia of the NSDAP



Badge of honour of the Hitler Youth

In all cases, already one single copy of a propagandistic portrayal suffices to constitute a statutory offence within the meaning of section 86 (1) of the Criminal Code.
Everybody can be an offender.

1.1.8 Social adequacy clause (section 86 subsection 3 of the Criminal Code)

The social adequacy clause (social acceptability and compatibility) means that, in special circumstances, both propaganda material and actions which actually fall under section 86 (1) of the Criminal Code may serve valuable purposes. In these cases, subsection 1 shall not apply, if the propaganda material or the act is meant to serve civic education, to avert unconstitutional activities, to promote art or science, research or teaching, the reporting about current or historical events or similar purposes.

Section 86 (3) of the Criminal Code shall apply, if the propaganda material or the act is especially intended to further the aforementioned purposes within the scope of the constitutional order of the Federal Republic of Germany. It depends on the comprehensive evaluation of sense and purpose of the depiction in the context of the overall portrayal.

Hence, a banned organisation cannot justify the dissemination of propaganda material with civic education. Any reference to section 86 (3) of the Criminal Code shall also be excluded, if propaganda is carried out on behalf of the banned organisation under the guise of reporting.

1.2 Section 86a of the Criminal Code – Using symbols of unconstitutional organisations

Pursuant to section 86a of the Criminal Code, the use of symbols of unconstitutional organisations is liable to prosecution. The regulation reads as follows:

(1) *Whosoever*

1. *domestically distributes or publicly uses, in a meeting or in written materials (section 11 (3)) disseminated by him/her, symbols of one of the parties or organisations indicated in section 86 (1) nos. 1, 2 and 4; or*
2. *produces, stocks, imports or exports objects which depict or contain such symbols for distribution or use in Germany or abroad in a manner indicated in no. 1,*

shall be liable to imprisonment not exceeding three years or to a fine.

(2) *Symbols within the meaning of subsection (1) are, in particular, flags, insignia, uniforms and their parts, slogans and forms of greeting. Symbols which are so similar as to be mistaken for those named in the first sentence shall be equivalent to them.*

(3) *Section 86 (3) and (4) shall apply mutatis mutandis. [Translation]*

1.2.1 Signs

Symbols are specific signs embodied in objects and non-physical, optical or acoustic characteristic features of a banned organisation which clearly violate the protective purpose of section 86a of the Criminal Code because they imply to unbiased third parties that these are symbols of the kind of organisation specified under section 86 (1) of the Criminal Code.

These do not only include the symbols defined in section 86a (2); it already suffices to present an image which e.g. at a distance of some metres conveys passersby the impression that it is a swastika. This also applies to slightly modified symbols and insignia which are so similar as to be mistaken for those belonging to the unconstitutional organisations.

The so-called salute of resistance or “Kühnen salute” (with the thumb, middle and index finger stretched out of the fist, thus forming a “W” for “Widerstand”/resistance) has to be mentioned in this context. Through the ban imposed by the Federal Minister of the Interior on 24 November 1983, the Aktionsfront Nationaler Sozialisten/Nationale Aktivisten (ANS/NA, Action Front National Socialists/National Activists) under the leadership of Michael Kühnen was prohibited. The kind of greeting used by the ANS/NA can be considered so similar as to be mistaken for the “Hitler salute” (greeting with the outstretched right arm – even without words; cf. 4.5), and hence its use is liable to prosecution according to section 86a (1, 2), second sentence, of the Criminal Code in conjunction with section 86 (1) no. 4 of the Criminal Code.



“Kühnen salute”



“Hitler salute”

1.2.2 Offences and offenders

According to section 86a of the Criminal Code, the dissemination or public use of symbols of unconstitutional organisations is liable to prosecution.

Dissemination:

Leaving something to others for being passed on to any third parties.

Use:

Any use that makes the symbol perceptible, optically or acoustically; hence, in particular the wearing/carrying, showing, displaying, presenting, performing, shouting etc. It has to be taken into account that using NS symbols during a demonstration against the resurgence of National Socialism or at similar occasions does not correspond to the definition of “use” within the meaning of this regulation (cf. BGHSt 25, 30 et seqq.; 128 et seqq.; 133 et seqq.).

Only the **public use** is liable to prosecution.

This is not the case, for instance:

- with presentations of Volkssturm armbands on which the swastika is hidden (cf. 3.4) or

- with the mere offering of books, with symbols as defined by section 86a (2) of the Criminal Code (BGHSt 29, 82) included inside the books.³

The deciding factor is not the public nature of the location. With a relevant group of people, even the use in a private flat can be public. (On the dissemination, production, storage, importation and exportation cf. the explanatory notes on section 86 of the Criminal Code under 1.1.7).

Everybody can be an **offender**.

1.2.3 Social adequacy clause

Section 86a (3) of the Criminal Code refers to section 86 (3) of the Criminal Code and provides a link to the social adequacy clause which pursuant to the wording of the Code can be regarded as an exclusion from the facts liable to prosecution (cf. explanatory notes on section 86 of the Criminal Code under 1.1.8).

According to this regulation, normally, the following fields are excluded from the facts liable to prosecution:

- artwork and
- historical works (science, reporting).

The following activities can also fall within the scope of the social adequacy clause:⁴

- carnival processions,
- stamp collecting,
- trade in antiquarian books from the NS era,
- the use of NS symbols for documentation purposes,
- e.g. the exhibiting of a single diamond-set piece of jewellery in the form of a swastika, originating from the period before World War I or
- a satirical and alienating use.

The social adequacy clause shall **not** apply:

- if NS-related “souvenirs” are commercially offered for sale,
- if the swastika is used on book covers of trivial literature or
- in the framework of lurid canvassing.⁵

³ This, however, does not rule out criminal liability according to section 86 of the Criminal Code.

⁴ This requires an evaluation on a case-by-case basis.

⁵ Concerning the illustrated individual cases and the relevant court decisions, cf. the comments on sections 86, 86a of the Criminal Code in: Herbert Tröndle/Thomas Fischer, Strafgesetzbuch, 51st edition, Munich 2003.

1.3 Protective purpose of sections 86, 86a of the Criminal Code

Sections 86 and 86a of the Criminal Code refer to the offences of disseminating propaganda material respective using symbols of unconstitutional organisations.

Both sections are included in the third title of the German Criminal Code under the heading “Endangering the democratic state governed by the rule of law”. The protective purpose is to safeguard the democratic constitutional state and the political peace.

Section 86 of the Criminal Code defines those organisations – with their objectives and written statements – whose symbols are prohibited under section 86a of the Criminal Code.

Section 86a of the Criminal Code includes certain highly symbolic insignia (e.g. swastika, sig rune), whose dissemination or use serve the purpose that unconstitutional organisations (e.g. Nationalistische Front, Nationaler Block) despite the bans imposed upon them can pursue their resurgence in an unrestricted way. Unless the protective purpose of section 86a of the Criminal Code is clearly violated, criminal liability shall be excluded under certain conditions (cf. the explanatory notes on section 86 (3) of the Criminal Code under 1.1).



Swastika



Sig rune

1.4 Section 20 of the Act on Associations – Contraventions of bans

Section 20 of the Act on Associations provides an important legal framework pursuant to which contraventions of enforceable bans imposed upon associations and parties shall be penalised. Section 20 of the Act on Associations reads as follows:

- (1) *Whosoever through an activity pursued within the Federal Republic of Germany*
- maintains the organisational cohesion of an association contrary to an enforceable ban or the enforceable decision that it is a surrogate organisation of a banned association, or becomes active as a member of such an association,*
 - maintains the organisational cohesion of a party or an association contrary to the enforceable decision that they are surrogate organisations of a banned party (section 33 (3) of the Law on Political Parties), or becomes active as a member of such a party or association,*
 - supports the organisational cohesion of an association or a party of the kind described under 1 and 2 or their further activity,*
 - violates an enforceable ban as defined by section 14 (3), first sentence, or section 18, second sentence, or*
 - distributes or uses publicly or in a meeting – during the enforceability of the ban or the respective decision – symbols/insignia of one of the associations or parties referred to under 1 and 2 or of*

an association affected by the ban pursuant to section 15 (1) in conjunction with section 14 (3), first sentence,

shall be liable to imprisonment not exceeding one year or to a fine, unless the offence is punishable under sections 84, 85, 86a or 129 to 129b of the Criminal Code. In the cases referred to under 5 above, section 9 (1), second sentence, (2) shall apply mutatis mutandis.

(2) The court may order a discharge under this provision, if

- 1. the guilt of those concerned is of a minor nature or if their activities are of minor significance, or*
- 2. the offender voluntarily and earnestly makes efforts to prevent the party's or association's continuance; if the offender succeeds or this aim is achieved without his efforts, he shall not be punished.*

(3) Symbols/insignia involved with an offence pursuant to subsection 1 no. 5 can be confiscated.

1.5 Protective purpose of section 20 of the Act on Associations

Section 20 (1), first sentence, no. 5 of the Act on Associations is a subsidiary amendment to sections 86, 86a of the Criminal Code. While these rules assume unappealable bans on a party or association, section 20 (1) of the Act on Associations already includes contraventions of merely enforceable bans. As soon as such a ban becomes final, sections 86, 86a of the Criminal Code will exclusively apply.

2 Organisations banned pursuant to section 3 of the Act on Associations

Under section 3 of the Act on Associations, the Federal Minister of the Interior and Community or the authority competent according to state law has the possibility to prohibit associations whose aims or activities contravene the criminal laws or are directed against the constitutional order or the concept of international understanding. The regulation reads as follows:

(1) An association may only be treated as prohibited (Art. 9 (2) of the Basic Law) when by decree of the authority imposing the ban it has been determined that its aims or activities contravene the criminal laws or are directed against the concept of international understanding; in the decree, the association's dissolution shall be ordered (prohibition). As a rule, the prohibition shall be accompanied by the seizure and confiscation of

- 1. the association's assets,*
- 2. third-party claims, as far as the confiscation is provided for under section 12 (1), and*
- 3. third-party property, if through the transfer of property to the association the party entitled to the property has deliberately*

furthered the association's unconstitutional activities or the property is intended to further these activities:

- (2) *The authority imposing the prohibition is*
 1. *the supreme state authority or the authority competent in accordance with state law for associations and sub-associations whose perceptible organisation and activities are limited to the territory of a particular federal state;*
 2. *the Federal Ministry of the Interior and Community for associations and sub-associations whose organisation or activities extend beyond the territory of a particular federal state.*

The supreme state authority or the authority competent in accordance with state law decides in agreement with the Federal Ministry of the Interior and Community, if the ban is directed against the sub-association of an association the prohibition of which the Federal Ministry of the Interior and Community is responsible for pursuant to the first sentence, no. 2. The Federal Ministry of the Interior and Community decides in agreement with the authorities which pursuant to the first sentence, no. 1 would have been responsible for the prohibition of sub-associations.

(3) *Unless specially restricted, the prohibition applies to all the organisations integrated in the association to such an extent that – judged from the overall constellation of the actual circumstances – they seem to be segments of this association (sub-organisations). To sub-organisations which have separate legal personality and are not limited to a particular territory the prohibition only applies if they are specially mentioned in the prohibition order.*

(4) *The prohibition shall be drawn up in writing or electronically with a permanently verifiable signature pursuant to section 37 (4) of the Administrative Procedure Act, substantiated by reasons and served on the association, in the case of subsection 3, second sentence, also on the sub-organisations. The enacting terms of the prohibition order shall be officially announced in the Federal Gazette and then in the gazette of the state where the association or – provided the prohibition is limited to it – the sub-association is based. Prohibitions under section 15 shall only be announced in the Federal Gazette. The prohibition shall take effect and become enforceable with the service of the decision but not later than the day when it will have been announced in the Federal Gazette; section 80 of the Administrative Court Rules remains unaffected.*

(5) *The authority imposing the ban can also base its decision on activities carried out by members of the association, if*

1. *there is a connection with their work in the association or with the latter's aims,*
2. *the activities are based on an organised decision-making process, and if*
3. *according to the circumstances, it can be assumed that the activities are tolerated by the association.*



2.1 Wehrsportgruppe Hoffmann (WSG)

Ban imposed by the Federal Minister of the Interior on 30 January 1980

- final as of 2 December 1980

Excerpt from the prohibition order:

The WSG's activities are directed against the constitutional order within the meaning of Art. 9 (2) of the Basic Law and section 3 (1) of the Act on Associations, i.e. against the constituent components of the free democratic basic order.

WSG's political aims correspond to HOFFMANN's political aims because he as the only decision-making body of WSG gives the organisation a clear profile regarding its decisions and content [...].

This concept ends up in the total state, the opposite of the free democratic basic order, and in particular violates the principles of the separation of powers, governmental accountability, sovereignty of the people as well as the multi-party principle and the system of federalism [...].

WSG strives to assume power in the state [...].

'Assumption of power' is not striven for by democratic means [...]. It is also characteristic that WSG does not draw upon the example of a changeover of power brought about by democratic means but that it refers to Mao's – and indirectly also to Hitler's – military struggle. [Translation]

2.2 Volkssozialistische Bewegung Deutschlands/Partei der Arbeit (VSBD/PdA, including Junge Front (JF))



Ban imposed by the Federal Minister of the Interior on 27 January 1982

- final as of 13 May 1986

Excerpt from the prohibition order:

Concerning its aims and public appearance, the VSBD/PdA is similar to the former NSDAP (Nationalsozialistische Deutsche Arbeiterpartei/National Socialist German Workers' Party) [...].

The emblems of the VSBD/PdA are modelled on those of the NSDAP. The flag of the VSBD/PdA is similar to the swastika flag, except that instead of the swastika there is a black Celtic cross in a white circle. [Translation]

2.3 Aktionsfront Nationaler Sozialisten/Nationale Aktivisten (ANS/NA)



Ban imposed by the Federal Minister of the Interior on 7 December 1983

- final as of 13 May 1986

Excerpt from the prohibition order:

Considering its overall picture, views and public appearance, the ANS/NA is similar to the NSDAP and SA. The ANS/NA members increasingly wear emblems on their sleeves and badges with the so-called ANS/NA insignia. This

black-white-red insignia includes a slightly modified sig rune as formerly used by the NSDAP organisations [...].

On the occasion of certain days of remembrance ('Day of the seizure of power', 'The Führer's birthday', 'May Day', 'Midsummer celebrations' and 'Führerthing' [meeting]), the members apply a variation of the 'German greeting' (raising the right arm and spreading three fingers). [Translation]

2.4 Nationale Sammlung (NS) (ANS/NA – surrogate organisation)

Ban imposed by the Federal Minister of the Interior on 9 February 1989 (also prohibited as a surrogate organisation of the ANS/NA)

- final as of 4 December 1991

Excerpt from the prohibition order:

The objective of the NS to establish a 'national and social-revolutionary alternative' which adopts typically National Socialist claims in terms of content, suggests that now the NS is striving to act against the constitutional order in a similarly aggressive-militant way as the NSDAP used to do. [Translation]



2.5 Nationalistische Front (NF)

Ban imposed by the Federal Minister of the Interior on 27 November 1992

- final as of 24 March 1998

Excerpt from the prohibition order:

The NF strives to set up a German national state in the form of a Socialist people's community (basic programme of the NF, item 7; action programme of the NF, items 1 and 2). This aim is to be achieved through an anti-capitalistic social revolution and an anti-materialistic cultural revolution. To implement this objective, the organisation propagates the 'breaking up of any misanthropic power structures hostile to the people and to life' and calls for the 'fighting against capitalism and communism' (basic programme of the NF, especially items 5 to 7). [Translation]



2.6 Deutsche Alternative (DA)

Ban imposed by the Federal Minister of the Interior on 10 December 1992

- final as of 30 August 1995

Excerpt from the prohibition order:

It calls itself the 'National Protest Party' and regards itself as 'the leading political power of an alternative German opposition loyal to the German Reich' (rules of the DA, section 2) [...].

Hence, the DA is committed to the objectives pursued by Kühnen, who i.a. aimed at re-establishing the NSDAP and who propagated a 'National Socialist Revolution to implement a true people's community' (GdNF organ 'Die Neue Front' (The New Front) no. 69, pp. 20-22) [...].



The DA opposes the free democratic basic order, campaigns against state institutions and fights for their elimination. [Translation]

2.7 Deutscher Kameradschaftsbund Wilhelmshaven (DKB)

Ban imposed by the Ministry of the Interior of Lower Saxony on 21 December 1992

- final as of 21 July 1993

Excerpt from the prohibition order:

According to its basic programme, the DKB strives:

- *'to further comradeship and preserve German cultural property' (no. 1),*
- *to oppose 'foreign infiltration and asylum fraud' (no. 4), to introduce an education in our schools with the focus on aspects of 'ethnic German nationality' and 'loyalty to the home country' (no. 5), [...]*
- *to restore 'the German frontiers of 1937' (no. 9) and*
- *to put an end to the 'defilement of German history' (no. 10).*

In this context, the DKB generally regards itself as a 'collective movement' of young, frustrated right-wing extremists, in particular from the neo-Nazi spectrum. In its flyers, letters of invitation for events and other activities, the DKB openly advocates an extremely xenophobic and nationalist position [...].

In a handwritten letter dated 19 December 1991, the chairman of the association writes: 'Remember, nowadays each comrade has to do the work of three people to fill the gap of the missing activists; the Führer, too, started with only 7 men and was in power as early as 14 years later.' [Translation]

2.8 Nationale Offensive (NO)

Ban imposed by the Federal Minister of the Interior on 22 December 1992

- final as of 19 June 1996

Excerpt from the prohibition order:

Furthermore, the NO conducts anti-Semitic hate campaigns [...].

The NO opposes the free democratic basic order, campaigns against state institutions and fights for their elimination [...].

The NO is against the multi-party principle and equal opportunities for all political parties, which implies the right to constitutionally form and exercise political opposition [...].

The NO pursues its objectives in an aggressive-militant way. [Translation]



2.9 Nationaler Block (NB)

Ban imposed by the State Ministry of the Interior of Bavaria on 11 June 1993

- final as of 26 January 1994

Excerpt from the prohibition order:

The NB strives to cooperate with parties in other federal states and – as a ‘party of modern nationalism’ (NB’s programme) – to unite ‘all radical-national forces whose motivation is constitutionally sound’ [...].

In its aggressive agitation, the NB degrades foreigners, asylum seekers and political opponents through racist slogans and sweeping statements [...]. The NB i.a. distributes stickers with the following message: ‘No further asylum seekers in our quarter – Germans, defend yourselves’, ‘No foreigners = less crime’, ‘Attention, dear migrants and refugees! 31 December will be your day of deportation.’ [Translation]



2.10 Heimattreue Vereinigung Deutschlands (HVD)

Ban imposed by the Ministry of the Interior of Baden-Württemberg on 14 July 1993

- final as of 11 April 1994

Excerpt from the prohibition order:

As early as in 1989, right-wing extremist literature, ammunition and uniform-like clothing were seized during police searches carried out in the framework of preliminary proceedings against HVD members on the grounds of propaganda offences. On that occasion, also an ‘internal working paper’ for ‘setting up the security service’ was found, including statements on punitive actions against (state, press and other) ‘spies’ and ‘defectors’ as well as calls for an ‘offensive fight against political opponents by all available means’ [...].

The HVD rather is a neo-National Socialist organisation, which not only cultivates its political convictions but whose activities are also opposed to the constitutional order in a militant-aggressive way.

Since the beginning of its activities up to now, the HVD has clearly demonstrated its political affinity with the ‘Third Reich’ and hence also its extremely anti-democratic and anti-parliamentary views [...]. [Translation]



2.11 Freundeskreis Freiheit für Deutschland (FFD)

Ban imposed by the Ministry of the Interior of North Rhine-Westphalia on 2 September 1993

- final as of 17 October 1998

Excerpt from the prohibition order:

The FFD’s activities contravene the criminal laws and are directed against the constitutional order as defined by Art. 9 (2) of the Basic Law and section 3 (1), first sentence, of the Act on Associations [...].

The text of the flyer is in particular intended to agitate against the Germany-based foreigners and to call for acts of violence or arbitrary acts to be directed against them [...].

The FFD's particular political claims, especially regarding foreign nationals, can only be viewed and assessed in the context of its determination – arising from its basic attitude marked by racism and contempt for humanity – to fight the system of the Federal Republic of Germany, which represents the constitutional order. The FFD's statements corroborate its continuous efforts to undermine this order (cf. Decision of the Federal Administrative Court of 25 March 1993, ER 301.92 p. 16). [Translation]

2.12 Wiking-Jugend e. V. (WJ)



Ban imposed by the Federal Minister of the Interior on 10 November 1994

- final as of 13 April 1999

Excerpt from the prohibition order:

The WJ's aims and activities are directed against the constitutional order as defined by Art. 9 (2) of the Basic Law in conjunction with section 3 (1) of the Act on Associations. [...]. The WJ strives to continuously undermine this order and to finally eliminate it. This already results from the fact that regarding its programme, ideas and overall style the WJ shows an affinity with the former NSDAP and its sub-organisation Hitlerjugend (HJ, Hitler Youth) [...].

Hence, the WJ conveys National Socialist ideas respective principles with the aim of replacing the current 'system' by the National Socialist state. [Translation]

2.13 Freiheitliche Deutsche Arbeiterpartei (FAP)



Ban imposed by the Federal Minister of the Interior on 24 February 1995

- final as of 21 December 1995

Excerpt from the prohibition order:

According to the Federal Constitutional Court, despite its name, the FAP founded on 17 March 1979 is no party within the meaning of Art. 21 of the Basic Law, section 2 (1) of the Law on Political Parties [...].

In line with the National Socialists' linguistic usage, in their statements leading FAP functionaries announce to 'assume power'. Political dissenters are referred to as FAP's 'enemies' to be shot after the FAP's 'assumption of power'. So, feelings of resentment and hatred are stirred up with FAP members and adherents [...].

'You'll regret it if things turn out differently one day; then we will push through exactly what Adolf HITLER failed to do in 1933; first of all, part of the bourgeoisie will be put up against the wall...'

(Lecture given by Busse on 23 September 1989 on the occasion of the setting up of the Bavarian FAP branch in Nuremberg).

National Socialism is the only yardstick for the FAP on its way to 'assume power' and the period thereafter. [Translation]

2.14 Nationale Liste (NL)

Ban imposed by the Ministry of the Interior of the Free and Hanseatic City of Hamburg on 24 February 1995

- final as of 15 July 1998

Excerpt from the prohibition order:

The NL strives to eliminate the Basic Law. This has become obvious in connection with the German reunification. The NL has again and again called for a constitutional revision under Article 146 of the Basic Law and rejected accession of the new countries. 'No Federal Republic of Germany, no German Democratic Republic – we call for the Reich!!' [...].

The NL strives for a state order contravening the main requirements of the free democratic basic order. In its structure, the Reich demanded by the NL is intended to be a continuation of Adolf Hitler's Third Reich [...].

The NL considers Hitler the legitimate head of state and hence condemns the German resistance of 20 July 1944. [Translation]



2.15 Direkte Aktion/Mitteldeutschland (JF) emerged from the Förderwerk Mitteldeutsche Jugend (FMJ)

Ban imposed by the Ministry of the Interior of Brandenburg on 5 May 1995

- final as of 8 August 1996

Excerpt from the prohibition order:

Since its existence, the JF has avowed its loyalty to main representatives of National Socialism, in particular Adolf Hitler, Josef Goebbels and Rudolf Heß [...].

The JF's aggressive agitation against foreign nationals, asylum seekers and persons belonging to minorities indiscriminately defames and excludes these persons and thus blatantly ignores their fundamental right to respect and human dignity [...].

The JF opposes the free democratic basic order, campaigns against state institutions and their representatives and fights for their elimination. The JF pursues its objectives in a militant-aggressive way. [Translation]



2.16 Skinheads Allgäu

Ban imposed by the State Ministry of the Interior of Bavaria on 30 July 1996

- final as of 4 August 1999

Excerpt from the prohibition order:

The purpose of the association is described as follows (section 1 of its rules):



(1) The association shall serve the purpose of fostering the skinhead culture. This includes the music, clothing and outward appearance. Besides, it is to cultivate comradeship and sociability among its members. [...]

Given the members' right-wing extremist views, their behaviour displayed as affiliates of the Allgäu skinhead scene as well as the general intelligence on right-wing extremist skinheads, it is certain that 'fostering the skinhead culture' is involved with extremist and racist actions as well as methods that contravene the criminal laws, with the association's aims and activities thus opposing the legal interests stated under Article 9 (2) of the Basic Law [...].

An additional factor with right-wing extremist skinheads like the members of this association is that they aim at taking action against particular groups which represent enemy concepts. The main enemy concepts are so-called 'Leftists', foreign nationals and people of Jewish origin. It is generally felt in right-wing extremist circles that other races are inferior, that foreign employees, asylum seekers and emigrants are given preference to the Germans and that intermingling between German nationals and foreign nationals has to be prevented. In some cases, members of the association sympathise with racist organisations, e.g. the Ku Klux Klan. [Translation]

2.17 Kameradschaft Oberhavel



Ban imposed by the Ministry of the Interior of Brandenburg on 15 August 1997

- final as of 28 October 1999

Excerpt from the prohibition order:

The internal meetings do not primarily serve sociable purposes; they are aimed at indoctrinating the members in the association-specific right-wing extremist ideology [...].

The activities of the Kameradschaft Oberhavel are directed against the constitutional order as defined by Article 9 (2) of the Basic Law and section 3 (1), first sentence, of the Act on Associations [...].

The Kameradschaft Oberhavel opposes the free democratic basic order, campaigns against state institutions and their representatives and thus fights for the elimination of the fundamental rights [...].

The agitation of the Kameradschaft Oberhavel against foreigners, asylum seekers and German nationals of foreign origin – aimed at their defamation and exclusion – shows that the Kameradschaft Oberhavel disregards the individuals' fundamental right to respect and human dignity and that the association's activities are directed against the concept of international understanding and hence disturb the peaceful co-existence of peoples [...]. [Translation]

2.18 Heide-Heim e. V. (Hamburg) together with Heideheim e. V. (Buchholz)

Ban imposed by the Ministry of the Interior of Lower Saxony on 11 February 1998

- final as of 29 March 2000

Excerpt from the prohibition order:

The activities of both the Heide-Heim e. V. and the Heideheim e. V. are aimed at continuously undermining the constitutional order and, ultimately, eliminating it. On the one hand, these associations i.a. provide specific opportunities for meetings and events for other right-wing extremist or neo-Nazi groupings; on the other hand (in particular following the bans imposed on neo-Nazi organisations which had previously held meetings in Hetendorf), at present, they are primarily dealing with the planning, organisation and carrying out of a joint right-wing extremist event, the Hetendorf congress week, which is in particular aimed at indoctrinating participants with racist views, denying the holocaust in the National Socialist Third Reich and propagating the overcoming of the constitutional order – also by ‘militant means’. Besides, the associations’ activities include their members’ clear commitment to and glorification of National Socialism, which – at this meeting venue – is also specifically imparted to young people by convinced National Socialists. [Translation]

2.19 Hamburger Sturm

Ban imposed by the Ministry of the Interior of the Free and Hanseatic City of Hamburg on 11 August 2000

- final as of 6 September 2004

Excerpt from the prohibition order:

The Hamburger Sturm regards itself as part of the neo-Nazi organisation Freie Nationalisten (Free Nationalists); it addresses both politically active neo-Nazis and rather unpolitical skinheads and hooligans, who are intended to be made politically aware through the publication [...].

For approximately one year, the Hamburger Sturm has not only confined itself to drawing up the publication of the same name but it also appears in public in another form under this name or under the name of ‘Hamburger Sturm 18’ [...].

The Hamburger Sturm follows the National Socialist tradition and glorifies National Socialism; it advocates racist and xenophobic contents, denigrates democracy and shows a militant-aggressive attitude towards the existing social order. [Translation]



2.20 Blood & Honour Division Germany (B & H) together with the youth organisation White Youth



Ban imposed by the Federal Minister of the Interior on 14 September 2000

- final as of 13 June 2001

Excerpt from the prohibition order:

Blood & Honour – as it sees itself (according to the Blood & Honour notification letter for applicants) – is an independent skinhead organisation which has set itself the task of spreading the National Socialist ideology on the musical sector [...].

The symbol of Blood & Honour is the slogan 'Blood & Honour' (in English) of the Hitlerjugend – written in old German lettering. Between the terms 'Blood' and 'Honour' the word 'and' is replaced by the character '&'. In some cases, the triskele – a form of a sun wheel, similar to the swastika – is used instead [...].

The organisation avows its loyalty to Hitler and to other leading National Socialists, propagates a policy incompatible with the principle of non-discrimination as defined by Article 3 (3) of the Basic Law, and strives for the overcoming of the constitutional order [...].

According to its 25-point Programme, 'Blood & Honour' orients its activities towards racist aspects [...]. Only peoples 'belonging to the white race are to be respected as such' [...]. Hence, it states, [...] 'cooperation with ALL pro-white organisations and groupings worldwide is mandatory' [...]. The principle is: 'First the race, then the nation.' [Translation]⁶

2.21 Skinheads Sächsische Schweiz (SSS), (Skinheads Sächsische Schweiz-Aufbauorganisation (SSS-AO) and Nationaler Widerstand Pirna (if SSS has renamed itself accordingly))



Ban imposed by the State Minister of the Interior of Saxony on 5 April 2001

- immediate enforcement ordered (the ban is not final yet)

Excerpt from the prohibition order:

The aims and activities of the Skinheads Sächsische Schweiz (SSS) and the Skinheads Sächsische Schweiz-Aufbauorganisation (SSS-AO) contravene the criminal laws and are directed against the constitutional order [...].

The organisation's central purpose is to pursue common political objectives. Young people with a national ethos are to be brought together. They are to be given a right-wing extremist orientation. The cohesion of all nationalist forces in Saxon Switzerland is to be fostered. According to the organisation, the environment is to be 'cleansed' from 'ticks', 'potheads' and foreigners, even by the use of violence [...].

6 Emphasis in the original.

The SSS openly avows itself to National Socialism and regards the latter's reign of terror as an example and motivation for its own activities. [Translation]



2.22 Bündnis nationaler Sozialisten für Lübeck

Ban imposed by the Ministry of the Interior of Schleswig-Holstein on 7 March 2003

- final as of 7 September 2004

Excerpt from the prohibition order:

The association of independent voters 'Bündnis nationaler Sozialisten für Lübeck' [...] is opposed to the constitutional order as defined by section 3 (1) of the Act on Associations.

Its ideas are oriented towards National Socialism and marked by racist and xenophobic contents; it denigrates democracy and shows a militant-aggressive attitude towards the existing social order [...].

Besides, the association of independent voters 'Bündnis nationaler Sozialisten für Lübeck' shows an affinity with National Socialism, substantiated by the language used in its programmes and propaganda material, e.g. its use of the German terms 'Volksgenossen [national comrades] and Volksgemeinschaft [people's community], Volksstaat [people's state], Volksherrschaft [people's government], Arbeitsdienst [labour service], Systemparteien [parties of the system], Volksheer [people's army] and Volksmiliz [people's militia]'.

Also the abbreviation NAZIS in the propaganda material under the use of attributes for this association of independent voters, i.e. the terms Natürlich [natural], Attraktiv [attractive], Zielstrebig [determined], Innovativ [innovative] and Selbstbewusst [self-confident], has been chosen deliberately and clearly shows references to National Socialism [...].

The statements of the 'Bündnis nationaler Sozialisten für Lübeck' on the achievement of its objectives leave no room for doubt that it is determined to act. It uses an aggressive language, which corroborates the firmness of the statement. The overall assessment – contents of its statements (Führer principle, xenophobia), language used (orientation towards the NS regime, aggressive expressions) and outward appearance of the propaganda material (use of NS symbols) [–] substantiates its militant-aggressive attitude and pursuance of its aims. [Translation]



2.23 Fränkische Aktionsfront (F.A.F.)

Ban imposed by the State Ministry of the Interior of Bavaria on 22 January 2004

- final as of 4 July 2006

Excerpt from the prohibition order:

The F.A.F. avows its loyalty to the NSDAP and to senior representatives of National Socialism. It mainly preserves a positive memory of Rudolf Heß [...].

Besides [...] its actions on the anniversary of the death of the 'martyr and murder victim' Heß, e.g. commemorations for Nazi "heroes" in front of a war memorial [...] as well as 'midsummer celebrations' substantiate that the F.A.F. continues fostering the National Socialist tradition [...].

Moreover, the F.A.F.'s loyalty to the NSDAP and to Hitler manifests itself by the fact that F.A.F. activists/sympathisers chant National Socialist slogans, for instance 'Sieg Heil'. [Translation]

2.24 Kameradschaft Tor Berlin (KTB) including Mädelgruppe Kameradschaft Tor Berlin

Ban imposed by the Berlin Senate Department for the Interior on 9 March 2005

- final as of 11 March 2008

Excerpt from the prohibition order:

In November 2003, an article on the KTB website finished by saying: 'The only alternative, however, is a form of national socialism' [...].

The KTB and its 'Mädelgruppe' [girls group] manifest by their activities that they have a 'positive' attitude towards the 'Third Reich' and its protagonists. The KTB and its 'Mädelgruppe' always glorify Adolf Hitler, Rudolf Heß and Horst Wessel [...].

The KTB is anti-Semitic and stirs up hostility towards Jews [...].

The KTB and its 'Mädelgruppe' carry out 'Anti-Antifa' activities and aggressively fight against the state and political opponents. They try to put political opponents under pressure and to create an atmosphere of intimidation and fear. In their rhetoric, symbolism and actions, they continuously reveal a militant impetus as well as a propensity for violence. [Translation]

2.25 Berliner Alternative Süd-Ost (BASO)

Ban imposed by the Berlin Senate Department for the Interior on 9 March 2005

- final as of 07 February 2008

Excerpt from the prohibition order:

BASO affiliates refer to themselves as National Socialists and use symbols and terms of National Socialism [...].

The BASO opposes the free democratic basic order of the Federal Republic of Germany, acts against state institutions and their representatives and thus fights for the elimination of this basic order [...].

The BASO pursues its objectives in a militant way. [...]. During or in the environment of the demonstrations organised by the BASO, a militant impetus – emanating from BASO members and other neo-Nazis – manifested itself, and offences were also committed [...]. [Translation]

2.26 Kameradschaft Hauptvolk and its youth organisation Sturm 27

Ban imposed by the Ministry of the Interior of Brandenburg on 12 April 2005

- final as of 3 June 2005

Excerpt from the prohibition order:

The grouping Hauptvolk is characterised by the concept of ‘leaderless resistance’, which is popular within neo-Nazi circles. This is a form of organisation intended to offer as few formal aspects of approach as possible for a ban or for other state measures to be imposed upon this grouping. Also in the publication ‘Nationaler Beobachter, Informationsblatt für das Havelland und die Region Potsdam-Mittelmark’ [National observer, newsletter for Havelland and the Potsdam-Mittelmark region [...], which can be ascribed to Hauptvolk, the members of this organisation are called upon to behave in a conspiratorial way [...].

Anti-Semitism plays a crucial role in the Hauptvolk members’ fantasies of foreign domination; in close accordance with National Socialist propaganda, they allege that the Jews are parasitically striving for dominance [...].

In Germany, in particular in Brandenburg, the Hauptvolk organised and staged a lot of typical neo-Nazi events and activities, which substantiate its affinity with National Socialism. [Translation]



2.27 Alternative Nationale Strausberger Dart-, Piercing- und Tattoo Offensive (ANSDAPO)

Ban imposed by the Ministry of the Interior of Brandenburg on 14 July 2005

- final as of 19 March 2008

Excerpt from the prohibition order:

The association ANSDAPO shows an affinity with National Socialism. Outwardly and in its language used, it orients itself towards National Socialism. Even its name ANSDAPO unmistakably indicates that there are ideological parallels with the ‘Nationalsozialistische Deutsche Arbeiterpartei’ (NSDAP, National Socialist German Workers’ Party) as well as the ‘NSDAP Auslandsorganisation’ (NSDAP (AO), NSDAP Foreign Organisation branch) and the ‘NSDAP Auslands- und Aufbauorganisation’ (NSDAP/AO, NSDAP Foreign and Development Organisation). Their commitment to restore the banned



NSDAP is of vital importance to the ANSDAPO members in their political strategy [...].

The ANSDAPO organised activities in Berlin and Brandenburg; its members attended neo-Nazi events and actions, e.g. skinhead concerts, which substantiate its affinity with National Socialism [...].

The association's activities are also directed against the concept of international understanding, because objectives of an association whose members behave in a discriminatory way – here, for instance, against 'the Jews' – claim primacy for 'its' ethnic group that is incompatible with the concept of international understanding. This is also corroborated by the statements in the publication 'Kampfprud' [battle cry], which describes a reform of the European living space 'in order to win sufficient living space for the German people.' [Translation]

2.28 Schutzbund Deutschland

Ban imposed by the Ministry of the Interior of Brandenburg on 26 June 2006, enforced on 4 July 2006

- final as of 4 July 2008

Excerpt from the prohibition order:

The activities of the Schutzbund Deutschland are directed against the constitutional order [...], because this association shows an affinity with National Socialism – it likewise strives to continuously undermine the constitutional order. This becomes clearly obvious through the spreading of writings in conformity with National Socialist propaganda [...]. The Schutzbund Deutschland states political claims, terms and slogans, which – seen in political contexts – correspond to National Socialism or can be attributed to it [...].

The Schutzbund Deutschland fosters a sentiment which provides the intellectual breeding ground for excesses against 'non-Germans'. This, for instance, is shown by the fact that a flyer of the Schutzbund Deutschland was found with a person who [...], on 28 April 2005, together with other persons [allegedly] insulted a German of Moroccan origin i.a. as 'shit nigger' and chanted the Hitler greeting [...].

Programmatically, the Schutzbund Deutschland continues the NSDAP's 25-point Programme of 1920; partly with almost identical formulations [...]. Both, the means of the Schutzbund Deutschland – the images of a predominantly National Socialist character – and its propaganda methods – the distribution of demagogic flyers – correspond to the National Socialists' approach in the 1930s: their massive action discrediting groups of persons and basic democratic rules. Through the association's campaigns, the entirety of constitutional institutions is denigrated: The democratic constitutional state is intended to be replaced by arbitrary rule, a new order. [Translation]

2.29 Sturm 34

Ban imposed by the State Ministry of the Interior of Saxony on 26 April 2007

- final as of 26 May 2007

Excerpt from the prohibition order:

The affinity of the comradeship Sturm 34 with National Socialism is provable. It manifests itself in the use of particular terms and symbols [...].

A racist and xenophobic stance of the members of the comradeship Sturm 34 is conveyed in its declared aim of creating a 'nationally liberated zone', involving actions against foreigners in its environment [...]. The comradeship [...] pursues its objectives in a militant-aggressive way [...].

[It] has [...] started to achieve its political aims by the use of violence declared to be the only effective tool [...]. The criminal activities of the comradeship's members [...] are connected with their work on behalf of the association and its aims so that [...] it can be assumed that the organisation does not only tolerate but also foster these criminal activities. [Translation]



2.30 Collegium Humanum (CH) together with Bauernhilfe e. V.

Ban imposed by the Federal Minister of the Interior on 7 May 2008

- final as of 5 August 2009

Excerpt from the prohibition order:

The association's statutory purpose – 'educational work' – involves the distribution of revisionist propaganda denying the holocaust, an activity that is liable to prosecution according to section 130 (3) and (5) of the Criminal Code [...]. CH's chairwoman and other members of this association systematically deny the holocaust and thus incite hatred and violence against segments of the population or minority groups according to section 130 (3) and (5) of the Criminal Code [...]. The offences can be attributed to the CH [...], and they determine the character of the association [...].

Hence, the CH is opposed to the constitutional order because the organisation fundamentally opposes the constitutional order of the Federal Republic of Germany [...], persistently denies the crimes of National Socialism [...], avows its loyalty to key representatives of National Socialism [...], uses terms of National Socialism [...], portrays the NS time in an exemplary manner [...], propagates a racist, particularly anti-Semitic xenophobia [...], propagandistically supports revisionist and neo-Nazi activists [...] and takes a militant-aggressive stance towards the constitutional order [...]. [Translation]

2.31 Verein zur Rehabilitierung der wegen Bestreitens des Holocaust Verfolgten (VRBHV)

Ban imposed by the Federal Minister of the Interior on 7 May 2008

- final as of 8 June 2008

Excerpt from the prohibition order:

The association's purpose contravening criminal law can already be inferred from the association's name, which also suggests that the activities are mainly aimed at spreading revisionist propaganda as well as propaganda inciting hatred and violence against segments of the population or minority groups and denying the holocaust, which is liable to prosecution according to section 130 of the Criminal Code [...].

Holocaust denial as the VRBHV's purpose and activity is the logical result of an alliance of individuals whose activities according to their biographies had already before setting up the association constituted a statutory offence on repeated occasions, partly with global attention attracted, and who therefore had been convicted several times [...].

The former VRBHV chairman and other members of the association incite hatred against the Jewish population, systematically deny the holocaust and thus violate section 130 of the Criminal Code. The offences committed by members and functionaries of the association determine the VRBHV's character [...].

The VRBHV is opposed to the constitutional order because it shows an affinity with National Socialism regarding its programme, ideas and overall style [...]. [Translation]

2.32 Heimattreue Deutsche Jugend – Bund zum Schutz für Umwelt, Mitwelt und Heimat e. V. (HDJ)

Ban imposed by the Federal Minister of the Interior on 31 March 2009

- final as of 1 September 2010

Excerpt from the prohibition order:

The HDJ's activities are directed against the constitutional order; its purpose and activities contravene the criminal laws.

[...]

The HDJ is opposed to the political system as provided for in the Basic Law and to the free, democratic basic order guaranteed by this Law. It propagates a state system based on the ideal of the people's community and the 'Führer principle', and defames the democratic constitutional state, which it intends to replace by a 'new Reich'.

[...]

HDJ functionaries and members offensively avow their loyalty to Adolf Hitler and senior representatives of National Socialism, and they keep their publications as well as glorifying literature on this group of people in original editions or in file format.



[...]

In its publication 'Funkenflug' [flying sparks] and in training courses, the HDJ takes a strongly revisionist basic attitude. In its lectures and publications, it strives to arouse doubt among the youth about the historically founded view of history and to make them believe that the National Socialist era was positive.

[...]

The HDJ follows the Hitlerjugend tradition, in whose supposed concept of success it sees a justification for its own approaches in terms of education and instruction.

[...]

Due to its affinity with National Socialism, the HDJ advocates the National Socialist racial ideology and thus conveys a racist, xenophobic and anti-Semitic basic attitude in its training courses. According to the HDJ's credo in its 'Leitfaden für Heimatreue Jugendarbeit' [Guidelines for the work with young people who are loyal to their country], 'society is always tied to a specific purpose, community is always tied to blood'. [Translation]

2.33 Mecklenburgische Aktionsfront (M.A.F.)

Ban imposed by the Ministry of the Interior of Mecklenburg-Western Pomerania on 28 May 2009

- final as of 29 June 2009

Excerpt from the prohibition order:

The activities of the Mecklenburgische Aktionsfront (M.A.F.) are directed against the constitutional order and the concept of international understanding.

[...]

An overall assessment of all the individual circumstances resulting from the analysed M.A.F.-related material substantiates that the M.A.F. has an affinity with National Socialism regarding its objectives, ideas and outer appearance.

[...]

The M.A.F. offensively avows its loyalty to senior representatives of National Socialism. It particularly strives to convey a positive memory of Horst Wessel and Rudolf Heß.

[...]

The M.A.F. also shows an affinity with National Socialism in so far as it takes a militant-aggressive stance towards the constitutional order.

[...]

The M.A.F. at least verbally calls for action and violation of state bans. [Translation]

2.34 Frontbann 24



Ban imposed by the Berlin Senate Department for the Interior and Sports on 5 November 2009.

- final as of 10 June 2010

Excerpt from the prohibition order:

The activities of Frontbann 24 are directed against the constitutional order as defined by Art. 9 (2) of the Basic Law and section 3 (1) of the Act on Associations.

[...]

This already results from the fact that the grouping shows an affinity with National Socialism regarding its ideas and overall style. This anti-constitutional aim resulting in the ban is revealed by its activists' statements, activities and basic attitude as well as by their public appearance.

Regarding its name, purpose and activities, Frontbann 24 orients itself towards the historic precedent of the SA predecessor organisation Frontbann. Along with symbols – in shape or colours similar to the imperial eagle and the German Reich war flag – as well as the activists' uniformed public appearance, this attitude is a glorification of the National Socialist tyranny and arbitrary rule. This assessment is corroborated by the fact that various devotional objects have been found with some Frontbann 24 members, which signify a commitment to the historic National Socialism and its leading protagonists.

[...]

The Frontbann 24 members, at least part of them, appear in public dressed in uniform-like, mainly black clothes and carrying flags – an overall appearance reminding of the parades staged by the historical Frontbann and the SA. The flag contains the white-and-red lettering 'Frontbann 24' on a black background, which corresponds to the colours of the German Reich war flag. The uniform shirts are black with the above-described imperial eagle logo on the chest and the figure 24 on the collar patch, and, in most cases, with the lettering 'Frontbann 24' [...]. [Translation]

2.35 Freie Kräfte Teltow-Fläming (FKTF)



Ban imposed by the Ministry of the Interior of Brandenburg on 11 April 2011

- final as of 11 May 2011

Excerpt from the prohibition order:

The activities of the association FKTF are directed against the constitutional order as defined by Art. 9 (2) of the Basic Law and section 3 (1), first sentence, of the Act on Associations.

[...]

Within this meaning, it is opposed to the

- constitutional order because the association*

1. avows itself to National Socialism and glorifies it by
 - 1.1 using and spreading symbols and signs of National Socialist ideologies,
 - 1.2 using the National Socialists' jargon,
 - 1.3 singing National Socialist songs,
 - 1.4 identifying with senior functionaries of National Socialism,
 2. takes a xenophobic and racist basic attitude,
 3. propagates anti-Semitism and spreads anti-Semitic propaganda,
 4. denigrates democracy, and
- II. takes a militant-aggressive basic attitude by showing an affinity with National Socialism in its programme, ideas and overall style, directed against fundamental constitutional principles, and
- III. therefore meets the requirements justifying a ban as defined by section 3 (1), first sentence, of the Act on Associations.

[...]

The association FKTF copies the NSDAP's agitation against the Weimar Republic. It is opposed to the political system of the Federal Republic of Germany and the applicable legal order; it sees itself as a grouping that strives for the abolition of this system.

[...]

The association FKTF attains its anti-constitutional objectives by militant-aggressive means. On the basis of racist concepts, the organisation's activities are deliberately oriented towards an aggressive dissemination of the National Socialist ideology, its language and symbols.

[...]

The association FKTF has its own symbol. It shows two flags on a white background, edged with a circular black frame, with the inscription: 'Freie Kräfte Teltow-Fläming' respective the corresponding abbreviation 'FKTF'. Publications, banners and stickers of the organisation carry this symbol. [Translation]

2.36 Hilfsorganisation für nationale politische Gefangene und deren Angehörige e. V. (HNG)

Ban imposed by the Federal Minister of the Interior on 21 September 2011

- final as of 19 December 2012

Excerpt from the prohibition order:

Under the slogan "Inside and outside – a united front", the HNG calls for an active fight against the constitutional order. Under the pretext of supposed charitable care for prisoners, it unites right-wing extremists of a nationalist character, which is aimed at strengthening the right-wing extremist scene in Germany on a cross-organisational level and at working towards their



radicalisation. To this end, the HNG advocates, propagates and furthers illegal behaviour or even uses violence as a legitimate means in its fight against the existing constitutional order.

In particular, the aims and activities of the HNG are directed against

- I. the constitutional order because it
 1. fundamentally opposes the existing state order of the Federal Republic of Germany,
 2. confronts this order with a nationalist world view of a racist and anti-Semitic character, and
 3. simultaneously glorifies the national struggle and soldier-ship as well as elements of the National Socialist past,
- II. and, besides, shows a militant-aggressive basic attitude, by
 1. not only uniting the right-wing extremist scene in its fight against the existing system but also systematically and specifically committing right-wing extremist offenders to this scene during and after their term of imprisonment,
 2. and not only supporting these offenders in their nationalist convictions but also justifying and glorifying the injustice committed by them,
 3. in order to purposely undermine state rehabilitation efforts and to encourage future crimes to be perpetrated on this ideological basis. [Translation]

2.37 Kameradschaft Walter Spangenberg

Ban imposed by the Ministry of the Interior of North Rhine-Westphalia on 10 May 2012

- final as of 12 June 2012

Excerpt from the prohibition order:

The activities of the association Kameradschaft Walter Spangenberg are directed against the constitutional order as defined by Art. 9 (2) of the Basic Law and section 3 (1), first sentence, of the Act on Associations; hence, the association is banned according to section 3 (1), first sentence, of the Act on Associations.

[...]

The association Kameradschaft Walter Spangenberg meets these criteria. In this respect, its activities are directed against the constitutional order because the association

- avows itself to National Socialism and glorifies it by
 - using the National Socialists' jargon,
 - identifying with the senior functionaries of National Socialism, and
- takes a xenophobic and racist basic attitude, propagates anti-Semitism



and spreads anti-Semitic propaganda,

- *denigrates democracy, and*
- *takes a militant-aggressive basic attitude by showing an affinity with National Socialism in its programme, ideas and overall style, directed against fundamental constitutional principles, and*
- *therefore meets the requirements justifying a ban as defined by section 3 (1), first sentence, of the Act on Associations [...]. [Translation]*

2.38 Widerstandsbewegung in Südbrandenburg

Ban imposed by the Ministry of the Interior of Brandenburg on 19 June 2012

- final as of 27 November 2013

Excerpt from the prohibition order:

The aims and activities of the association Widerstandsbewegung in Südbrandenburg are directed against the constitutional order and the concept of international understanding, and they contravene the criminal laws.

[...]

The aims and activities of the association Widerstandsbewegung in Südbrandenburg are directed against the constitutional order as defined by Art. 9 (2) of the Basic Law and section 3 (1), first sentence, of the Act on Associations.

[...]

The association Widerstandsbewegung in Südbrandenburg meets these criteria. In this respect, its activities are directed against the constitutional order because the association

- *shows an affinity with and avows itself to National Socialism*
- *refers to personalities of the Third Reich*
- *cooperates with the neo-Nazi band 'Hassgesang' [Songs of hatred] [...]. [Translation]*



2.39 Nationaler Widerstand Dortmund (NWDO)

Ban imposed by the Ministry of the Interior of North Rhine-Westphalia on 23 August 2012

- final as of 30 December 2014

Excerpt from the prohibition order:

The aims and activities of the association Nationaler Widerstand Dortmund are directed against the constitutional order. Its purpose and activities contravene the criminal laws.

[...]

The activities of the association Nationaler Widerstand Dortmund are directed against the constitutional order as defined by Art. 9 (2) of the Basic



Law and section 3 (1), first sentence, of the Act on Associations; hence, the association is banned according to section 3 (1), first sentence, of the Act on Associations.

[...]

The association *Nationaler Widerstand Dortmund* meets these criteria. Within this meaning, it is opposed to the

- constitutional order because the association
 - avows itself to National Socialism and glorifies it by
 - using the National Socialists' jargon,
 - identifying with the senior functionaries of National Socialism, and
 - takes a xenophobic and racist basic attitude,
 - propagates anti-Semitism and spreads anti-Semitic propaganda,
 - denigrates democracy, and
- takes a militant-aggressive basic attitude by showing an affinity with National Socialism in its programme, ideas and overall style, directed against fundamental constitutional principles, and
- therefore meets the requirements justifying a ban as defined by section 3 (1), first sentence, of the Act on Associations. [...] [Translation]

2.40 Kameradschaft Hamm (KS Hamm)

Ban imposed by the Ministry of the Interior of North Rhine-Westphalia on 23 August 2012

- final as of 24 September 2012

Excerpt from the prohibition order:

The aims and activities of the association Kameradschaft Hamm are directed against the constitutional order and the concept of international understanding. Its purpose and activities contravene the criminal laws.

[...]

The activities of the association Kameradschaft Hamm are directed against the constitutional order as defined by Art. 9 (2) of the Basic Law and section 3 (1), first sentence, of the Act on Associations; hence, the association is banned according to section 3 (1), first sentence, of the Act on Associations.

[...]

The association *Kameradschaft Hamm* meets these criteria. Within this meaning, it is opposed to the

- constitutional order because the association
- avows itself to National Socialism and glorifies it by
 - using the National Socialists' jargon,
 - identifying with the senior functionaries of National Socialism, and



- *takes a xenophobic and racist basic attitude,*
- *propagates anti-Semitism and spreads anti-Semitic propaganda,*
- *denigrates democracy, and*
- *takes a militant-aggressive basic attitude by showing an affinity with National Socialism in its programme, ideas and overall style, directed against fundamental constitutional principles, and*
- *therefore meets the requirements justifying a ban as defined by section 3 (1), first sentence, of the Act on Associations [...]. [Translation]*

2.41 Kameradschaft Aachener Land (KAL)

Ban imposed by the Ministry of the Interior of North Rhine-Westphalia on 23 August 2012

- final as of 8 January 2015

Excerpt from the prohibition order:

The aims and activities of the association Kameradschaft Aachener Land' (KAL) are directed against the constitutional order and the concept of international understanding, and they contravene the criminal laws. Its purpose and activities contravene the criminal laws.

[...]

The activities of the association Kameradschaft Aachener Land are directed against the constitutional order as defined by Art. 9 (2) of the Basic Law and section 3 (1), first sentence, of the Act on Associations; hence, the association is banned according to section 3 (1), first sentence, of the Act on Associations.

[...]

The association Kameradschaft Aachener Land meets these criteria. Within this meaning, it is opposed to the

- *constitutional order because the association*
- *avows itself to National Socialism and glorifies it by*
 - *using the National Socialists' jargon,*
 - *identifying with the senior functionaries of National Socialism, and*
- *takes a xenophobic and racist basic attitude,*
- *propagates anti-Semitism and spreads anti-Semitic propaganda,*
- *denigrates democracy, and*
- *takes a militant-aggressive basic attitude by showing an affinity with National Socialism in its programme, ideas and overall style, directed against fundamental constitutional principles, and*
- *therefore meets the requirements justifying a ban as defined by section 3 (1), first sentence, of the Act on Associations [...]. [Translation]*



2.42 Besseres Hannover



only in connection with right-wing extremist statements or activities



Ban imposed by the Ministry of the Interior and Sports of Lower Saxony on 25 September 2012

- final as of 3 September 2013

Excerpt from the prohibition order:

1. *The activities of the association BESSERES HANNOVER contravene the criminal laws. They are directed against the constitutional order and the concept of international understanding.*

2. *The association BESSERES HANNOVER is hereby prohibited. It will be dissolved.*

[...]

The affinity of the association BESSERES HANNOVER with National Socialism is substantiated by:

1. *so-called 'Abschiebär videos' [translator's comment: a combination of the words 'Abschieben...' (deportation) and 'Bär' (bear): videos with messages marked by contempt for humanity, communicated by a mascot, a bear, and thus outwardly trivialised.]*

2. *the magazine 'bock'*

3. *Internet postings and references to NSDAP functionaries*

4. *further activities*

5. *its particular methodology*

6. *its involvement in neo-Nazi networks.*

[...]

The overall picture of the association BESSERES HANNOVER, arising from its appearance in the media, its publications as well as from its functionaries' documented basic attitude shows its affinity with and loyalty to National Socialism. In various contributions and articles posted on its website, it borrows elements from the National Socialist era or refers to individuals who were important to National Socialism both ideologically and in terms of the history of ideas.

The association ignores democracy and propagates a racial ideology incompatible with the prohibition of discrimination as defined by Art. 3 (3) of the Basic Law.

In a militant-aggressive way, the activities of BESSERES HANNOVER are directed against the constitutional order within the meaning of section 3 (1), first sentence, of the Act on Associations, in conjunction with Art. 9 (2) of the Basic Law.

[...]

Besides, the activities of the association BESSERES HANNOVER are directed against the concept of international understanding; hence, it is banned according to section 3 (1), first sentence, of the Act on Associations.

Racism and xenophobia are the central motives behind the activities carried out by the association BESSERES HANNOVER. The 'Abschiebärvideos' and the magazine 'bock' are instruments used to vehemently incite hatred against people from a migrant background [...]. [Translation]

2.43 Nationale Sozialisten Döbeln

Ban imposed by the State Ministry of the Interior of Saxony on 18 February 2013

- final as of 29 March 2016



Excerpt from the prohibition order:

The association NATIONALE SOZIALISTEN DÖBELN meets the requirements justifying a ban pursuant to Art. 9 (2), var. 2 of the Basic Law and section 3 (1), first sentence, var. 2 of the Act on Associations because its activities are directed against the constitutional order.

[...]

1. *It shows an affinity with National Socialism.*

[...]

- a. *It avows itself to the National Socialist movement, to the NSDAP and its functionaries.*

The association Nationale Sozialisten Döbeln defines its ideology as a combination of nationalism and socialism and follows National Socialist traditions [...].

- b. *It uses terms of National Socialism and continues traditions brought into the service of National Socialism.*

In public, the association refrains from using common symbols of National Socialism but instead avails itself of the National Socialist terminology, including in particular terms or conceptual pairs such as 'Nationaler Sozialismus' [National Socialism], 'politisches Soldatentum' [political soldier-ship], 'Volksgemeinschaft' [people's community] and 'Volksgenosse' [national comrade] [...].

2. *It denigrates democracy.*

In the style of the NS slogan 'Die Juden sind unser Unglück' [The Jews are our misfortune], neo-National Socialist propaganda now argues, 'Die Demokraten sind unser Unglück!' [The democrats are our misfortune!]. Linguistically, this phrasing in itself seems to be peaceable but it can hardly disguise its actual threatening connotation [...].

3. *It propagates a racial ideology incompatible with the prohibition of discrimination as defined by Art. 3 (3) of the Basic Law.*

The association NATIONALE SOZIALISTEN DÖBELN propagates a racial ideology incompatible with the prohibition of discrimination as defined by Art. 3 (3) of the Basic Law. Although often done in a subtle manner, the association's statements and actions – seen from an overall perspective – cannot conceal this fact [...].

4. *It strives to overcome the constitutional order by militant-aggressive means.*

The association NATIONALE SOZIALISTEN DÖBELN is striving to overcome the constitutional order in a militant-aggressive way. Its agitation corroborates its continuous efforts to undermine this order [...]. [Translation]

2.44 Nationale Sozialisten Chemnitz (NSC)

Ban imposed by the State Ministry of the Interior of Saxony on 28 March 2014

- final as of 24 November 2016

Excerpt from the prohibition order:

The activities of the association NATIONALE SOZIALISTEN CHEMNITZ (also acting under the name of INTERESSENGEMEINSCHAFT CHEMNITZER STADTGESCHICHTE (Interest group for the history of Chemnitz), and as action group RAUS IN DIE ZUKUNFT (Out into the future) – hereinafter referred to as NATIONALE SOZIALISTEN CHEMNITZ) are directed against the constitutional order.

[...]

The grouping meets the criteria of an association as defined by Art. 9 of the Basic Law and section 2 (1) of the Act on Associations, because it has been formed on a voluntary basis for a prolonged period of time by a number of natural persons who have devoted themselves to an organised development of objectives.

[...]

With its activities, the grouping pursues a common (political) purpose:

The objective of the NATIONALE SOZIALISTEN CHEMNITZ is the dissemination of the National Socialist ideology, focusing on the term ‘Volksgemeinschaft’ (people’s community), which – according to the grouping – has to be freed from the yoke of a ‘democracy’, allegedly imposed upon the people by the victorious powers’ and from the democrats’ rule: “BRD abwickeln – Deutschland befreien” (Phasing out the FRG – Liberating Germany) was their striking slogan. Unlike in internal statements, in public actions they avoid overt reference to the Hitler regime’s National Socialism, but in fact they try to prepare the ground for National Socialist thought: The World War II atrocities caused by the National Socialists are intended to be relativised by the cruelty brought about by the allied forces’ bombardments, e.g. of the city of Chemnitz, and resentments against foreigners in connection with initial reception centres for asylum seekers are meant to provide a breeding ground for racist ideas [...]. [Translation]

2.45 Freies Netz Süd (FNS)

Ban imposed by the State Ministry of the Interior of Bavaria on 23 July 2014

- final as of 14 December 2015



Excerpt from the prohibition order:

Freies Netz Süd (hereinafter referred to as FNS) is a substitute organisation of the association 'Fränkische Aktionsfront' (Franconian Action Front; hereinafter referred to as F.A.F.) banned by the Bavarian Ministry of the Interior pursuant to Art. 9 (2) of the Basic Law in conjunction with section 3 (1), first sentence, of the Act on Associations, i.a. due to its being directed against the constitutional order. The FNS is acting for the F.A.F. in further pursuing the latter's anti-constitutional activities and has therefore been banned pursuant to section 8 (1) of the Act on Associations.

[...]

Since 2008, the FNS has developed into the largest neo-Nazi network – involving various comradeships – in Bavaria, with its activities focusing on Franconia and Upper Palatinate; it also has a strong presence in some regions of Lower and Upper Bavaria.

[...]

The FNS is an association which was newly formed after the ban imposed on the F.A.F. and which is similar in what refers to the latter's objectives and structure and hence is also subject to be banned pursuant to section 8 (2), first sentence, in conjunction with section 2 (1) of the Act on Associations (a). Concerning both associations, there is a considerable continuity in terms of staffing, because some of those acting in the FNS were also active on behalf of the F.A.F.; this especially applies to the senior functions (b). Despite the temporal break between the ban imposed on the F.A.F. and the FNS' first publicly discernible activities, the appearance of the FNS in the autumn of 2008 is clearly connected with the ban on the F.A.F. (c). The FNS' efforts to pursue the F.A.F.'s anti-constitutional political objectives in an aggressive-militant way remain largely unchanged. Hence, ideological continuity is obviously ensured, oriented towards a nationalistic social system in the style of the historic National Socialism; [...]. [Translation]

2.46 Autonome Nationalisten Göppingen (AN Göppingen)

Ban imposed by the Ministry of the Interior of Baden-Württemberg on 18 December 2014

- final as of 20 January 2015



Excerpt from the prohibition order:

AN GÖPPINGEN is an association as defined by Art. 9 (1) of the Basic Law and section 2 (1) of the Act on Associations. Accordingly, an association is a coherent alliance founded for a prolonged period of time by several natural persons with common objectives and a uniform appearance, who have formed the alliance on a voluntary basis and with a common purpose and who have devoted themselves to an organised development of objectives. This definition applies to all associations, regardless of their legal form, and thus covers non-registered and unincorporated associations too (Decision of the Federal Administrative Court of 25 August 2008, 6 VR 1/08).

[...]

When AN GÖPPINGEN's web presence became public, activities in the form of material damage – marked with the name of the grouping – increasingly occurred in the municipal area of Göppingen. Later, members of the grouping attached own stickers in the rural district, fixed posters and banners and carried out political campaigns. By many of these actions, AN GÖPPINGEN demonstrated its ideological parallels with the historic National Socialism and contributed to relativising German war crimes.

[...]

The association AN GÖPPINGEN is to be prohibited because its activities are – i.a. due to its affinity with National Socialism – directed against the constitutional order as defined by Art. 9 (2) of the Basic Law and section 3 (1), first sentence, var. 2 of the Act on Associations [...]. [Translation]

2.47 Sturm 18 e. V.

Ban imposed by the Ministry of the Interior and Sports of Hesse on 29 October 2015

- final as of 9 December 2015

Excerpt from the prohibition order:

The aims and activities of the association Sturm 18 e. V. are directed against the constitutional order, because it opposes the principle of democracy and the separation of powers as pillars of the existing state order, does not recognise the principle of equality, does not concede to all people the individual's right to life and physical integrity, while taking a militant-aggressive basic attitude. Sturm 18 e. V. expressly advocates violence and calls for the use of violence, especially furthers the right-wing extremist and neo-Nazi movement through Internet presences, purposely undermines state rehabilitation efforts by taking care of prisoners, and encourages crimes to be perpetrated on this ideological basis.

[...]

Already in its rules and in its ideology disseminated via the Internet as well as in its members' behaviour, the association Sturm 18 e. V. shows a considerable affinity with National Socialism – both internally and externally, by overtly adopting the style of National Socialism in its language, symbols and behaviour. It uses words and terms which – seen in a political context – go back to National Socialism regarding its symbolic language and imagery and can be attributed to it. Thus, the association deliberately fosters the National Socialist tradition.

[...]

The ban is appropriate. The prerequisites for a ban pursuant to Art. 9 (2) of the Basic Law and section 3 (1) of the Act on Associations are met, i.e. it is irrelevant to the lawfulness of the prohibition order whether – given its size and regionally limited activities – the association may seriously jeopardise the national constitutional order. In fact, it is not important whether Sturm 18 e. V. with its rather limited membership may be in a position to overthrow the state government or to eliminate the constitutional order because even considering the severity of the infringement on basic rights constituted



by the ban, the organisation's aggressive and militant agitation designed to radicalise its members is no longer acceptable with a view to the potential threat definitely posed by it [...]. [Translation]

2.48 Altermedia Deutschland

Ban imposed by the Federal Minister of the Interior on 27 January 2016

- final as of 30 March 2016

Excerpt from the prohibition order:

Altermedia Deutschland is an association as defined by Art. 9 (1) of the Basic Law and section 2 (1) of the Act on Associations. The team operating Altermedia Deutschland is a group formed voluntarily, for an extended period of time and for a common purpose by a majority of natural or legal persons who subject themselves to an organised form of decision-making.

[...]

Hence, the fact that Altermedia Deutschland is an Internet platform does not rule out its being considered an association. What is decisive for the application of the Act on Associations is who is responsible for operating the Internet platform and who uses this medium for pursuing his/her objectives (Decision of the Federal Administrative Court of 14 May 2014, 6 A 3.13, margin number 26).

[...]

The purpose of Altermedia Deutschland is to release information in the form of a 'free national discussion platform' based on the right to freedom of expression pursuant to US and Russian law, with this information i.a. intended to strengthen 'National Resistance' and to push ahead enlightenment of the 'German Fatherland.'

[...]

The association Altermedia Deutschland is directed against the constitutional order because it

- *has a racist and xenophobic orientation,*
- *is of a clearly anti-Semitic character,*
- *propagates anti-Islamic and homophobic ideas, and*
- *shows an affinity with National Socialism [...]. [Translation]*

2.49 Weisse Wölfe Terrorcrew (WWT)

Ban imposed by the Federal Minister of the Interior on 16 March 2016

- final as of 16 August 2016

Excerpt from the prohibition order:

The organisation Weisse Wölfe Terrorcrew (WWT) is directed against the constitutional order, and its purpose and activities violate criminal law.

[...]



In May 2011, the grouping of neo-Nazis – initially set up under the double-barrelled name ‘Hamburger Nationalkollektiv & Weisse Wölfe Terrorcrew Sektion Hamburg’ (HNK/WWT) – first presented itself on a website informing about the group’s personnel structure, ideological orientation, and political messages. The association described itself as an ‘organisation formed by groups acting on a political and national level in Hamburg and its environment’ respective as a ‘collective’ consisting of various small groups and single individuals.

[...]

Membership of WWT is not only intended to oblige the members to loyalty (cf. Decision of the Bavarian Administrative Court/BayVGH of 29 June 2006 – 4 A 04.532, juris, margin number 17), but also to establish family-like links. Hence, WWT is also referred to by its members as ‘One Family’ or ‘Brotherhood’. These terms are not only used in WWT’s spoken jargon but can also be found in various imprints and logos.

[...]

WWT’s purpose is to pursue political objectives. The association campaigns against the existing state and social basic order and makes an effort to disseminate the National Socialist ideology. WWT aims at abolishing democracy and replacing it by a ‘Volksgemeinschaft’ modelled on National Socialism. It pursues objectives of a racist and anti-Semitic character and thus specifically tries to destroy the rights and freedoms laid down in the ECHR [European Convention on Human Rights]. Moreover, WWT shows an affinity with National Socialism [...]. [Translation]

2.50 Phalanx 18

Ban imposed by the Senator of the Interior of the Free Hanseatic City of Bremen on 20 November 2019

- final as of 21 December 2019

Excerpt from the prohibition order:

The association Phalanx 18 has been banned because it is directed against the constitutional order and the concept of international understanding.

[...]

In the past months, the association has increasingly radicalised. Most recently, it has also made appearances in an openly militant-aggressive manner, culminating in violent attacks on individuals of a different opinion.

[...]

The members of the association have always committed their crimes, such as insults, the use of anti-constitutional signs, and attempted and completed bodily harm, in heavily frequented public spaces with many witnesses. This modus operandi and the fact that they have publicly insulted the police and publicly uttered doubts about the independence of the judiciary make it clear that the association as such treats the objective legal system as a whole with great contempt [...]. [Translation]



2.51 Combat 18 Deutschland (C18 Deutschland)

Ban imposed by the Federal Minister of the Interior, Building and Community on 23 January 2020

- final as of 6 October 2020

Excerpt from the prohibition order:

Combat 18 Deutschland is an association that is directed against the constitutional order and the concept of international understanding and whose purpose and activities contravene the criminal laws.

[...]

Following that, Combat 18 clearly revealed that its members not only approve of the National Socialists' historical genocide but also want these methods to be applied today.

[...]

The purpose pursued by Combat 18 Deutschland is, on the one hand, to establish a community which sticks together on the grounds of defined duties that are mandatory for members and which shares a national socialist, racist, xenophobic and antisemitic ideology.

[...]

Combat 18 Deutschland is congenial to National Socialism since it has pledged itself to the major representatives of National Socialism, propagates National Socialism as a model system, and thus disparages the democratic form of government [...]. [Translation]



2.52 Nordadler

Ban imposed by the Federal Minister of the Interior, Building and Community on 23 June 2020

- not yet final

Excerpt from the prohibition order:

The association Nordadler (also acting and appearing under the names of Völkische Revolution, Völkische Jugend, Völkische Gemeinschaft and Völkische Renaissance; hereafter NORDADLER) is directed against the constitutional order, its purpose and activities contravene the criminal laws, and it is directed against the concept of international understanding.

[...]

NORDADLER is congenial to National Socialism since the grouping explicitly and publicly pledges itself to National Socialism as such and to major representatives of National Socialism and propagates National Socialism as a model system, thus disparaging the democratic form of government.

[...]

The association has chosen an antisemitism directed at extermination as the crucial point of its philosophy [...]. Its internal communication clearly shows its members' consensus according to which Jews are the worst enemies of the



German people, the Holocaust was justified, and Jews must still be persecuted in a similar way today.

[...]

The general endorsement of violence within the grouping NORDADLER is also proven by the fact that members regularly share phantasies of violence (often directed against representatives of state institutions) or calls for the use of violence [...]. [Translation]

2.53 Sturmbrigade 44/Wolfsbrigade 44



Ban imposed by the Federal Minister of the Interior, Building and Community on 1 December 2020

- final as of 2 January 2021

Excerpt from the prohibition order:



The association Wolfsbrigade 44 (also acting and appearing under the names of Sturmbrigade 44, Brigaden 44, Sturm 44, or simply 44; hereafter called Sturm-/Wolfsbrigade 44) is directed against the constitutional order, its purpose and activities contravene the criminal laws, and it is directed against the concept of international understanding.

[...]



The final objective of the association's joint political activities is to establish a political situation similar to that of the NS regime, thereby creating a 'true Germany'. The members want to work towards this goal by building a community which sticks together on the grounds of defined mandatory duties and which shares a national socialist, racist, xenophobic and antisemitic ideology.

[...]



The members of Sturm-/Wolfsbrigade 44 and the grouping as a whole regard violence as a legitimate means to achieve political goals, and they also make use of violence. This can be seen, most of all, from relevant statements in group chats, the association's distinct affinity for weapons, and the criminal offences that can be attributed to Sturm-/Wolfsbrigade 44 [...]. [Translation]

2.54 Nationale Sozialisten Rostock (NSR) with its branch Baltik Korps (BK)



Ban imposed by the Minister of the Interior and Europe of Mecklenburg-Western Pomerania on 24 June 2021

- final as of 25 July 2021

Excerpt from the prohibition order:



The association Nationale Sozialisten Rostock (also acting and appearing under the names of NSR and Aktionsblog, hereafter called NSR) and the association Baltik Korps (also acting and appearing under the name of BK) as a branch of the NSR are directed against the constitutional order and the concept of international understanding, and their purpose and activities contravene the criminal laws.

[...]

The NSR justify the use of violence for racist and xenophobic motives to achieve their political objectives. This is obvious from their adoption of central ideological elements of National Socialism

- *Praise of individual national socialist personalities as role models for the members' actions*
- *Adoption of the national socialist concept of 'political soldiers'*

[...]

The NSR carry out a large number of demonstrations and activities. During some of them, members have aggressively agitated against the constitutional order of the Federal Republic and a democratic government system. This shows that the NSR strive for the elimination of the free democratic basic order and the establishment of a national socialist state [...]. [Translation]



3 Individual decisions based on sections 86, 86a of the Criminal Code and section 20 of the Act on Associations

3.1 Illustrations (portrait) and busts of Adolf Hitler

A badge frequently used by National Socialist organisations is the portrait of Hitler. At the time of the NSDAP, the people were always faced with this portrait. Hence, it was the most definite symbol of the NSDAP and its organisations.⁷ The spreading of the portrait of Hitler in a magazine with right-wing extremist tendencies is liable to prosecution according to section 86a of the Criminal Code, with the criminal liability not depending on the evidence of an anti-constitutional intention involved with the use of this badge.



3.2 The so-called 'Reichskriegsflagge' (German Reich war flag)

Flying the German Reich war flag neither constitutes a statutory offence under the Criminal Code nor under the Administrative Offences Act. Nevertheless, according to the police and public order law the German Reich war flag can be seized if in individual cases this may be the necessary, appropriate and proportionate measure to counter concrete threats posed to public safety and order. This is the case, if e.g. the flag is the focal point of a particular imminent threat and if this threat can be averted by this measure. The use and spread of the German Reich war flag used by the National Socialists from 1935 to 1945, however, is liable to prosecution pursuant to sections 86, 86a of the Criminal Code (cf. 4).



Example: German Reich war flag 1867-1921



Example: German Reich war flag 1935-1945

⁷ Federal Court of Justice judgement of 9 August 1965 in: Monatsschrift für deutsches Recht (MDR) 1965, p. 923, referring to the regulation under section 96a of the Criminal Code (old) which corresponds to section 86a of the Criminal Code (new).

3.3 Pre-constitutional publications as defined by section 86 (2) of the Criminal Code



Original edition of 1936

Adolf Hitler's propaganda writing entitled 'Mein Kampf' – published before 1945 – is a pre-constitutional book (cf. 1.1.1), from the unchanged content of which the targeting of the free democratic basic order realised in the Federal Republic of Germany after 1949 could not yet be inferred. Section 86 of the Criminal Code is not applicable in this case, even if the use of such publications enables the fight against the constitutional order. However, in such cases it has to be checked if the statutory offence of 'incitement to hatred' is constituted (section 130 (2), no. 1, of the Criminal Code), because this criminal provision is also applicable to pre-constitutional publications.

In Germany, until late December 2015, the reprint of the propaganda writing was prohibited due to the copyrights of the Free State of Bavaria. Even after the expiry of copyright protection, the use or dissemination of an uncommented new edition can be liable to prosecution pursuant to section 130 (2) of the Criminal Code, especially if it is intended to be used for propaganda purposes.

3.4 Public use as defined by section 86a of the Criminal Code

Unless the symbol appears overtly, public use does not apply. This includes the case of a Hitler portrait inside a closed copy of the book 'Mein Kampf' offered for sale. There is no signal effect in the public because the book – though available to everyone – does not reveal the symbol before the book has been opened.⁸



The same applies if, for instance, an armband of the German Volkssturm is presented in the window of an antique shop in a way that the swastikas on this armband are not visible. In this case, too, the use of a symbol as defined by section 86a of the Criminal Code does not apply.⁹

3.5 Distribution as defined by section 86a of the Criminal Code

Distribution within the meaning of section 86a of the Criminal Code means that the symbols are made available to a larger group of people; it suffices that the symbol is provided to one person and the offender reckons or can reckon that the symbol be distributed to a larger, no longer controllable number of individuals.

This is not the case if the symbols are merely given to an auction house that passes them on to a buyer as per order.¹⁰

⁸ Cf. judgement of the Federal Court of Justice of 25 July 1979, FN: 3 StR 182/79 (S).

⁹ Cf. judgement of the Cologne Higher Regional Court of 27 November 1979, FN: 3 Ss 891/79 in: MDR 1980, 420.

¹⁰ Analogous to the judgement of the Bavarian Highest Regional Court of 14 May 1981 in: Neue Zeitschrift für Strafrecht (NStZ) 1983, p. 120 f., cf. also the commentary on p. 121 et seqq., with a critical analysis of this legal view.

3.6 Short-term presentation of pieces of uniforms

The short-term presentation of pieces of uniforms and other objects provided with NS symbols does not in every case constitute a statutory offence according to section 86a of the Criminal Code. This requires an evaluation on a case-by-case basis considering the overall character.¹¹

3.7 Trade in antiquarian books printed during the NS era (with an NS symbol imprinted on the cover)

The social adequacy clause of section 86a (3) of the Criminal Code in conjunction with section 86 (3) of the Criminal Code – thus exemption from punishment – shall also apply to cases of a single antiquarian book printed in the NS era being offered, which, today, may primarily serve as a means of informing on the nature and programme of National Socialism, even if such a book has a swastika as its original part on its cover that is displayed when offered for sale.¹²

3.8 Use of the Celtic cross

3.8.1 Celtic cross as a symbol of the banned Volkssozialistische Bewegung Deutschlands/Partei der Arbeit (VSBD/PdA)

The emblems of the VSBD/PdA (cf. 2.2) are modelled on those of the NSDAP. The flag of the banned organisation is similar to the swastika flag, with the swastika replaced by a Celtic cross in a white circle. For a long time, the use of the Celtic cross had only been liable to prosecution if the displayed symbol was so similar as to be mistaken for the one used by the VSBD/PdA. For instance, the Bavarian Highest Regional Court (Bayerisches Oberstes Landesgericht/BayObLG) had decided that the Celtic cross was a symbol tracing back to the Celtic tribe area, which had been used in the West European cultural area for centuries. The average observer faced with this symbol would not associate it with the temporarily active and unimportant VSBD/PdA, unlike the swastika which is firmly established in the people's awareness as the symbol of NS rule.¹³



The Federal Court of Justice (Bundesgerichtshof/BGH), however, judged differently in the framework of a Preliminary Ruling Procedure.¹⁴ According to the court ruling, in principle, the public use of the stylised Celtic cross constitutes the statutory offence of using symbols of unconstitutional organisations as defined by section 86a of the Criminal Code even if the symbol is used in other contexts, i.e. without a specific reference to the banned VSBD/PdA. The Federal Court of Justice ruled that any other interpretation of this statutory offence would contravene the broad protective purpose of section 86a of the Criminal Code and would – especially to VSBD/PdA followers – provide an opportunity of re-establishing the stylised Celtic cross as a symbol of the banned association in public life.

11 Cf. judgement of the Federal Court of Justice of 25 May 1983, FN: 3 StR 67/83 (S).

12 Cf. judgement of the Federal Court of Justice of 25 July 1979, FN: 3 StR 182/79 (S).

13 Cf. decision of the Bavarian Highest Regional Court of 30 July 1998, FN: 5 St RR 87/98.

14 Cf. Nuremberg Higher Regional Court, decision of 18 March 2008, FN: 2 St OLG Ss 12/08.

This threat had to be countered through a general ban imposed upon the public use of the symbol. Exceptions to this rule only apply if the external circumstances of the use of the symbol clearly show that the protective purpose of section 86a of the Criminal Code is not affected, i.e. that the symbol is obviously used in an innocuous context.¹⁵

3.8.2 Celtic cross in T-shirt imprints



The Munich Regional Court had decided that wearing a T-shirt with the imprint of a “Nordic fighter” and a gravestone with a Celtic cross as well as the words “LEVER DOD ALS SLAV” [“Better dead than being a slave”/ North Frisian language] did not imply that a symbol of a banned association was used.

In the framework of the appeal proceedings, the Federal Court of Justice confirmed this decision, specifying:

The imprint does not fulfil the prerequisites of a symbol as defined by section 86a (1) no. 1 of the Criminal Code. It includes the realistic illustration of a gravestone or memorial, sometimes still to be found in the West European area. The banned Volkssozialistische Bewegung Deutschlands/Partei der Arbeit (VSBD’ PdA) did not use the Celtic cross in this form, but it employed a stylised black illustration on a white background, with this illustration not suitable to convey to an unbiased third party the impression that it is a badge of the banned VSBD/PdA. In this case, unlike the common symbols of NS rule, the significance of this traditional symbol had not such a lasting effect that it would – also in an alienated form – still be seen as a symbol of this organisation.¹⁶

The Heidelberg Regional Court takes the view that the stylised Celtic cross of the VSBD/PdA only is a prohibited symbol in combination with a concrete reference to this organisation.¹⁷

3.9 Sewn-on triangular Obergau sleeve badges



This badge is a copy of the badges used by the Bund Deutscher Mädel (BDM, Federation of German Girls).

A decision taken by the Bavarian Highest Regional Court in 1998 did not refer to precise copies of the triangular Obergau sleeve badge, but there were differences regarding the edge and the two-line imprint. The Court decided that criminal liability only exists if an unbiased third party can instinctively regard this badge as that of a prohibited organisation. It came to the conclusion that this case did not constitute a statutory offence.¹⁸

In July 2002, after various court decisions on this issue, the Federal Court of Justice ruled that a badge is so similar as to be mistaken for an original badge of an unconstitutional organisation within the meaning of section 86a (2), second sentence, of the Criminal Code, if from the not

15 Cf. Federal Court of Justice, decision of 1 October 2008, 48 FN: 3 StR 164/08.

16 Cf. judgement of the Federal Court of Justice of 25 October 1995, FN: 3 StR 399/95.

17 Cf. decision of the Heidelberg Regional Court of 10 February 1993, FN: 1 Qs 13/93.

18 Cf. decision of the Bavarian Highest Regional Court decision of 7 December 1998, FN: 5 St RR 151/98.

very competent and critical observer's point of view it shows the typical features characterising the outward appearance of the symbol of one of the parties or associations stated under section 86 (2) nos. 1,2 and 4 of the Criminal Code, and thus conveys its symbolic content. As to the Federal Court of Justice, for assessing the possibility of confusion it is not important that the original has attained a certain level of awareness among the public as the symbol of an unconstitutional organisation.¹⁹

Hence, according to supreme court ruling, also the wearing of the aforementioned sewn-on triangular sleeve badges can be liable to prosecution as provided for under section 86a of the Criminal Code.

3.10 SS death's head symbol

A sewn-on sleeve badge with the depiction of a skull was printed in an advertisement of a magazine published by the Bündnis Rechts (Right-wing extremist Alliance). According to a decision by the Lübeck Regional Court, this sleeve badge used as the uniform emblem of the NSDAP's SS alliances typifies a symbol of a banned organisation and thus constitutes a symbol as defined by section 86a (1) of the Criminal Code.²⁰ The death's head shows rough outlines of cranial sutures, a massive jaw with two complete large rows of teeth, skull openings in the area of the ears as well as two adjacent crossbones behind the jaw. By its decision, the Lübeck Regional Court opposed the plea of the accused editor in charge who had stated that the depicted skull was no special SS insignia. According to the Court, the death's head symbol published in the advertisement is so similar as to be mistaken for the uniform emblems that were attached to every headgear and partly also to the right collar patch of the uniforms of the NSDAP's SS alliances.



SS death's head



"innocuous" death's head

3.11 Life rune

Not every sign or badge used by an unconstitutional organisation is a symbol within the meaning of section 86a of the Criminal Code. According to a decision taken by the Bavarian Highest Regional Court in 1998, with tangible objects this feature only applies to such symbols that to an unbiased third party convey the impression that they are characteristic insignia of a particular organisation which the observer knows to be unconstitutional. Some of the signs/badges used at that time had already been used with the same symbolic content before and even after the NS rule, without showing any reference to a banned organisation. This also applies to the life rune, which can be found in death announcements and on gravestones. On radios and TVs, the aerial input socket is marked by this symbol. Already these few examples have shown that the use of the mere symbol without any definite reference to a Nazi organisation does not suffice to convey the impression to an unbiased third party that it is a badge of the banned SA.²¹



19 Cf. decision of the Federal Court of Justice of 31 July 2002, FN: 3 StR 495/01 BGHSt 47, 354-362.

20 Cf. judgement of the Lübeck Regional Court of 16 January 2002, FN: 702 Js 51897/00 V1.

21 Cf. decision of the Bavarian Highest Regional Court of 27 October 1998, FN: 5 St RR 185/98.

3.12 Odal rune



addendum angle utilised by the German Armed Forces

The use of a symbol as defined under section 86a of the Criminal Code or section 20 (1) no. 5 of the Act on Associations is not liable to prosecution if due to slight alterations the banned association's symbol takes the shape of a symbol that is used by legal associations or institutions and attributed to these entities by the unbiased observer. One example in this context is the odal rune used by the banned Wiking Jugend e. V., which is similar to the addendum angle utilised by the German Armed Forces. Because of the very slight difference to the German Armed Forces' addendum angle, wearing the odal rune does not imply that the symbol of a banned association is used in public.²²



symbol of Wiking Jugend e.V.

3.13 Slogan “Ruhm und Ehre der Waffen-SS” (Glory and Honour to the Waffen-SS)

According to a judgement of the Federal Court of Justice dated 28 July 2005, the use of the slogan “Glory and Honour to the Waffen-SS” does not imply that symbols of former National Socialist organisations are used, as defined under section 86a of the Criminal Code.²³ The Court stated that this slogan had been used verbatim by none of these organisations. Pursuant to this regulation, the use of the slogan would be liable to prosecution if it was so similar as to be mistaken for an NS organisation's slogan, but, actually, it neither was similar to the originally used slogan of the Waffen-SS (“My/Our Honour is called Loyalty”) nor to that of the Hitlerjugend (“Blood and Honour”).

The defendants had used the slogan “Glory and Honour to the Waffen-SS” in October 2001. Since criminal liability as provided for under section 86a of the Criminal Code had been ruled out in the trial, the Federal Court of Justice declared the defendants not guilty.

On the occasion of the aforementioned judgement, the Federal Ministry of Justice pointed out that, in future, should this slogan be used, criminal liability would be considered according to section 130 (4) of the Criminal Code – effective from 1 April 2005 – in terms of ‘incitement to hatred’. According to this section, “whosoever publicly or in a meeting disturbs the public peace in a manner that violates the dignity of the victims by approving of, glorifying or justifying National Socialist rule of arbitrary force” shall be liable to prosecution.

²² Cf. decision of the Federal Court of Justice of 7 October 1998, FN: 3 StR 370/98 (Berlin Regional Court).

²³ Cf. judgement of the Federal Court of Justice of 28 July 2005, FN: 3 StR 60/05.

3.14 Triskele

The triskele has i.a. been used as

- a unit shoulder strap cipher of the 27th SS Volunteer Division Langemarck,
- a symbol of the Nationalist/Boer African Resistance Movement,
- a symbol of the Blood & Honour Division Germany (B & H) (cf. 2.20 above).



The decision on whether the use of the triskele is liable to prosecution is taken in each individual case on the basis of the following principles:

In compliance with the judgement of the Federal Court of Justice on the use of the stylised Celtic cross (cf. 3.8.1 above, illustration), the use of the triskele may also constitute a statutory offence as defined by section 86a of the Criminal Code if the symbol is, used in isolated contexts, i.e. without a specific reference to a banned association. But since the triskele is used on several coats of arms and flags of towns and regions, in many cases its use does not constitute a statutory offence and, hence, is not liable to prosecution, because the concrete use does not clearly violate the protective purpose of the norm. In such cases, normally, the use of the triskele does not convey the impression to third parties that it is a characteristic insignia of the prohibited association.

4 Signs of former National Socialist organisations (a selection)

The signs and songs listed below are symbols of the Nationalsozialistische Deutsche Arbeiterpartei (NSDAP, National Socialist German Workers' Party) and its affiliated associations. The public use and dissemination of these symbols are liable to prosecution pursuant to section 86, 86a of the Criminal Code.

4.1 Flags



Flag of the German Labour Front



Flag of the "Old Guard"



German Reich war flag
1935-1945



The Führer's Standard



Flag for a Model Factory



Flag for a Model Factory

4.2 Insignia



National Emblem (old design)



National Emblem (new design)



SA insignia



Party insignia



Hitler Youth insignia



Badge of honour of the Hitler Youth



SS insignia



Badge of Honour of the National Socialist German Students' League



Insignia of the National Socialist Motor Corps



Insignia of the National Socialist Flyers Corps

4.3 Badges of honour



Decoration in Memory of
9 November 1923 (Blood Order)



Long Service Award (silver)



Coburg Badge of Honour



Golden Badge of Honour



Small Medal Bar



SA Meeting in Braunschweig in 1931

4.4 Uniforms and their parts and other objects



Armband



Armband with Eagle and Swastika



Youth SS



SS death's head



SS dagger



Fan badge with SS slogan



Fan badge with SS slogan



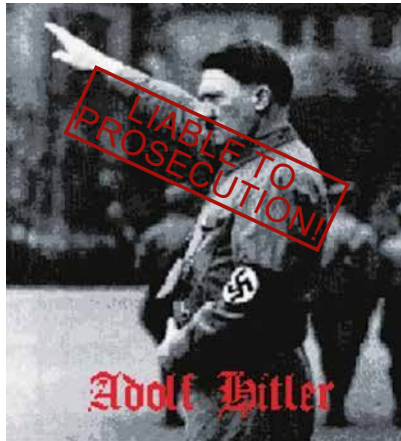
Skinhead badge with sig runes



Badge of NSDAP districts (two lines, silver)



Badge of NSDAP districts (two lines, gold)



Hitler portrait



Pennant



Armband of the Waffen-SS



Badge with sig runes

4.5 Slogans and forms of greeting

Sieg Heil

(Nazi slogan used at party rallies and chanted by the masses)

- Decision of the Düsseldorf Higher Regional Court of 6 September 1990, FN: 5 Ss 280/90 – 114/90 I, in: Monatszeitschrift für Deutsches Recht (MDR) 1991, 174

Heil Hitler, Deutscher Gruß (German greeting) or **Hitler-Gruß** (Hitler greeting) (outstretched right arm salute – also without words)

- Judgement of the Celle Higher Regional Court of 16 July 1970, FN: 1 Ss 114/70, Neue Juristische Wochenschrift (NJW) 1970, 2257 et seq.

Mit deutschem Gruß (With German greetings) (salutation form in letters)

- Federal Court of Justice judgement of 8 September 1976, FN: 3 StR 280/76, BGHSt 27, 1-2

Meine Ehre heißt Treue respective **Unsere Ehre heißt Treue** (My Honour is Loyalty respective Our Honour is Loyalty) (SS slogan)

Blut und Ehre (Blood and Honour) (HJ slogan)

Deutschland erwache (Germany Awake) (NSDAP slogan [SA, SS])

Ein Volk, ein Reich, ein Führer (One People, one Reich, one Leader) (general party slogan)

Rotfront verrecke (Kick the bucket, Red Front)

- Federal Court of Justice judgement of 4 March 1987, FN: 3 StR 575/86



4.6 Songs

The following combat and propaganda songs served for glorifying the National Socialist system and its organisations.

First and foremost, a combat song of the SA has to be referred to, the so-called **Horst-Wessel-Lied** (Die Fahne hoch, die Reihen fest geschlossen...) (Horst Wessel Song: The flag on high, the ranks tightly closed...), determined by the National Socialist government of the German Reich to be the “second national anthem”.

Singing this song is liable to prosecution due to its conformity with the ideology of National Socialism.²⁴ A statutory offence is also constituted if only the melody of the song is played or the song is sung with a different text.



²⁴ Cf. judgement of the Federal Court of Justice of 9 August 1965, FN: 1StE 1/65, in: Monatsschrift für deutsches Recht (MDR) 1965, p. 923, referring to the regulation under section 96a of the Criminal Code (old) which corresponds to section 86a of the Criminal Code (new) (cf. also footnote 7) and judgement of the Celle Higher Regional Court of 16 July 1970, FN: 1 Ss114/70, NJW 1970, 2257 et seq.

Further songs closely linked with the National Socialist ideology and thus governed by section 86a of the Criminal Code e.g. are:

Vorwärts! Vorwärts! (Unsere Fahne flattert uns voran...)
(Forward! Forward! (Our flag is fluttering before us...)
(Song of the Hitler Youth),

Es steht in Deutschland (die eiserne Schar...)
(In Germany (iron troops are waiting for ...)
(SA's combat song),

Brüder in Zechen und Gruben... (Brothers in pits and coal mines...)
(the NSDAP's combat song, with the melody of Brüder zur Sonne,
zur Freiheit/Brothers, to the sun, to freedom),

Siehst Du im Osten das Morgenrot (Volk ans Gewehr...)
(Over the east, the sun is rising (People arise! People arise!)
(NSDAP song),

Ihr Sturmsoldaten jung und alt...
(You Stormtroopers, both young and old ...)
(SA song),

Wir sind die Sturmkolonnen (... es lebe Adolf Hitler...)
(We are the stormtroopers (...long live Adolf Hitler ...)) (SA song)

and

Kampfgenossen schließt zusammen
(...in dem Kampf um Deutschlands Sein...) (Forward, comrades-
in-arms, join forces (...in the fight for Germany's existence...)
(SS and SA song).

These also include the song **Es zittern die morschen Knochen** (The rotten bones are trembling), which originated from the Catholic Youth Movement and had been adopted by the National Socialists especially for the Hitler Youth, with certain changes to the text, e.g. **rotem Krieg** (red war) instead of **großem Krieg** (great war), **gehört uns Deutschland** (Germany belongs to us) instead of **hört uns Deutschland** (Germany hears us).

4.7 Depictions not liable to prosecution (Rejection of the NS ideology)

In most cases, the use of symbols covered by sections 86, 86a of the Criminal Code is considered to be exempt from punishment if the unbiased observer can recognise a rejection of the NS ideology in the form of the depiction.²⁵

Satirical depictions (representations) are protected by Art. 5 (3), first sentence, of the Basic Law (Freedom of arts), even if their object is a symbol of a former National Socialist organisation.²⁶



Rejection of
National Socialism



Satirical depiction



Rejection of National Socialism

5 General identification features of right-wing extremists

Members of the right-wing extremist scene have considerably changed their outward appearance over the years. Today, right-wing extremists often cannot easily be identified as such just due to their outfit. The former unmistakable skinhead outfit (bald head or very short hair, parachutist's boots and bomber jacket) has become less important. The scene consciously refrains from using a style that would mark members as non-mainstream. It also uses more subtle right-wing extremist codes which are recognised by like-minded individuals but not immediately perceived by outsiders.

Similar to music, right-wing extremist lifestyle and fashion is also inspired by the various scenes of youth culture. Members wear clothes reminiscent of the hip-hop scene and streetwear that is generally popular. Particularly in recent years, clothing brands from the field of boxing and martial arts have become increasingly popular. This includes the scene's own labels 'Greifvogel' Wear or 'Black Legion' but also labels by companies without links to the right-wing extremist scene, such as Everlast or Lonsdale.



²⁵ However, there have been isolated cases of charges and convictions due to this way of using the swastika.

²⁶ Cf. decision of the Federal Constitutional Court of 3 April 1990, FN: 1 BvR 680, 681/86.

Images and texts revealing loyalty to the right-wing extremist scene are an obvious indication of a particular political stance. These show an affiliation with the scene, but they do not constitute punishable offences.



HKN KRZ = Hakenkreuz (swastika)



NTNL SZLST = Nationalsozialist
(National Socialist)



This in particular applies to T-shirts, other outer garments, scarves, sewn-on badges or stickers with letterings of right-wing extremist bands. Especially popular are i.a. “Kraftschlag” or “Die Lunikoff Verschwörung” (The Lunikoff conspiracy).



The right-wing extremist spectrum still has its own fashion labels which meet the scene's demand for modern clothing, with the brand Ansgar Aryan belonging to the most important ones nationwide. This is a sales company with a linked Internet shop, offering a wide range of goods and especially clothing.



Besides such clothes, e.g. sewn-on badges and buttons are popular within the right-wing extremist scene. But this has to be qualified by saying that, occasionally, some objects are also presented by persons not politically active as a provocation or just out of ignorance.



However, depictions directed against the right-wing extremists' enemy concepts, e.g. Jews or Communists, reveal a right-wing extremist background.



The symbols of the right-wing extremist skinhead grouping "Hammer-skins" – two crossed carpenter's hammers – are only used by right-wing extremists.



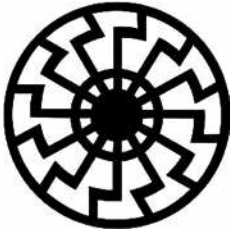
There are also several symbols that cannot be ascribed to a particular organisation but are exclusively used by right-wing extremists, including the slogan "White Power" and the clenched white fist.

Another of these symbols is the "Ku Klux Klan" cross coming from the USA. A drop of blood is depicted in the middle of the logo, symbolising the alleged purity of the blood of the white race.





Example of a triskele



The “triskele” (cf. 3.14), i.a. utilised by South African racists, is used by German right-wing extremists instead of the prohibited swastika. Through the combination of colours – a black symbol in a white circle against a red background – which is usual in this context, a link is made to the so-called swastika flag.

During National Socialism, initiated by the ‘Schutzstaffel’ (SS) [translator’s comment: a major paramilitary organisation under Adolf Hitler and the Nazi Party], a mosaic in the form of a twelve-spoke sun wheel was embedded into the ground of the ‘Obergruppenführersaal’ (SS Generals’ Hall) of the North Tower of the Wewelsburg [translator’s comment: a Renaissance castle located in North Rhine-Westphalia]. For many years, this symbol has been popular in the right-wing extremist scene under the name of “Black Sun”. It is increasingly being used especially on clothes or as a tattoo.



Often, right-wing extremist views are made obvious through synonyms known by those belonging to the inner circle, including, for instance, the combination of the figures 18 and 88. The figure 1 represents the first letter of the alphabet (A), the number 8 the eighth letter (H). 18 = “Adolf Hitler”, 88 = “Heil Hitler”.

14 Words

The figure 14 is used as another synonym. It stands for “14 words”, the racist slogan consisting of 14 words: “We must secure the existence of our people and a future for white children”. The slogan stems from David Lane, a member of the US right-wing terrorist organisation “The Order”. The organisation strived to overthrow the “Zionist occupying government” in Washington and to create a state of “Christian Aryans”. Meanwhile, these 14 words have been adopted by several US and European right-wing extremist organisations.

The figure 28 (second and eighth letter of the alphabet) substitutes the abbreviation “B&H” – now being under threat of punishment – of the aforementioned organisation “Blood & Honour” (cf. 2.20).



Right-wing extremists actually use the combination of the colours “black, white and red” to make clear their political intentions. These colours are the national colours of the German empire and the “Third Reich” and are instrumentalised by right-wing extremists for their own purposes. They

form a contrast to the colour combination “black, red and gold”, which symbolises democratic Germany.

6 Online distribution of signs and symbols typical of the scene

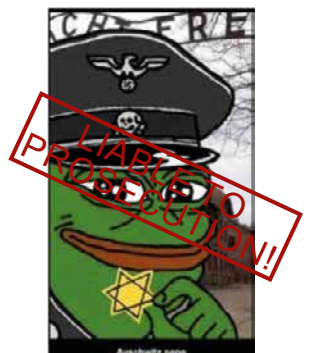
For fast and cross-border networking with like-minded individuals, the right-wing extremist scene uses not only the common website formats but also the entire spectrum of the virtual infrastructure, such as social networks, messenger services, forums and boards. In order to spread their right-wing extremist ideologies, they frequently use the Internet phenomenon of memes²⁷. Many memes with links to right-wing extremism came into being on imageboards²⁸ such as 4chan²⁹ and were then taken up and spread on social networks by German right-wing extremists.

Right-wing extremists use memes such as **Pepe the Frog**, **Happy Merchant** or **Triple Paranthese** to spread messages of hate and ideologies in a modern scene and youth language. Through combinations of pictures and text that appear humorous but are unmistakable to insiders, they convey their right-wing extremist ideology, often without sharing material that is liable to prosecution.

The following examples with links to right-wing extremism are only a small share of the numerous varieties of memes circulating on the Internet. An aspect to be considered regarding the memes shown below is that they thrive on being reposted and modified frequently:

The meme **Pepe the Frog** illustrates how an Internet meme is taken up by users who modify it and attach a new meaning to it. The meme is captioned “Auschwitz pepe” and shows the anthropomorphic frog wearing an SS cap in front of the entrance of the Auschwitz extermination camp. Pepe looks directly at the user, smiling cynically and holding a Star of David between his thumb and index finger.

The meme was taken up and modified on imageboards by members of the alt-right who saw Donald Trump as their candidate during the 2016 US election campaign. While Pepe’s posture and facial expression were kept the same, the frog’s SS cap was replaced with the haircut worn by Donald Trump; instead of a Star of David, he now holds an election campaign pin of the Republican Party in his hand. The Auschwitz background has been replaced by a drawing showing the border fence between the USA and Mexico, the erection of which Donald Trump had pledged during his right-wing populist election campaign.



²⁷ Memes are digital images of fun, slogans or videos. With a simple combination of pictures and text, they are used to spread humorous or satirical messages on the Internet.

²⁸ Imageboards are online forums where users can discuss with each other in thematic subforums called subboards, without registration or an account. Within these subboards, users can, for instance, anonymously share and comment on texts, images and videos.

²⁹ 4chan is an English-language imageboard which is used, for instance, to anonymously publish pictures with content that is right-wing extremist and liable to prosecution. This imageboard is one of the most visited websites worldwide.



Honkler/Honk Honk/Clown World is a common variant of the Pepe the Frog meme. These pictures show the drawn Pepe figure wearing a colourful wig and a clown nose. The Honkler figure is often associated with the term “Clown World” or “Honk Honk”. In this context, “Clown World” is a designation of the democratic and pluralistic society which allegedly can only be endured with cynical humour. Most notably, the meme conveys racist, transphobic and homophobic attitudes. The clown wig is to be understood as a hate commentary on the rainbow flag of the LGBTQ³⁰ movement.



The **Moon Man** is a comic figure with a white crescent-shaped head and black sunglasses. His appearance is to remind of the robes of the right-wing extremist Ku Klux Klan (cf. 5). Right-wing extremists use this meme to express their racist and antisemitic views. The Moon Man is often shared in an extremely violence-glorifying context with links to right-wing terrorism. For instance, after the 2019 attack on the Halle synagogue with two fatal victims, a photograph of the attacker circulated on the Internet – a selfie which shows the attacker posing with a military-like visor cap. Fixed to the cap was a Moon Man pin testifying to the attacker’s right-wing extremist attitude and his affiliation with the so-called anons (anonymous users of imageboards).



(((Echo))) or **Triple Parentheses** is an antisemitic meme which puts a word or a drawing in triple parentheses in order to highlight the parentheses’ content as Jewish. A frequently used example is the antisemitic meme **Happy Merchant**, a stereotypical caricature of a male Jew which is based on antisemitic characterisations of Jewish individuals. This caricature is often shared in connection with Holocaust denial or anti-Jewish propaganda.



Fashwave is not a meme in the sense of a word or a recurring figure. It is rather a recurring style used for certain right-wing extremist memes. Fashwave memes adapt the so-called vaporwave style, a form of visual graphic design in the style of the 1980s and 1990s pop industry. Fashwave is supposed to make a humorous impression. It is also used by violence-oriented right-wing extremists.



Kekistan is a meme used by Internet users to express their affiliation with the right-wing extremist imageboard troll scene³¹. By Kekistan, followers of the imageboard scene refer to a fictitious nation, with its own state religion, ideology and capital, which they identify with. The fictitious national flag is often shared as a graphical meme. It deliberately unites the logo of the imageboard 4chan, the word KEK (imageboard slang for “haha”), the colour scheme of the Pepe the Frog meme, and elements of the German battle flag from the Third Reich and the fictitious “Vinland flag”.

30 The abbreviation LGBTQ+ and similar acronyms stand for Lesbian, Gay, Bisexual, Transgender and Queer.

31 On the Internet, individuals aiming for the emotional provocation of other participants in the conversation are termed “trolls”.

7 Closing remarks

The above listing of the prohibited signs and symbols as well as the identification insignia used by right-wing extremists that are not liable to prosecution does not claim to be exhaustive.

For any further information on this issue and the respective publications of the domestic intelligence services of the Federation and the federal states, please refer to the website:

www.verfassungsschutz.de

More information about music titles that have been put on the index is available from the Bundeszentrale für Kinder- und Jugendmedienschutz (BzKJ, Federal Agency for the Media Protection of Children and Adolescents).

www.bzkg.de







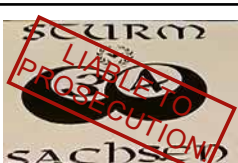
Annex I

Overview of the above-listed organisations banned by BMI, the Ministries of the Interior and the Senate Departments for the Interior of the federal states pursuant to section 3 of the Act on Associations, including signs and symbols the use of which is liable to prosecution according to section 86a of the Criminal Code¹

Prohibited signs	Organisation	Ban imposed on:	Authority
	Wehrsportgruppe Hoffmann (WSG)	30 January 1980	BMI
	Volkssozialistische Bewegung Deutschlands/Partei der Arbeit (VSBD/PdA, including Junge Front (JF))	27 January 1982	BMI
	Aktionsfront Nationaler Sozialisten/Nationale Aktivisten (ANS/NA)	7 December 1983	BMI
	Nationale Sammlung (NS) (ANS/NA – surrogate organisation)	9 February 1989	BMI
	Nationalistische Front (NF)	27 November 1992	BMI
	Deutsche Alternative (DA)	10 December 1992	BMI
	Deutscher Kameradschaftsbund Wilhelmshaven (DKB)	21 December 1992	NI





¹ The list does not claim to be exhaustive.

Prohibited signs	Organisation	Ban imposed on:	Authority
	Nationale Offensive (NO)	22 December 1992	BMI
	Nationaler Block (NB)	11 June 1993	BY
	Heimattreue Vereinigung Deutschlands (HVD)	14 July 1993	BW
	Freundeskreis Freiheit für Deutschland (FFD)	2 September 1993	NW
	Wiking-Jugend e.V. (WJ)	10 November 1994	BMI
	Freiheitliche Deutsche Arbeiterpartei (FAP)	24 February 1995	BMI
	Nationale Liste (NL)	24 February 1995	HH
	Direkte Aktion/Mitteldeutschland (JF) emerged from the Förderwerk Mitteldeutsche Jugend (FMJ)	5 May 1995	BB
	Skinheads Allgäu	30 July 1996	BY
	Kameradschaft Oberhavel	15 August 1997	BB

Prohibited signs	Organisation	Ban imposed on:	Authority
	Heide-Heim e. V. (Hamburg) together with Heideheim e. V. (Buchholz)	11 February 1998	NI
	Hamburger Sturm	11 August 2000	HH
	Blood & Honour Division Germany (B & H) with its youth organisation White Youth	14 September 2000	BMI
	Skinheads Sächsische Schweiz (SSS)	5 April 2001 (not yet final)	SN
	Bündnis nationaler Sozialisten für Lübeck (BNS)	7 March 2003	SH
	Fränkische Aktionsfront (F.A.F.)	22 January 2004	BY
	Berliner Alternative Süd-Ost (BASO)	9 March 2005	BR
	Kameradschaft Tor Berlin (KTB) including Mädelgruppe Kameradschaft Tor Berlin	9 March 2005	BR
	Kameradschaft Hauptvolk (including Sturm 27)	12 April 2005	BB
 (sun wheel used without reference not liable to prosecution)	Alternative Nationale Strausberger Dart-, Piercing- und Tattoo Offensive (ANSDAPO)	14 July 2005	BB
	Schutzbund Deutschland	4 July 2006	BB
	Sturm 34	26 April 2007	SN
	Collegium Humanum (CH) together with Bauernhilfe e. V.	7 May 2008	BMI

Prohibited signs	Organisation	Ban imposed on:	Authority
	Verein zur Rehabilitierung der wegen Bestreitens des Holocaust Verfolgten (VRBHV)	7 May 2008	BMI
	Heimattreue Deutsche Jugend – Bund zum Schutz für Umwelt, Mitwelt und Heimat e.V. (HDJ)	31 March 2009	BMI
	Mecklenburgische Aktionsfront (MAF)	28 May 2009	MV
	Frontbann 24	5 November 2009	BR
	Freie Kräfte Teltow-Fläming (FKTF)	11 April 2011	BB
	Hilfsorganisation für nationale politische Gefangene und deren Angehörige e.V. (HNG)	21 September 2011	BMI
	Kameradschaft Walter Spangenberg	10 May 2012	NW
	Widerstandsbewegung in Südbrandenburg	19 June 2012	BB
	Kameradschaft Aachener Land (KAL)	23 August 2012	NW
	Nationaler Widerstand Dortmund (NWDO)	23 August 2012	NW





Prohibited signs	Organisation	Ban imposed on:	Authority
	Kameradschaft Hamm (KS Hamm)	23 August 2012	NW
	Besseres Hannover	25 September 2012	NI
	Nationale Sozialisten Döbeln	18 February 2013	SN
	Nationale Sozialisten Chemnitz (NSC)	28 March 2014	SN
	Freies Netz Süd (FNS)	23 July 2014	BY
	Autonome Nationalisten Göppingen (AN Göppingen)	18 December 2014	BW
	Sturm 18 e. V.	29 October 2015	HE
	Altermedia Deutschland (online platform)	27 January 2016	BMI
	Weisse Wölfe Terrorcrew (WWT)	16 March 2016	BMI

Prohibited signs	Organisation	Ban imposed on:	Authority
	Phalanx 18	20 November 2019	HB
	Combat 18 Deutschland (C18 Deutschland)	23 January 2020	BMI
	Nordadler	23 June 2020 (not yet final)	BMI
	Sturmbrigade 44/Wolfsbrigade 44	1 December 2020	BMI
	Nationale Sozialisten Rostock (NSR) with its branch Baltik Korps (BK)	24 June 2021	MV



BB: Brandenburg (Brandenburg), BMI: Bundesministerium des Innern und für Heimat (Federal Ministry of the Interior and Community), BR: Berlin (Berlin), BW: Baden-Württemberg (Baden-Wuerttemberg), BY: Bayern (Bavaria), HB: Bremen (Bremen), HE: Hessen (Hesse), HH: Hamburg (Hamburg), MV: Mecklenburg-Vorpommern (Mecklenburg-Western Pomeranian), NI: Niedersachsen (Lower Saxony), NW: Nordrhein-Westfalen (North Rhine-Westphalia), SH: Schleswig-Holstein (Schleswig-Holstein), SN: Sachsen (Saxony)

Annex II

Overview of the most important signs, symbols and depictions, the use of which is liable to prosecution according to sections 86, 86a of the Criminal Code respective the punishable nature of which has to be evaluated on a case-by-case basis.²

Designation	Symbol/Sign/Depiction	Definition
Swastika	 <p>Flag of the NSDAP</p> 	The swastika was the symbol of National Socialism. In Germany, the use of the swastika is punishable in all variants that are so similar as to be mistaken for the original symbol. This shall not apply if the depiction is meant to serve civil education, to avert unconstitutional movements, to promote art or science, research or teaching, the reporting about current or historical events or similar purposes (cf. 1.1, 1.1.8 and 1.2.3).
Celtic cross	 <p>Symbol of the banned VSBD/PdA</p>	The flag of the banned VSBD/PdA is similar to the swastika flag, with the swastika replaced by a crosses cross in a white circle. According to the Federal Court of Justice decision of 1 October 2008, in principle the use of this symbol is liable to prosecution. Exceptions to this rule only apply if the external circumstances of the use of the Celtic cross show that the symbol is obviously used in an innocuous context (cf. 2.2, 3.8.1 and 3.8.2).
Illustrations of Adolf Hitler		The depiction of the portrait of Hitler, e.g. on T-shirts, or its publication in a magazine with right-wing extremist tendencies is liable to prosecution (see 3.1).

² The list does not claim to be exhaustive.

Designation	Symbol/Sign/Depiction	Definition
Forms of greeting	 <p data-bbox="651 488 778 510">'Kühnen Salute'</p> <p data-bbox="659 842 770 864">'Hitler Salute'</p>	<p>The so-called salute of resistance or “Kühnen salute” – used by the ANS/NA banned in 1983 – (with the thumb, middle and index finger stretched out of the fist, thus forming a “W” for “Widerstand”/resistance) can be considered so similar as to be mistaken for the “Hitler salute”, and hence it is liable to prosecution (cf. 1.2.1 and 2.3).</p>
The book 'Mein Kampf'	 <p data-bbox="619 1536 810 1559">Original edition of 1936</p>	<p>‘Mein Kampf’ – published before 1945 – is a pre-constitutional book, from the unchanged content of which the targeting of the free democratic basic order realised in the Federal Republic of Germany after 1949 could not yet be inferred. In principle, only post-constitutional writings, i.e. writings produced from the effective date of the German Basic Law (23 May 1949), shall fall under section 86 of the Criminal Code. Section 86 of the Criminal Code is not applicable, even if the use of such publications enables the fight against the constitutional order. However, in such cases it has to be checked if the statutory offence of ‘incitement to hatred’ is constituted (section 130 (2), no. 1 of the Criminal Code) (cf. 1.1.1 and 3.3).</p>

Designation	Symbol/Sign/Depiction	Definition
Odal rune	<p>symbol of Wiking Jugend e.V.</p> <p>addendum angle utilised by the German Armed Forces</p>	<p>The Odal rune was i.a. used as a symbol of the 7th SS Volunteer Mountain Division “Prinz Eugen” and the banned Wiking Jugend. The use of a symbol is not liable to prosecution if due to slight alterations the symbol takes the shape of a symbol that is used by legal associations or institutions. In connection with a banned organisation, however, the use of the symbol is liable to prosecution (cf. 2.12 and 3.12).</p>
German Reich War Flag	<p>German Reich war flag 1935-1945</p> <p>German Reich war flag 1867-1921</p>	<p>While flying the German Reich war flag does not constitute a punishable act, it can be seized by the police in case of concrete threats posed to public safety and order. The use and spread of the German Reich war flag with swastika (from 1935 to 1945), however, is liable to prosecution (cf. 3.2 and 4.1).</p>
Black Sun	<p>Symbol of the banned ANSDAPO</p>	<p>The Black Sun served as a model for a marble mosaic in the form of a sun wheel, which during National Socialism, on the initiative of the SS was embedded into the ground of the “Obergruppenführersaal” (SS Generals’ Hall) of the North Tower of the Wewelsburg [translator’s comment: a Renaissance castle located in North Rhine-Westphalia], and its use is not liable to prosecution. In connection with a banned organisation, however, the use of the symbol is liable to prosecution (cf. 2.27).</p>
Sig rune		<p>In National Socialism, the single sig rune was an emblem of the Hitler Youth. The double sig rune was used by the “Schutzstaffel” (SS). The logo of the banned Aktionsfront Nationaler Sozialisten/Nationale Aktivisten (ANS/NA) also contains a sig rune. The use of both the single and the double sig rune is liable to prosecution.</p>

Designation	Symbol/Sign/Depiction	Definition
SS death's head and SS slogan <i>Meine Ehre heißt Treue</i>	<p>SS death's head</p> <p>"innocuous" death's head</p>	<p>The SS death's head symbol used as the uniform emblem of the SS alliances typified a symbol of this banned organisation, and its use is thus liable to prosecution. The SS death's head symbol shows rough outlines of cranial sutures, a massive jaw with two complete large rows of teeth, skull openings in the area of the ears as well as two adjacent crossbones behind the jaw (cf. 3.10). Also the use of the SS slogan: <i>Meine Ehre heißt Treue</i> respective <i>Unsere Ehre heißt Treue</i> (My Honour is Loyalty respective Our Honour is Loyalty) is liable to prosecution (cf. 3.13).</p>
Triskele	<p>Symbol of the banned organisation</p>	<p>The triskele was used as a unit shoulder strap cipher of the 27th SS Volunteer Division Langemarck. The decision on whether the use of the triskele is a statutory offence, requires an evaluation on a case-by-case basis. In connection with a banned organisation, however, the use of the symbol is liable to prosecution (cf. 2.20 and 3.14).</p>
Wolfsangel		<p>The "Wolfsangel" was the insignia of the youth organisation Junge Front (JF) banned in 1982. In connection with a banned organisation, the use of the symbol is liable to prosecution. The use of this symbol for other purposes, e.g. in municipal coats of arms and club emblems, is not liable to prosecution.</p>

Annex III

Please find below the English translations of the names of the above-listed German organisations:

- 2.1 Paramilitary Sports Group Hoffmann
- 2.2 People's Socialist Movement of Germany/Party of Labour including the Young Front
- 2.3 Action Front of National Socialists/National Activists
- 2.4 National Association
- 2.5 Nationalist Front
- 2.6 German Alternative
- 2.7 German Comradeship Alliance Wilhelmshaven
- 2.8 National Offensive
- 2.9 National Bloc
- 2.10 German Association loyal to its home country
- 2.11 Circle of Friends claiming Freedom for Germany
- 2.12 Wiking Youth regd. assoc.
- 2.13 Free German Workers' Party
- 2.14 National List
- 2.15 Direct Action/Central Germany emerged from the Organisation supporting Young People in Central Germany
- 2.16 Skinheads Allgäu
- 2.17 Comradeship Oberhavel
- 2.18 Heide-Heim regd. assoc. (Hamburg) together with Heideheim regd. assoc. (Buchholz)
- 2.19 Hamburg Storm
- 2.20 Blood & Honour – German Division with its youth organisation White Youth
- 2.21 Skinheads Saxon Switzerland (Skinheads Saxon Switzerland-Development Organisation) and National Resistance Pirna (if SSS has renamed itself accordingly)
- 2.22 Alliance of National Socialists for Lübeck
- 2.23 Franconian Action Front
- 2.24 Berlin Gate Comradeship including Berlin Gate Comradeship Girls Group
- 2.25 Berlin Alternative South-East
- 2.26 Comradeship Major Race and its youth organisation Storm 27
- 2.27 Alternative National Dart, Piercing and Tattoo Offensive Strausberg

- 2.28 Protection League of Germany
- 2.29 Storm 34
- 2.30 Collegium Humanum together with Assistance to Farmers regd. assoc.
- 2.31 Association for rehabilitating those persecuted for denying the holocaust
- 2.32 Young German people loyal to their home country – Association for the protection of the environment, the community and the home country regd. assoc.
- 2.33 Mecklenburg Action Front
- 2.34 Front Ban 24
- 2.35 Independent Forces of Teltow-Fläming
- 2.36 Relief organisation for national political prisoners and their relatives regd. assoc.
- 2.37 Comradeship Walter Spangenberg
- 2.38 Resistance movement in South Brandenburg
- 2.39 National Resistance Dortmund
- 2.40 Comradeship Hamm
- 2.41 Comradeship Aachen Region
- 2.42 Better Hanover
- 2.43 National Socialists of Döbeln
- 2.44 National Socialists of Chemnitz
- 2.45 Independent Network South
- 2.46 Autonomous Nationalists of Göppingen
- 2.47 Storm 18 regd. assoc.
- 2.48 Altermedia Germany
- 2.49 White Wolves terrorist crew
- 2.50 Phalanx 18
- 2.51 Combat 18 Germany (C18 Germany)
- 2.52 Northern Eagles
- 2.53 Storm Brigade 44/Wolves' Brigade 44
- 2.54 National Socialists Rostock with its branch Baltik Korps



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